

Memorandum

Date: June 21, 2007
To: City of Eugene Planning Commission
cc: Steve Nystrom, City of Eugene Project Manager
From: Cathy Corliss
Re: City of Eugene Minor Code Amendment Project

PROJECT BACKGROUND AND PURPOSE

This project is intended to primarily address minor code amendments raised by the development community, neighborhoods and other stakeholders. In order to start organizing the library, we asked that all suggestions be submitted by May 18, 2007¹. As of that date, 228 suggestions have been contributed to the code amendment library². It was anticipated that the list of issues raised by the community would be far greater than the project scope could accommodate. At the May 17th Roundtable, the Planning Commission and community discussed different criteria that could be used to help identify a set of proposed amendments that could be done by Fall 2007 and within the scope of this project. We're estimating that the total number of amendments eventually taken to hearing before the City Council will not exceed 10 to 20, assuming they are minor and that the selection process does not exceed the budget. Establishing this list is the focus of the upcoming Planning Commission Roundtable on July 12, 2007.

Once the list of potential amendments is narrowed, potential solutions to address the various priority items will then be developed. It is anticipated that these solutions would be presented more as concepts than precise code language. Following input on the draft solutions, the more specific language for the priority code amendments will be developed and the Planning Commission will hold work sessions and conduct a public hearing during which the community will have an opportunity to comment on the proposed amendments.

THE "ANNOTATED" LIBRARY

To help facilitate the selection process and as requested by the Planning Commission at the May 17th Roundtable, we have provided additional information about each of the proposed code amendments. This information is intended to provide community members and Planning Commission with a relative sense about how much it will "cost" to move an item forward and/or implement it. It is not intended as a prioritization of the suggested amendments. The Planning Commission could select a

¹ Any additional suggested code amendments received since the May 18th deadline will be included as an attachment to the Planning Commission staff report.

² The total of 228 includes some redundancy as a result of similar suggestions being made by different people.

mix of “minor” and “manageable” amendments to move forward; however, the greater number of “manageable” amendments the Planning Commission selects, the fewer total amendments will get done. At the direction of the Planning Commission, this annotated library also identifies suggested amendments that are associated with other city efforts currently in process (“Related Projects”). The Planning Commission also asked that this library identify which amendments were deferred to this Minor Code Amendment process by the City Council. The Project Team’s initial assessment of the following six items is included in the Annotated Code Library dated June 21, 2007:

1. Reason for Change

Corrective amendments fix an error, but do not change the intended effect of the revised code.

Perfective amendments improve the code (e.g., by making it clearer, simpler, or more consistent) but do not change the intended effect of the revised code, or make only minor changes to the effect of the code.

Adaptive amendments change the intended effect of code in more than a minor way and will likely require a more comprehensive public policy discussion than is possible within the scope of this project.

Not Applicable (NA) – This is used if the suggested code amendment is not related to the City of Eugene Land Use Code (Chapter 9) or would not require an amendment (e.g., an enforcement issue with the existing code).

2. Complexity

Simple – The amendment is relatively easy (low cost) and will not require a significant number of conforming amendments throughout the code.

Moderate – While the proposed amendment is somewhat complicated or requires multiple conforming amendments, it can be made within the available budget.

Complex – the proposed amendment is of a sufficiently complex or controversial nature that it cannot be made within the current scope of work, timeframe³, or available budget (e.g., would require additional public involvement and/or in-depth public policy debate). Those proposed amendments that appear to raise serious legal issues are also considered too complex to be addressed within the scope of this project.

Unknown – This is used if the complexity of the change cannot be discerned.

Not Applicable (NA) – This is used if the suggested code amendment is not related to the City of Eugene Land Use Code (Chapter 9) or would not require an amendment (e.g., an enforcement issue with the existing code).

³ This project is scheduled to be completed (including all hearings) by Fall 2007.

3. Operational Costs

Low – the amendment is expected to result in little or no increase in staffing level or government spending.

Medium – the amendment may result in a minor increase in staff level of effort to implement.

High – the amendment is likely to require in a significant increase in staffing level or government spending in order to fully implement.

Unknown – This is used if the operational cost of implementing the change cannot be discerned.

Not Applicable (NA) – This is used if the suggested code amendment is not related to the City of Eugene Land Use Code (Chapter 9) or would not require an amendment (e.g., an enforcement issue with the existing code).

4. Category

Category A - **Minor** resources required.

Category B - Significant-but-**manageable** resources required.

Category C - Resources required **beyond scope** of current Minor Code Amendment project capacity and/or Planning Division operational resources.

Table 1: Summary of Proposed Categories

| | |
|---|---|
| <p>Category A <i>Minor resources required</i></p> | <ul style="list-style-type: none"> ▪ Corrective items that aren't "complex" and don't have "high" operational costs; and ▪ Perfective items that are "simple" and have "low" operational costs. |
| <p>Category B Significant-but-<i>manageable</i> resources required</p> | <ul style="list-style-type: none"> ▪ Corrective items that aren't "complex", but have "high" operational costs; ▪ Perfective items that aren't "complex" and don't have "high" operational costs; and ▪ Adaptive items that are "simple" or "moderate" and have "low" operational costs. |
| <p>Category C Resources required <i>beyond scope</i></p> | <ul style="list-style-type: none"> ▪ All items that aren't categorized as "minor" or "manageable". <p><i>[NOTE: These are items that due to their complexity, timeframe, or legal issues exceed the scope of this project]</i></p> |

5. Related Projects

Infill – The amendment is related to work that will be done by the Opportunity Siting/Infill Compatibility Standards project.

Downtown - The amendment is related to work that will be done by the Downtown Zoning Review project.

Neighborhood Empowerment - The amendment is related to work that will be done by the Neighborhood Empowerment project.

None – The amendment does not appear to be directly related to work being done by as part of another ongoing City project.

Not Applicable (NA) - This is used if the suggested code amendment is not related to the City of Eugene Land Use Code (Chapter 9) or would not require an amendment (e.g., an enforcement issue with the existing code).

6. City Council Suggestions

At the May Roundtable the Planning Commission expressed an interest in knowing if any of the suggested code amendments were directly deferred to this project by the City Council. The following four items are noted as suggested by the City Council in the Annotated Library dated June 21, 2007:

- Definition of Kennel (#35)
- Fence Heights for Res. Lots With > 1 frontage (#147 [#210 – related item])
- Amend code section addressing portable signs (#186)
- Table 9.2760 -- duplex, triplex, fourplex lots. Clarify that designation entitles owner to develop as duplex rather than mandates it (#151)

SUMMARY OF THE ANNOTATED LIBRARY (ATTACHMENT A)

As shown in Table 2, below, of the 228 proposed amendments, most (136) are not directly related to other projects (i.e., Related Projects = “None”); and of those, 90 have been identified as either *minor* (Category A) or *manageable* (Category B).

Table 2: Summary of Proposed Amendments by Category

| Related Projects | Category | | | | |
|---------------------------------|------------|-----------------|----------------------|-----------|------------|
| | A Minor | B Manageable | C Beyond Scope | NA | Total |
| Infill | 8 | 20 | 26 | 0 | 54 |
| Downtown | 0 | 16 | 4 | 0 | 20 |
| Neighborhood Empowerment | 0 | 3 | 3 | 0 | 6 |
| None | 47 | 43 | 44 | 2 | 136 |
| Not Applicable | 0 | 1 | 2 | 9 | 12 |
| Total | 55 | 83 | 79 | 11 | 228 |

COMMENTS RECEIVED AS OF JUNE 20, 2007 AND SUGGESTED "TOP TEN" LISTS

All comments on the suggested code amendments which have been received to date will be included with the Planning Commission staff report. In addition, as the Planning Commission suggested at the last Roundtable, we have been encouraging individuals and groups to submit their "top ten" list of suggested code amendments. All proposed lists will be considered by the Planning Commission at the July 12, 2007 roundtable.

JULY 12TH ROUNDTABLE

With the assistance of the project team's facilitator, the Planning Commission and the community will review and discuss the code amendment list and community priorities as described above. Following that discussion, the Planning Commission will refine the list of suggested amendments that will be addressed in this year's minor code amendment process.

ATTACHMENTS:

Attachment A – Annotated Library dated June 21, 2007

Attachment A

Annotated Library dated June 21, 2007

The category assignment of A, B or C and the “annotations” in this draft reflect the Project Team’s initial assessment of the following items:

1. Reason for Change
2. Complexity
3. Operational Costs
4. Related Projects

The responses provided in these fields are preliminary.

Potential Code Amendments Library

Sorted by Category A/B/C and annotated to include the following

1. Reason for Change
2. Complexity

3. Operational Costs
4. Related Projects

Category: A

Code Section: 9.0500

Item No 6

Definition of Access

Current definition isn't limited to vehicle access, but the term is used elsewhere in code to mean "vehicle access."

Recommended code changes to add definition: "Vehicle Access: The place, means, or way by which vehicles have ingress or egress to a property, use, or parking area."

Replace "access," "auto access," etc., throughout code where "vehicle access" is intended.

Suggested By: Paul Conte

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.0500

Item No 7

Definition of Alley Access/Lot/Parcel

Current definition does not properly define a lot without street access. Needs correcting to implement City Council prohibition on alley access lots.

The term itself should be changed to: "Alley-access-only Lot/Parcel" to avoid confusion.

Recommended code change to revise definition: "Alley Access Lot/Parcel: A lot/parcel whose only practicable vehicle access to the portion of the lot on which development will occur is from an alley."

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 8

Definition of Building Height

Current definition use mid-point of eaves, which is non-intuitive and doesn't adequately control true maximum height of buildings with sloped roofs. A building's allowable actual height can be increased by the "trick" of lowering the bottom of the eave.

Recommended code change to revise the definition: "Building Height: The vertical distance above a reference datum measured to the highest point of the roof. The maximum height of a stepped or terraced building is... (from current definition's text)."

Revise Maximum Building Height standards (e.g., in Table 9.2750) to provide different heights for flat and sloped roofs.

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 9

Definition of Dwelling Duplex, Four-Plex, Tri-Plex

Inconsistent language is used for these three terms.

Recommended code change: Use consistent language for these parallel definitions.

Suggested By: Paul Conte

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 10

Definition of Dwelling, Multiple-Family

Definition is actually for "Multiple-Family Development" (not "Dwelling"), as it applies to multiple buildings.

Recommended code change: Change term in definitions to "Multi-Family Development" and revise all references.

Suggested By: Paul Conte

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: A

Code Section: 9.0500

Item No 12

Defintion of Flag Lot

The current definition's use of "generally required" is ambiguous because "rowhouse," "curved," and "cul-de-sac bulb" lots allow shorter front lot lines than corner and interior lots.

Also, the current definition has some ambiguity with respect to "frontage" and "access corridor."

In larger terms, the current defintion and flag lot standards do not adequately cover zones higher than R-1, in which a narrow "pole" is not used as the building site, but instead just connects the street to the portion of the lot where the dwellings are located. These types of flag lots have the pivotal characteristic of having development behind a front lot that fully fronts the street.

A simple clear solution is to reference interior lot.

Recommended code changes: Revise definition - "Flag Lot: A lot with a front lot line that is less than required for an interior lot."

Revise lot development standards to address "flag lots" and other lots that are developed in the same way as flag lots."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.0500

Item No 13

Definition of Front Lot Line

Various inconsistent terms are used in the code, including: "Street lot line" (used in Front/Interior Yard Setback definition) and "Lot front line" (used in Lot Side Line definition).

Recommended code change: Replace references with "front lot line" where that's the intent.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: A

Code Section: 9.0500

Item No 14

Definition of Front/interior Yard Setback

Specifies a "required" area, but not the absence of buildings, as the "Yard" definition specifies.

Used in an unclear way in Table 9.2750 to indicate a linear distance between garage doors and carports to (apparently) the lot line. (See "Yard").

Note that Portland uses terminology such as: "Front Building Setback."

Recommended code changes: Rename and revise definitions -

"Front Building Setback: The minimal distance between any part of a structure at least 30 inches above grade and the vertical plane of a front lot line."

"Interior Building Setback: The minimal distance between any part of a structure at least 30 inches above grade and the vertical plane of an interior lot line."

Revise development standards (e.g., 9.2750) to reference these terms.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 16

Definition of Lot depth/width

The calculations for these terms are nonsensical and have no value. A lot that is at every point wider than another lot can still have a lesser "lot width." The whole concept of a single value for "lot width" and for "lot depth" is unworkable and should be removed from the standards.

Recommended code changes:

Delete these definitions. Replace standards that rely on lot depth and/or lot width with a workable approach.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: A

Code Section: 9.0500

Item No 17

Definition of Lot Frontage

Current definition is (apparently) not adequately clear, and is being misinterpreted as "front lot line" by Planning staff. Frontage is used in various, inconsistent ways throughout the code. Both the definition and usage need fixing.

Recommended code changes: Revise definition: "Lot Frontage: The lot area extending back from the front lot line between the side lot lines to a specified depth or extent." Revise references from "frontage" to "lot frontage" where the term is used with the meaning defined above. Revise references to "frontage" that do not use the term with the meaning defined above. For example, there are references to frontage that appear to mean Building Façade (or something similar). If necessary, define and use new terms (e.g., "Building Frontage"), as necessary.

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 18

Definition of Lot Rear Line, Lot Side Line, Front Line

The definitions do not make clear whether a "lot line" (or "parcel line") is always a single segment (no angle) or can be a connected series of segments. (Neither "lot line" nor "parcel line" is defined).

Recommended code changes: Add definition of "lot/parcel line." As appropriate, revise these definitions to clarify whether single or multi-segment.

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 19

Definition of Lot Rear Line

How is "most distant" measured? What about multi-segment "rear" lot lines? Triangular lots that meet at an angle in the rear?

Recommended code changes: Review this definition and its uses and revise as needed to clarify.

Suggested By: Paul Conte

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: A

Code Section: 9.0500

Item No 21

Definition of Open Space

Should exclude the defined term "Vehicle Use Areas."

It is also misleading to define "Open Space" here as if it were "Outdoor Open Space" and then totally redefine it under 9.5500 Multiple-Family Standards to include indoor recreation areas. The code language should be more transparent.

Note that Portland uses: "Outdoor Area."

Recommended code changes: Review this definition and its uses and revise as needed to clarify

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 23

Definition of Private Open Space

This is a misleading term because it is not a private "Open Space" as "Open Space" is defined. It is something different altogether.

A term that will not be misconstrued should be used.

Recommended code changes: Review this definition and its uses and revise as needed to clarify.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 24

Definition of Property Lines

Defined as not necessarily "lot lines," but used as such in other references (e.g., "Lot Width").

Recommended code changes: Review this definition and its uses and revise as needed to clarify.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 25

Definition of Reconfiguration of Lots or Parcels

(C) 200% is ambiguous when area is reduced.

Recommended code changes: Revise definition to "Reconfiguration of Lots or Parcels. ... (C) A 200% or greater increase in the size of a lot or parcel or a reduction to 1/2 (1/3?) or less of its current size.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 26

Definition of Setback

The combined use of "Yard" and "Setback" is not clear or consistent. Unclear whether setback defines: A measurement; or a requirement for distance between a building or part of a building (e.g., garage door) and a lot line; or a requirement for a "yard" that must be free of structures

Recommended code changes:

Rename and revise definitions to "Front Building Setback. The minimal distance between any part of a structure at least 30 inches above grade and the vertical plane of a front lot line."

"Interior Building Setback. The minimal distance between any part of a structure at least 30 inches above grade and the vertical plane of an interior lot line."

Revise development standards (e.g., 9.2750) to reference these terms.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 27

Definition of Side property lines

Not defined, but referenced in "Lot Width."

Recommended code change: delete definition. Replace references to "side property line" with "lot side line."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 28

Definition of Street

Exclusion of easements on flag lots is unclear.

Recommended code change: Review this definition and its uses and revise as needed to clarify.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: unknown

Related Project: None

Code Section: 9.0500

Item No 29

Definition of Street Lot Line

Verify that Front Lot Line and Street Lot Line are correctly referenced in other code sections. (See for example, "Interior Yard Setback.")

Recommended codes changes: Review this definition and its uses and revise as needed to clarify.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 30

Definition of Vehicle Use Area

Should refer to the "parking area," rather than "parking spaces."

Revise definition: "Vehicle use Area: Parking areas, driveways, interior roadways, loading areas, and fleet vehicle storage areas."

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 31

Definition of Yard

The development standards use this in an unclear and inconsistent way. See "Interior Yard Setback" and "Setback."

Review this definition and its uses and revise as needed to clarify

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 32

Definition of Arable surface needed

Definition is not currently defined.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 33

Definition of Permeable surface needed

Currently not defined

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 34

Definition of rowhouse needed

Currently not defined. See Table 9.2740

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 35

Definition of Kennel

Code currently considers the keeping of 3 or more dogs to constitute a kennel. This essentially limits pet owners to no more than 2 dogs.

Consider raising the threshold for what constitutes a kennel.

Suggested By: *City Council*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 36

Definition of Abuts

Term is undefined and used in multiple ways.

Recommended code changes: review the use of this term and add appropriate definition and/or additional terms.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 66

Vehicle Access Corridor

This term needs to be defined for use in lot development standards.

Add definition: "Vehicle Access Corridor: An unobstructed lot/parcel area that is capable of providing vehicle access from a street or alley to parking areas and structures on the lot/parcel."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.0500

Item No 74

Add definition of "major medical facilities"

"Major Medical Facility" A facility that provides a coordinated delivery system of related medical services, including ambulatory surgery, but excluding emergency care and licensed inpatient services."

Suggested By: *James Spickerman*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500

Item No 75

Add definition of "specialized medical facilities"

"Specialized Medical Facility." A facility with physicians and surgeons that provides a coordinated delivery system of medical services, including ambulatory surgery, and related goods and services, but excluding emergency care and licensed hospital services.

Suggested By: *Orthopedic Healthcare Northwest*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.0500

Item No 98

Define Buildable Area

This term needs to be defined for use in lot development standards.

Add definition: "Buildable Area: An area practicable for constructing buildings of a particular type."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Simple

Related Project: Infill

Code Section: 9.0500

Item No 194

Revise definition of "Grade"

Definition is limited to use with building height and sign heights only. Revise the first part of the definition to include all uses other than sign height.

Recommended code changes - add phrase:

"Grade. For purposes other than determining sign height..."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.0500, 9.2770

Item No 111

Alley-access-only restrictions

Properly define "alley-access-only lot/parcel." Explicitly prohibit creation of new alley-access-only lots/parcels, except in subdivisions of ten or more lots (Per City Council resolution).

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Category: A

Code Section: 9.2160 (table)

Item No 94

Allow "Specialized Medical Facilities" and "Major Medical Facilities" in C-1, C-2, C-3 and GO

If these uses are defined, but are not specifically listed in Table 9.2160, it could be construed that they are prohibited.

IF the Planning Commission adds new definitions for "Specialized Medical Facilities" and "Major Medical Facilities", amend Table 9.2160 to show both uses as permitted in C-1, C-2, C-3 and GO

The purpose of the commercial zoning districts is to provide land suitable for office-based employment and for businesses engaged in providing goods and services to the public. Currently, except for a "Drug Treatment Clinic" that has special development standards, all clinics or other medical health treatment facilities are grouped together and are permitted outright in C-1, C-2, C-3 and GO. IF the Planning Commission determines that there is a need to differentiate "Specialized Medical Facilities" and "Major Medical Facilities" it is important that these new uses be included as permitted outright in the various commercial zones. If these uses are defined, but are not specifically listed in Table 9.2160, it could be construed that they are prohibited.

Suggested By: *Teresa Bishow*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2700

Item No 68

Recalibrate max density to correctly reflect zones

The current "round up" provision increases allowable density substantially, effectively bumping all four standard zones so they allow development in the next higher density category than their stated purpose.

Eugene zoning effectively provides for residential development in following two categories:

- Medium-density, single-unit (R-1 and R1.5)
- High-density, multi-unit (R-2, R-2, and R-4)

This isn't a particular problem in "greenfield" development because the developer can respond, as appropriate to market conditions and not negatively impact established neighborhoods. But the impact is significant and severe with infill development.

With or without introducing new zones, the residential zones' density ranges should be recalibrated so the actual results reflect the intended purpose.

In R-1 neighborhoods, the effect is to allow duplex lots, rowhouses, and PUD small lots to be developed at 20-28 dwelling units per net acre (du/na), well above the Metro Plan max of 14.28 du/na for "Low Density Residential" (MDR).

The problem is most severe in neighborhoods that historically developed and exist today primarily as detached, single-family areas. Based on the typical lot patterns, R-2 zoning in these areas allows development at densities at 35 du/na and higher, well into the Metro Plan "High Density Residential" (HDR).

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Category: A

Code Section: 9.2700

Item No 100

Min/Max density alteration and simplification

Density Per Acre standards need to have an actual allowable density in line with the intended density range of the zone and standards need to be simplified for property owners and staff.

Create a table for each zone, specifying min/max dwellings based on lot area, e.g., for R-2:

Minimum units

Lot size 0-13,499 s.f.: no minimum units

Lot size 13,500-100,000 s.f.: 1 unit for every 4,356 s.f.

Max units: (size in s.f.)

less than 1,600 - 0;

1,600 to 2,249 (rowhouse only) - 1;

2,250 to 4,499 - 2;

4,500 to 5,999 - 3;

6,000 to 7,499 - 4;

7,500 to 8,999 - 5;

9,000 to 10,499 - 6;

10,500 to 11,999 - 7;

12,000 to 13,499 - 8;

13,500 to 100,000 - 8 units + 1 unit for every 1,555 s.f. above 13,500 s.f.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.2700

Item No 104

Adjustment Criterion Standards

In various standards that allow adjustments based on criterion, such as "within XX feet/mile of a park/parking area", specify that the distance is measured appropriately.

For example, by "walking distance to a park" or "by driving distance to a parking area."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.2750

Item No 99

Cleanup Table 9.2750

Blank cells are confusing.

Blank cells and "--" cells should be clearly denoted as "not applicable" or "not allowed."

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2750

Item No 108

Revise "Lot Frontage"

"Lot Frontage" minimum widths need to be revised and depth requirements need to be added.

The Lot Frontage shall extend at its required width to a depth equal to the Front Building Setback specified under Lot Development Standards (Table 9.2750).

Flag Lot: 20' (R-1, R-2, R-3, R-4), N/A (R-1.5)

Rowhouse Lot: 15' all zones

Other Lots: 50' (R-1), N/A (R-1.5), 35' (R-2, R-3, R-4).

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Simple

Related Project: Infill

Code Section: 9.2751(13)/Table 9.2750

Item No 147

Fence Heights for Res. Lots With > 1 frontage

The limitation on a 42" fence in the front yard setback creates hardship situations for owners of residential lots that are located on a corner or that have double frontage.

Code provides an exception or exemption to the fence height for corner and double frontage lots.

Shrubs, an alternative to 6' fences where privacy or screening is needed, are not allowed in PUEs which are common on front property lines.

Suggested By: City Council

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.2751(13)/Table 9.2750

Item No 210

Fence Setbacks on Residential Corner Lots

For the City to achieve the stated goal of increasing housing density, most newer residential lots are now smaller. However, the current fence setbacks for residential corner lots seem at odds with allowing residents to utilize the limited space on these smaller lots.

The current 10 foot setback regulation for a six-foot tall fence requires a back yard on a corner lot to adhere to the same restrictions as a front yard. For my house these means I must have my six foot tall backyard fence that runs along the street setback 22 feet from the curb. The 22 foot setback results from having a property line that is 12 feet back from the curb due to the city-owned sidewalk and planting strip. Allowing a 12 foot setback as measured from the curb would be more appropriate as the intent of this regulation is to keep allow room for pedestrians and street trees in residential neighborhoods.

The current fence setback regulation is also causing enforcement problems for the City. In almost all of the newer residential developments very few corner lots are in compliance. The City Planning staff explained to me that if a fence is built in violation of the setback requirement, no action will be taken unless staff notifies the owner during fence construction. Once the fence is up, the City will not enforce the regulation. The inequity of the enforcement does cause hard feelings between the City and those property owners who have been forced to adhere to the setback requirements.

Amending the code to allow a six-foot tall fence to have a minimum setback of 12 feet from the curb for backyards of residential corner lots would allow property owners to protect and utilize more of their lots and still provide ample space for street trees and sidewalks.

Suggested By: *John C. Huberd*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2760

Item No 51

Irregular Lot Width

Calculating minimum lot width for irregular lots.

Suggested By: *Carol Schirmur*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.2760

Item No 105

cleanup Table 9.2760

blank cells are confusing.

Blank cells and "--" cells should clearly be denoted as "not applicable" or "not allowed"

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2760

Item No 107

Drop "Lot Width" minimum

There is no single-value (or even average) for a "lot width" measurement that provides a workable standard.

Replace with two relevant standards that achieve the underlying purpose.

Minimum width for the entire extent of a vehicle access corridor:

Flag Lot and Other Lot types: 20' (R-1, R-2, R-3, R-4), N/A (R-1.5)

Rowhouse Lot: 15' (all zones)

Minimum buildable area suitable for residential buildings:

| | R-1 | R-1.5 | R-2 | R-3 | R-4 |
|--------------|-----|-------|-----|-----|-----|
| Flag lot | A | N/A | B | B | B |
| Rowhouse Lot | C | 15' | C | C | C |
| Other lots | D | N/A | E | E | E |

A -400 s.f. rectangle with both dimensions at least 20 feet. (Must be on "flag" portion.)

B -400 s.f. rectangle with both dimensions at least 15 feet. (Must be on "flag" portion.)

C -300 s.f. rectangle with both dimensions at least 15 feet

D-400 s.f. rectangle both dimensions at least 20 feet

E-400 s.f. rectangle both dimensions at least 15 feet

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.2760 (table)

Item No 151

Duplex, triplex, fourplex lots

Table requires duplex, triplex, fourplex lots to be shown on R-1 plats. Not clear that this is limited to subdivision plats, not partitions. Language also implies that lot must be developed as duplex in future (ie a S.F. residence not possible)

Amend language in table consistent with duplex provisions in 9.2741(4) regarding subdivision plats and clarify that designation entitles owner to develop as duplex rather than mandates it.

Suggested By: *City Council*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.27xx

Item No 133

R-2: minimum access corridor

R-2 - minimum access corridor (e.g. flag pole) width (especially for alley access lot).

Suggested By: *Phillip Farrington*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Category: A

Code Section: 9.7205, 9.7230 & 9.8555

Item No 218

Final subdivision and partition plats to follow a Type I Process

Prior to the City of Eugene Land Use Code Update effect August 1, 2001, final subdivision and partition plats followed a Type I Process.

When the City did its Land Use Code Update, the city Attorneys interpreted ORS 197.015(13)(a) to include both tentative and final plats as needing to follow the Type II process because the ORS 197.015(13)(a) was silent on the subject. It simply read: approval or denial of a subdivision or partition plan without distinguishing between tentative and final.

The 2004 legislature amended the definition of a "Limited land use decision" as described in ORS 197.015(13)(a) to add the word "tentative" to the statute with the intention of clarifying the difference between a "Tentative" subdivision or partition plan and a "Final" subdivision or partition plan as described in ORS Chapter 92. They also revised ORS 92.100(7) to affirm this change.

ORS 197.015(13)(a) now reads:

(13) "Limited land use decision" is a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(a) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

ORS 92.100(7) now reads:

(7) Granting approval or withholding approval of a final subdivision or partition plat under this section by the county surveyor, the county assessor or the governing body of a city or county, or a designee of the governing body, is not a land use decision or a limited land use decision, as defined in ORS 197.015.

Having final plats follow the Type II process adds an extra layer to an already lengthy process. This becomes extra work for city employees, already swamped and working with limited budgets. Only two final subdivision plats have been appealed since the Land Use Code Update in 2001, both unsuccessfully.

Change requested

EC Table 9.7205 Type II Application Requirements and Criteria (Page 9-391):

Remove: "Final Plat" under Partition and Subdivision.

EC Table 9.7230 expiration of Type II Application Approvals (Page 9-394):

Remove: "- Final Plat (same as tentative plan expiration)" under Partition and Subdivision.

EC 9.8555 Applicability of Subdivision, Final Plat Applications.

Replace: A "subdivision final plat application follows a Type II Process" to - "A subdivision final plat application follows a Type I Process".

Suggested By: *Mid-West Chapt of Prof Land Surveyors of Oregon*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.7xxx-9.8xxx

Item No 2

Re-application waiting periods

Increase waiting period for PUD re-application to one year.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.83xx

Item No 3

Reinstate 1 year waiting period for denied PUD applications

This provides an incentive for developers to turn in an application that is much more complete and well planned. Currently the bar is so low on this that applications are turned in with a great deal of missing information with minimal planning and the worse that happens is a denial and then they can turn around and re-file. So, developers can potentially turn in a terrible application that does get approved.

Re-instating the one year waiting period for developers that get a denial for a PUD application

Suggested By: *Lisa Warnes*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.83xx

Item No 116

denial of applications

The one year waiting period for developers who where denied applications should be re-instated.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.8424(2)

Item No 215

Add a criterion that clearly says that the amendment is necessary to bring it into alignment with the Metro Plan, most notably when we have a concurrent Metro Plan and Refinement Plan amendment

The issue of refinement plan amendments that meet the criterion of "addressing a new community policy". If Metro Plan amendments automatically trigger the applicability of this criterion, then it should be something like "to address a Metro Plan amendment". A separate criterion might be "to address a change in community policy". I don't believe the word 'policy' as it's generally used in our documents would refer to a Metro Plan diagram change.

I have some doubts about how relevant refinement plans are if any Metro Plan change can be found consistent with a refinement plan by rule, even recognizing the supremacy of the Metro Plan.

Suggested By: Phillip Carroll

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.8430

Item No 95

Eliminate requirement for an approved SPR for projects that have an approved final PUD

The required application materials and public notice for a planned unit development significantly exceed those required for a site review application. The approval criteria for a planned unit development application are broader in scope than for a site review application. Requiring both a site review and planned unit development for the same development is unnecessary.

Amend all code sections pertaining to land use and permit requirements, such as EC 9.2160, to eliminate requirement for an approved site review plan for projects that have an approved final planned unit development.

Potential code text would read, "(SR) Permitted, subject to an approved site review plan or an approved final planned unit development."

The proposed code amendment will provide more meaningful public involvement, reduce staff costs, and eliminate a barrier to innovative designs that rely on the planned unit development process. The proposed code amendment will also create a consistent approach with the elimination of a conditional use permit in cases where the development is being reviewed through the planned unit development process.

Suggested By: Teresa Bishow

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: A

Code Section: 9.85XX

Item No 92

Private roads and subdivisions

Square footage of lots in partitions or subdivisions fronting private streets should not include the square footage of the private street in front of the lot. The square footage of the lot should be entirely within the lot boundaries.

The problem we have seen is that, when a private road is allowed in a small subdivision with the goal of increasing density, the square footage of the road in front of the lot is included in the square footage of the lot. This results in a subdivision that cannot allow parking on the private street, and has very minimal parking for each lot, each lot being in reality less than 4500 square feet. This is a safety issue, as residents often park in the Fire Department turnaround, on the planting strip, or out on an unimproved neighborhood collector.

Suggested By: *Marilyn Mohr*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.9630

Item No 168

Correct language inversion in transcription of South Hills Study (SHS) criteria.

Suggested By: *Open House*

Reason for Change: Corrective

Operational Cost: unknown

Complexity: unknown

Related Project: None

Category: B

Code Section: 9.0500

Item No 15

Definition of Lot

The definitions of "lot" (and "parcel") are internally inconsistent. On the one hand the definitions distinguish a lot and a parcel, on the other hand the definition of "lot" (but not "parcel") says the two terms are used interchangeably. This leaves unresolved whether code that refers to a "parcel" (created by a lot partition) also applies to a "lot" (created by a subdivision). (See "Parcel").

Recommended code changes: Revise definitions and references to "lot," and "parcel" and "lot/parcel" to be internally consistent. If they are identical, then define "parcel" as simply "a lot" and use just "lot" in references.

If they are different, drop the clause saying they are used interchangeably and, as appropriate, revise all references to "lot" and "parcel" to reference "lot" or "parcel."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.0500

Item No 20

Definition of Northern Lot Line

Definition is flawed and/or unclear in several ways.

Recommended code changes: Review this definition and its uses and revise as needed to clarify.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: unknown

Related Project: None

Code Section: 9.0500

Item No 22

Definition of Parcel

Relates to problem with the definition and distinction between "parcel" and "lot."
desired outcome is same as the desired outcome in the "lot."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.0500

Item No 153

Amend definitions of "Front Lot Line" and "Front Yard"

Recommend that the "Front Yard" of a home be the one that the front door faces to be consistent with the way the city determines addresses.

Suggested By: *Breeden Homes*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.0500

Item No 180

Develop definition of "delicatessen" to be a place where food/sandwiches are served but not alcoholic beverages.

Delis are listed among uses in Table 9.2160 but aren't defined. The proposal should make a distinction between a bar/tavern, which does serve alcohol by definition, as well as deli-type foods.

Suggested By: *Philip Farrington*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.0500, 9.2775

Item No 225

EC 9.0500 Definitions, 9.2775 Residential Flag Lot Standards, and all other lot standards and partitioning and subdivision criteria references to "lot".

In PT 07-02 (City Outlook), Planning staff has made the absurd finding that "lot" in the flag lot standards -- (EC 9.2775(3)(a) which states "The original lot prior to the creation of a the flag lot, shall be at least 13,500 feet" means "two adjacent lots, under common ownership". Lot is clearly defined in EC 9.0500 as a single "unit".

Make clear in all relevant code that "lot" means a single lot.

It's hard to imagine how to make this clearer than already in the code, but if Planning staff has such a misunderstanding of what the code says, then it needs to be fixed.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.0500, 9.2xxx

Item No 61

Open Space vs. Recreational
Clarify what counts as open space

Suggested By: Charles Biggs

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.100 or 9.400

Item No 113

Hierarchical Structure of Zones
There is no specific hierarchical structure of land use code (conflicting overlay zones).
Clarify hierarchy of zones.

Suggested By: Open House

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.2121(5)

Item No 181

Eliminate the words "...the maximum number of surface parking spaces on a development site shall be 20.
All parking spaces in excess of these limits shall be in structured parking." Or consider adding the work "new" before "surface parking in the 1st sentence above, and after "all" in the 2nd sentence. As written, this standard could stymie redevelopment and infill projects in C-3 zones, particularly in the downtown area, which the City seeks. As written it could require expensive structured parking that could render a project infeasible.

Suggested By: Philip Farrington

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Category: B

Code Section: 9.2160 (table)

Item No 84

Modify Table 9.2160

Currently Sacred Heart is permitted in this area only as a conditional use. It should be permitted outright as the character of the neighborhood has changed and it is has been located on this site for 70 years.

Table 9.2160 Should be changed so that "Hospital" in the C-2 and C-3 zones under "Medical, Health, and Correctional Services" is listed as "P/C (9)" instead of "C"

Currently, hospitals are permitted in the C-2, C-3 and GO zones subject to Conditional Use Permit approval. Sacred Heart Medical Center, though continuously providing hospital services at the same location for more than 70 years, is allowed to operate subject to an approved CUP. The first CUP was obtained in the early 1970s and has been modified numerous times in the intervening years.

Suggested By: Philip Farrington, PeaceHealth

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2160/9.2450/9.2740

Item No 78

Allow "specialized medical facilities" in the same zone

Allow "specialized medical facilities" in the same zones (commercial, industrial, residential) as "clinics" subject to the same restrictions and rules.

Suggested By:

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2161

Item No 64

Hospital as permitted use in SHMC

Allow hospital as permitted use at SHMC. After 70 years - it's about time.

Suggested By: Philip Farrington

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: B

Code Section: 9.2161(9)

Item No 85

Add Section 9.2161(9)

Currently Sacred Heart Medical Center is permitted in this area only as a conditional use. It should be permitted outright as the character of the neighborhood has changed and it is has been located on this site for 70 years.

Add Section 9.2161(9), which should state: "Hospitals, clinics, or other medical facilities in existence on East 13th Avenue and Patterson Street, then north on Patterson Street to East 11th Avenue, then east on East 11th Avenue, then west on East 13th Avenue to Patterson Street shall be permitted outright."

Suggested By: Philip Farrington, PeaceHealth

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2170

Item No 80

Setbacks

Increase maximum setback to improve aesthetics and sense of openness. Adopt a minimum setback - especially corner lots & C-1.

Suggested By: Majeska Seese-Green

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.2171(8)(e)

Item No 126

Commercial tree standards

Add more commercial standards for tree requirements (in parking lots, etc.).

Suggested By: Open House

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.217X

Item No 163

Limit maximum height of buildings downtown – approximately 7 – 8 stories

Suggested By: Open House

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: Downtown

Category: B

Code Section: 9.21xx

Item No 56

Commercial Zones and mixed use
Allow mixed Use in all commercial zones

Suggested By: Charles Biggs

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.21xx

Item No 57

Commerical Zones and mixed use
Require mixed use above all single story commercial dwelling or office.

Suggested By: David Hinkley

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: Downtown

Code Section: 9.21xx

Item No 58

Interpretative process
Analyze internal conflicts - clarify interpretive process (i.e. apply most restrictive standards).

Suggested By: Charles Biggs

Reason for Change: Perfective

Operational Cost: unknown

Complexity: unknown

Related Project: None

Code Section: 9.21xx

Item No 82

Solar setbacks
Consider solar setbacks for mixed use development.

Suggested By: Open House

Reason for Change: unknown

Operational Cost: unknown

Complexity: unknown

Related Project: Downtown

Category: B

Code Section: 9.2400

Item No 65

I-1 Campus Industrial Zone

Think very carefully about wholesale changes to campus industrial zone - many implications to other zones/whole city by liberalizing uses and/or allowing stand alone retail.

Suggested By: *Philip Farrington*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: NA

Code Section: 9.2450 (Table)

Item No 72

Allow multi-tenant office and medical uses in business parks

Allow multi-tenant office and medical uses if the business park meets the requirement that 50% of the total ground floor area within the business park be in industrial use.

Suggested By: *James Spickerman*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.2450 (Table)

Item No 76

Allow "major medical facilities" in the I-1 zone

The major medical facilities use is consistent with present industrial uses permitted in the I-1 district, which includes laboratories.

Suggested By: *James Spickerman*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2450 (Table)

Item No 77

Allow "specialized medical facilities" as an outright use

Increasingly, medical services are being provided through larger facilities that integrate a multi-disciplinary range of services, including ambulatory surgery, and are focused on a specific medical condition.

Suggested By: *Orthopedic Healthcare Northwest*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: B

Code Section: 9.2450 (Table)

Item No 148

Industrial Zone Land Use and Permit Requirements

Allow the sales, service and repair of power sport vehicles (motorcycles, all-terrain vehicles, snowmobiles, and personal watercraft in I-3

Allow power sport vehicles in I-2 and I-3 zones

Suggested By: *MotoSport Outlet/Milland*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2451(1)

Item No 150

Office Allowance in I-1

Business parks in existence as of August 1, 2001, are prohibited from calculating industrial square footage existing at that time in the percent of area devoted to industrial use. This creates an unfair regulation for existing versus new parks. It also creates significant problems for business parks when an industrial use leaves the park or wishes to increase the amount of square footage devoted to office use.

Allow all industrial square footage to be included when determining the maximum percent of square footage that can be devoted to office use. As an alternative, re-evaluate the requirement that industrial use occur within business parks.

Suggested By: *James Spickerman*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.2451(1)

Item No 152

Eliminate the requirement that at least 50% of office space used by only 1 tenant

This restriction prevents the construction of buildings for multi-tenants and may prevent the construction of industrial space for smaller tenants

Suggested By: *James Spickerman*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Category: B

Code Section: 9.2451(5)

Item No 73

Allow support uses to be freestanding if they serve to accommodate workers on site

Developers of business parks within the I-1 zone should be able to allow for sufficient support services to accomplish the intent of the zone to accommodate workers on site. The restriction on support services, such as restaurants, effectively prevent the provision of such services at an adequate level and force workers to travel off-site, thereby increasing VMT's and noon hour traffic congestion.

Suggested By: James Spickerman

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.2700

Item No 101

Building Height definition

definition is not appropriate

Change the definition of Building Height to be "top of roof" and specify separate Building Height Maximums based on "flat" or "sloped."

Main Building:

Roof slope less than 6:12 - 20' (R-1), 25' (R-1.5 & R-2), 40' (R-3), 100' (R-4).

Roof slope 6:12 or steeper: 30' (R-1), 35' (R-1.5 & R-2), 50' (R-3), 120' (R-4).

Accessory & detached secondary building:

roof slope less than 6:12: 15' (R-1 & R-1.5), 20' (R-2), 30' (R-3 & R-4).

Roof slope 6:12 or steeper: 20' (R-1 & R-1.5), 25' (R-2), 30' (R-3 & R-4).

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.2700

Item No 102

Flag Lot Setbacks

Increase flag lot setbacks to 10 feet along all lot lines.

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Category: B

Code Section: 9.2700

Item No 109

Flag Lot standards and clarification

Create "Flag lot standards" for all residential zones (except R-1.5 "Rowhouse"), Clarifying "pole" and "flag" requirements, as in 9.2772

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Moderate

Related Project: Infill

Code Section: 9.2700

Item No 110

Flag Lot restrictions needed

Restrict lot partitions to create a single flag lot.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.2750

Item No 219

Residential Zone Development Standards: Setbacks.

Adopt the Chambers Special Area Zone 9.3065 city-wide: Garages and accessory buildings shall be set back a minimum of 18 feet from the front lot lines and a minimum of 6 feet behind the street-facing facade of the residential building the street faces.

Suggested By: *Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Category: B

Code Section: 9.2751

Item No 229

Prevent parking in front yards in R-3 and R-4 zones.

This change protects the limited amount of open space in higher density residential zones from being usurped for parking. This requirement is similar to the requirements specified for the GO zone under section 9.2711(5)(d).

Proposed Code Text:

9.2751 Special Development Standards for Table 9.2750.

(14) Front Yard Setbacks in R3 and R4 zones. Vehicular parking and circulation are not permitted between the building and the street in the minimum front yard setback used to comply with this subsection, except in front of garages.

Suggested By: *Steven Baker for WUN board members*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.2760

Item No 106

Rowhouse lots & R-1.5 definition and requirements

definitions and requirements are not clear.

Allowing "rowhouse lots" in R-1, R-2, R-3, and R-4 requires there be specific "rowhouse" development standards (e.g., maximum building height) to address the impact of zero-lot-line development in these zones.

There is also ambiguity under R-1.5 in specifying standards for "Interior lots," etc. All R-1.5 lots should be "rowhouse" lots.

A "rowhouse" should be a single dwelling per lot with shared walls.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Moderate

Related Project: Infill

Code Section: 9.2770

Item No 44

Alley-access

Concerns about alley development; primary units should not have alley-only access.

Suggested By: *Charles Snyder*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Category: B

Code Section: 9.2770

Item No 49

Alley-access

Concerned that alley access only have disappeared.

Suggested By: Carol Schirmur

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.2775

Item No 50

Flag Lots

Minimum lot size for flag lots of pavement parcel for partition - why bigger than needed for created lots?

Suggested By: Carol Schirmur

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.2775

Item No 226

Residential Flag Lot Standard, and all related lot standards and partitioning and subdivision criteria.

Prohibit the creation of new flag lots in residentially zoned areas, except in new subdivisions of 10 or more units.

This change would provide important protection until the code is revised as a result of the Infill Compatibility Standards project, at which time, a comprehensive approach to lot configurations can be implemented.

Suggested By: Paul Conte

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Category: B

Code Section: 9.2777

Item No 199

Duplex Division Lot Standards.

(1) Purpose.

Duplex division lots allow existing duplexes to be divided into two separate legal lots in order to increase opportunities for affordable home ownership.

(2) (a) The existing lot must contain at least 8,000 square feet.

Add "... or the newly created lots must meet 9.2770 Small Lot standards".

(b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot.

This clearly assumes that the duplex is centered on the lot and consists of two identically-sized units. Often this is not the case, in which case this requirement is inappropriate. Many duplexes, especially in older neighborhoods, consists of two units of different sizes

(c) The average lot width is at least 40 feet.

Add "...if in R1".

(d) The minimum lot area is at least 3,600 feet.

Add "...or 9.2770 Small Lot provisions are met".

(4) (c) A single family dwelling will not replace or be added to the lot.

Eliminate this. In R1 it may be seen as unnecessarily prohibiting an accessory unit; in other zonings it makes no sense.

Suggested By: *Susannah Meininger*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.27XX

Item No 159

Don't give up open space for playing fields any more.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.2xxx

Item No 47

Density

Consistent density

Suggested By: Charles Snyder

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.4250

Item No 216

Nodal Development Overlay Zone

Floor Area Ratio requirements (FAR) can conflict with other requirements in this zone. They need to be compatible with other requirements.

Suggested By: Terry Connolly

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.4500

Item No 217

FAR in the Transit District Zone

FAR in the Transit District Zone need to be compatible with with market and economic conditions in Eugene that influence the feasibility of projects. FAR's can't be at such a high level that they prevent projects from developing in Eugene. FAR's need to be aligned with the economic realities of a city the size of Eugene. The existing 2.0 FAR is too high.

Suggested By: Terry Connolly

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.4500 et seq. (esp. 9.4530 (3))

Item No 183

TD Zone Provisions. Reduce (or eliminate) min FAR requirements and/or eliminate the distinction between "core" and "min-core" TD areas. Suggest at least reduction FAR to 0.65

This market really doesn't support 2.0 FAR developments & tends to stymie development w/in the downtown core. Reducing (at least) the FAR minimum would remove one code obstacle fro the very infill development that the community so desperately seeks.

Suggested By: Philip Farrington

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Category: B

Code Section: 9.4530(3) related figure as well

Item No 60

Floor Area Ratio (FAR)

Revisit FAR standards downtown - lots downtown are deep with narrow frontages. Yes, 2.0 FAR in core may be too high and stymie development in CBD.

Suggested By: *David Hinkley*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.4530(5)

Item No 184

Remove the words "...for office, retail or other pedestrian oriented areas."

This requirement compels development of certain uses, some of which may not be viable depending upon location. Intent should be focused on design that complements and supports the pedestrian environment/streetscape rather than proscribing uses.

Suggested By: *Philip Farrington*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Category: B

Code Section: 9.550(9)(c)

Item No 191

Open Space Credit

Clarify language of code text to comply with the intent of the credit which is to reduce a development’s on-site open space when public park open space is located nearby. The intent of the distance stipulated in EC 9.5500(9)(c) 1 (one-quarter mile) is to provide a distance that is comfortable and easily walkable by residents (about three to four typical blocks). EC 9.5500(9)(c) 1 does not specify how this distance is to be measured. Thus current code language would allow a freeway or limited access road (Beltline, for example) between an existing park and a site proposed for development. A pedestrian would not be able to walk across a 4-lane limited access road to the park.

Proposed Code Text:

(c) Open Space Credit

An open space credit not to exceed 25 percent of the total open space requirement may be applied toward compliance with the requirement for developments that are located within one quarter mile of a public park as measured by how a pedestrian would travel on public sidewalks and streets from the development to the park.

Benefit of Code Change:

The Open Space provided in many newer multifamily buildings is minimal. This code change assures that the Open Space Credit is only applied to projects for which it was intended.

WUN Contact - Steven Baker

Suggested By: *West University Neighbors Board*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Simple

Related Project: Infill

Code Section: 9.5500

Item No 4

building address visibility

In several large apartment and condominium projects, for example, the Kinsrow Ave/Chase Village developments, it is very difficult to find building numbers either at night or during the day. The time delay in locating the subject building/unit could be critical in certain emergency situations.

Proposed Code amendment: In mutliple-family developments building addresses/numbers should be required to be clearly visible from the street and illuminated. The benefit of this change would be timely and efficient public safety and emergency response.

Suggested By: *Tamara Miller*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.5500(11)(c)

Item No 135

Prohibited street access: change date for access

This section should not prohibit street access on new lots/parcels created from a lot/parcel that abuts an alley that existed prior to January 1, 2005. (This is an arbitrary date that will include all the alleys in the established neighborhoods. A threshold date prevents new subdivisions with alleys from circumventing the intent of this section).

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.6100

Item No 52

Bicycle Parking

Bike parking downtown - enhance design standards to improve function, accessibility, securtiy, shelter - ring on side of building? Impervious surface rather than paving.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Moderate

Related Project: Downtown

Code Section: 9.6100

Item No 63

Bicycle Parking

Reconsider allowing bike space in unit in apartments regarding value of bike

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Code Section: 9.6200

Item No 81

Landscaping

Require landscaping visible to public (not waived because of landscaping interior courtyard inaccessible to the public)

Suggested By: *Majeska Seese-Green*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Category: B

Code Section: 9.6410

Item No 41

Parking

Re-examine parking ratios for apartments (per bedroom calculations)

Suggested By: *Dave Hinkley*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.6410

Item No 62

Minimum Parking Standards

Provide incentives to reduce minimum parking standards.

Suggested By: *Charles Biggs*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.6410(1)

Item No 185

Somehow require that the offsite parking must actually be used and not a paper sham. Put teeth into the requirement/allowance for parking to be met off-site.

Currently, businesses can have agreements for required parking w/no intent to actually use them, or ability for the city to really enforce if parking requirements are being legitimately met by using the area subject to agreement.

Suggested By: *Philip Farrington*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.6410(3)(a)

Item No 192

Minimum Number of Required Off-Street Parking Spaces Adjustment in RPP Zones

The high demand for parking in the areas surrounding the University of Oregon and other areas (R-3 and R-4 multifamily zones) is making it more difficult for residents living in these areas to find parking. To help address this problem, the City of Eugene previously established a parking program that designates special zones and permits for and residential and commuter parking. Residents living in these areas are eligible to purchase a Residential Parking Program (RPP) permit for on-street parking.

New multifamily housing development in these areas are being built with the minimum required off-street parking which is significantly worsening conditions that the RPP zones and permit programs were designed to mitigate. This code change would limit the adjustment of minimum parking reduction when a development abuts a City of Eugene Residential Parking Program (RPP) zone.

Proposed Code Text:

(a) A parking reduction of up to 50 percent of the minimum requirement in the ND overlay zone is allowed as a right of development. A parking reduction of up to 25 percent of the minimum requirement is allowed in all other zones except property that abuts a City of Eugene designated Residential Parking Program zone. In addition to these reductions, a parking reduction of 25 of the minimum required off-street parking is allowed for shared off-street parking. (See EC 9.6430).

Benefit of Code Change:

The code change will prevent new multifamily developments with minimum off-street parking in RPP zones from eliminating the intent and benefits of the RPP zones. This will also help to reduce safety issues on designated bike paths on streets passing through these areas. This code change will only affect development in RPP zones where on-street parking has already been determined to be a significant problem.

WUN Contact - Steven Baker

Suggested By: *West University Neighbors Board*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Category: B

Code Section: 9.6410(3)(e)

Item No 193

Minimum Number of Required Off-Street Parking Spaces for Multiple Family Residential in RPP Zone - - new code section added

The high demand for parking in the areas surrounding the University of Oregon (R-3 and R-4 multifamily zones) is making it more difficult for residents living in these areas to find parking. To help address this problem, the City of Eugene previously established a parking program that designates special zones and permits for and residential and commuter parking. Residents living in these areas are eligible to purchase a Residential Parking Program (RPP) permit for on-street parking.

Some new multifamily housing developments near the University of Oregon are being built with the three to five bedrooms per dwelling unit to minimize the on-site parking requirements specified in Table 9.6410. These developments are significantly worsening conditions that the RPP zones and permit programs were designed to mitigate. A 2004 Harris poll found that 72% of college students nationally have cars that they use while at school (<http://www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=801>). This has been our observation in RPP Zones near the University of Oregon.

This code change would change the Required Off-Street Motor Vehicle Parking for Multifamily units for units with three or more bedrooms when a development abuts a City of Eugene Residential Parking Program (RPP) zone.

Proposed Code Text:

(e) For Multiple Family Residential Uses in developments that abut a City of Eugene Residential Parking Program (RPP) zone, the minimum number of required off-street motor vehicle parking spaces is dependent on the number of bedrooms in each dwelling unit.

1. For dwelling units with 2 bedrooms or less per unit, the minimum number of required off-street parking spaces is 1 per dwelling unit.
2. For dwelling units with 3 or more bedrooms per unit, the minimum number of required off-street parking spaces is 2 per dwelling unit.

changes to Table 9.6410

- Multiple Family (3 or more dwellings on the same lot) in RPP Zones defined in 9.6.4.10 (e)
= 1 per dwelling unit for two-bedroom units
= 2 per dwelling unit for three or-more bedroom units

- Other Multiple Family (3 or more dwellings on the same lot)
= 1 per dwelling unit

Benefit of Code Change:

The code change will prevent new multiple family developments with minimum off-street parking in RPP zones from eliminating the intent and benefits of the RPP zones. This will also help to reduce safety issues on designated bike paths on streets passing through these areas. This code change will only affect development in RPP zones when large numbers of bedrooms are provided per unit.

WUN Contact - Steven Baker

Suggested By: *West University Neighbors Board*

Reason for Change: Perfective

Operational Cost: Low

Category: B

Complexity: Moderate

Related Project: Infill

Code Section: 9.64XX

Item No 165

Allow reduce parking in res. & commercial situations, depending on area.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Downtown

Code Section: 9.6615

Item No 186

Need to address allowance for portable signs-- Prohibited sign ordinance: currently complaint driven.

Either enforce it, revise it to allow signs during business hours or delete Code 9.6615 – Ordinance is discriminating to selected businesses.

Uniformity to all businesses that elect to use portable signs.

Suggested By: *City Council / Doug Braves*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.6706-9.6709 & 9.2741(1)

Item No 132

Hospitals

No new hospitals in residential zones on flood plains.

Suggested By: *Charles Biggs*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: None

Setbacks-Intrusions Permitted.

(3) Projecting Building Features. (a) One Story Structures. The following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys, fireplaces, and bay windows, provided they do not exceed 8 feet in width.

Clarify definition of "bay window". Is the bay window permitted to rest on a foundation that extends out from the foundation of the house, like a chimney does? Is the bay permitted to be rectangular in plan view, as is commonly seen in Craftsman houses in Eugene, or is it required to be curved? Is more than one bay allowed per wall? Is there a minimum spacing between bays?

Suggestions: Allow rectangular bays on foundation, in order to be stylistically compatible with Eugene's many Craftsman houses. Allow multiple bays with total length not more than 1/3 of the length of the wall along which the setback is relevant.

3. Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.

Are such porches allowed to extend past the corner of the building? Also, are wraparound porches allowed as intrusions?

Suggestions: Allow porches to extend max 10 feet past the corner and allow wraparounds.

(b) Multiple Story Structures (2 or more floors).

6. Bay windows cantilevered from the first floor, provided they do not exceed 8 feet in width.

Allow rectangular cantilevered bays.

Suggested By: *Susannah Meininger*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.6775

Item No 201

Underground Utilities - exception for Secondary Dwellings

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 provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.

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.

Allow above ground utility service for Secondary Dwellings where primary dwelling is served by above ground utilities (i.e. in existing neighborhoods where all service is above ground).

Suggested By: *Susannah Meininger*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.6791

Item No 206

Prioritize On-Site Infiltration as the Stormwater Destination in River Road and Santa Clara

The provisions of the current land use code do not require or encourage selection of a particular stormwater "destination", but allow the developer to choose any existing destination that has the capacity. However, for purposes of surface water protection and groundwater recharge, we believe that on-site infiltration should be a preferred method--if not citywide, then at least in the River Road-Santa Clara Basin. Note that EPA stormwater model ordinances (<http://www.epa.gov/nps/ordinance/mol6.htm>) encourage on-site filtration: "All site designs...should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity."

Large parts of River Road and Santa Clara have no existing storm sewers, and it is the hope of many residents that this will remain the case. The land use code and Manual should prioritize on-site filtration as the preferred destination for stormwater in the River Road-Santa Clara basin.

Amend EC 9.6791 Stormwater Destination (3) Standards. INSERT: "On-site infiltration shall be the preferred stormwater destination for development in the River Road-Santa Clara Basin."

Suggested By: *Becky Riley*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Simple

Related Project: None

Category: B

Code Section: 9.688x, 9.83xx

Item No 119

Tree cutting permits and PUD permit

Require permits (free) to cut trees, but after permit is granted, must wait one year to submit PUD permit.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.7315

Item No 187

Notification. Involve to a greater extent City-recognized neighborhood groups in site review and PUD approval process

Perhaps by providing a public comment sheet in which neighborhood groups may respond with “approve as is”, list concerns with the application: or return with “no comment”. Currently neighborhood groups are left out of the land planning loop – the people who best know how development will impact communities.

Suggested By: *Jerry Finigan*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Moderate

Related Project: Neighborhood Empowerment

Category: B

Code Section: 9.7810

Item No 96

Amend to allow properties annexed to the City to automatically be zoned

Amend EC 9.7810 to allow properties annexed to the City to automatically be zoned to the zoning district that best implements the Metro Plan.

For example, if property is zoned AG/UL Agricultural Land with urbanizable land overlay zone and is designated on the Metro Plan for Low Density Residential development, with concurrence from the property owner, the zoning would automatically be changed to R-1. This would avoid the need for a separate zone change application. The code already automatically rezones land identified as a Nodal Development in the Metro Plan to be rezoned to /ND Nodal Development Overlay Zone following annexation. Why not allow the base zone to also be changed with property owner concurrence?

Prior to annexation, land zoned AG Agricultural allows land to be used for farming on an interim basis until it is determined that services are available and the land is appropriate for urban development. Following annexation, land should be rezoned if necessary to ensure consistency with the Metro Plan. Prior the decision to annex, the Lane County Boundary Commission and City of Eugene staff prepare reports that include a determination of the Metro Plan designation. The reports evaluate the ability to provide public services based on the future, planned land use intensity. Prior to the annexation, a property owner is informed in writing of the Metro Plan designation of the property and are provided an opportunity to raise any issues concerning the interpretation of the Diagram. Following annexation, concurrent rezoning will ensure that local zoning is consistent with the Metro Plan and will reduce an unnecessary step in the development process.

Suggested By: *Teresa Bishow*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.7XXX

Item No 88

Public Input

Include more public input into decisions - to actual projects being built.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Moderate

Related Project: Neighborhood Empowerment

Category: B

Code Section: 9.7xxx-9.8xxx

Item No 137

burden of proof on the applicant

Planning staff claims - wrongly, according to recent appeal decision - that burden of proof does not always fall on the applicant. There has been an issue as to whether or not the applicant has the burden of proof before the appeals process.

Clarify in the code that the burden of proof, at all stages of the local process, falls on the applicant, unless explicitly stated otherwise.

Suggested By: Paul Conte

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.7xxx-9.8xxx

Item No 138

"Code Interpretation" to be clearly defined

The steps and criteria for a "code interpretation" are not clearly defined.

9.0400 refers to 9.7600-9.7635 for appeal. This goes to hearings official, then LUBA. But PD can appeal HO to PC. How are they merged?

(3) Says "in lieu of appeal," but it should probably mean in lieu of issuing the decision.

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.7xxx-9.8xxx

Item No 139

Complying with Metro Plan

Add explicit criterion for all applications (e.g., lot partition) to comply with Metro Plan. (Staff claims this isn't currently required.)

Suggested By: Paul Conte

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Simple

Related Project: None

Category: B

Code Section: 9.7xxx-9.8xxx

Item No 140

loophole in review process of land use decisions

There is a loophole in the criteria and review processes in which development on a lot (e.g., a new four-plex) can avoid consideration during land use decision (e.g., lot partition) where the criteria include such items as storm water impacts, alley impacts, and compliance with Metro and refinement plan polices.

After the land use action is approved, the four-plex is proposed during the building permit process, but the relevant criteria are not part of the permit approval process.

close up loophole

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Moderate

Related Project: Infill

Code Section: 9.8215

Item No 202

Partition, Tentative Plan Approval Criteria- General.

(2)The proposed partition will not create a new nonconforming situation.

Allow partition of lots containing existing buildings, where those buildings are closer than 10 feet apart, as long as those buildings were met code current at the time they were built (firewalls, etc.). Any future additions or modifications to such buildings must meet code current at the time of modification.

Suggested By: *Susannah Meininger*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Moderate

Related Project: Infill

Code Section: 9.8300s

Item No 122

PUD Process

Processes for PUD are too time-consuming

Streamline uncomplicated PUD processes. Eliminate "final" PUD as a separate application.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: 9.8310

Item No 154

Allow the Planning Director to make exceptions to requirement that contiguous property under the same ownership to be included in the tentative PUD application

There are numerous factors that influence the decision a property owner to purchase land adjacent to an area to include in a PUD. In some cases, the land might not be suitable for redevelopment or the timing may not warrant including it in the boundary of the PUD.

The Planning Director should have the discretion for waiving the requirement to include all land in contiguous ownership. The Planning Director could determine, for example, that the adjacent land did not need to be included in order to allow efficient delivery of public service or some other public benefit.

Suggested By: *Teresa Bishow*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.8320(3)

Item No 155

Amend to eliminate or clarify the criterion to provide "adequate screening from surrounding properties"

The requirement for screening reinforces the separation of uses and is based on the assumption that the proposed new development will harm or negatively impact the existing surrounding development. This separation of uses inhibits many of the Council's adopted goals to promote compact growth and the integration or mixing of uses to create neighborhoods, not just subdivisions. If areas zoned for nodal development are subject to planned unit development procedures or if the developer elects to use the PD process to allow innovative designs, they are faced with the dilemma of screening the attractive spaces they are creating.

Suggested By: *Teresa Bishow*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: None

Code Section: 9.83xx

Item No 120

PUD public review

Require City staff to give a short presentation on project to neighborhood.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Moderate

Related Project: Neighborhood Empowerment

Category: B

Code Section: 9.8510

Item No 222

Tentative Subdivisions. Flag lots may not be created in the design of new infill subdivisions.

Currently, flag lots are used to easily increase the density of subdivisions. Design standards should require configuring streets to have all houses oriented towards the street.

Suggested By: *Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Moderate

Related Project: Infill

Code Section: 9.85XX

Item No 91

Double-Fronting Lots

Restrict number of double fronting lots. There is concern about visual impact on backing street.

Suggested By: *Charles Biggs*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Simple

Related Project: Infill

Code Section: 9.8670

Item No 54

Traffic Impact Analysis

Lower trigger for requiring Traffic Impact Analysis. Analysis could effect viability of development (if it's allowed)

Suggested By: *David Hinkley*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Simple

Related Project: None

Code Section: 9.9630

Item No 170

Clarify language enacting general prohibition of subdivision above 900' elevation (loop holes rule in contradiction to policy intent.

Suggested By: *Open House*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: B

Code Section: General

Item No 87

Empty lot avoidance

To avoid empty lots, large holes, etc., require demolition bonds that are refundable when you build a new building.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: Downtown

Code Section: General

Item No 209

Protection Against Disturbances or Development in Drainage Ways

There is a section in the Stormwater Management Manual (section 1.7.2) that describes the conditions under which disturbance or development within drainage ways is to be allowed (e.g., if it does not impede stormwater flow, cause erosion downstream, etc). This provision is important enough that it deserves to be in City Code--not just the administratively adopted Stormwater Manual.

Please add a parallel provision to the land use code to restrict fill of drainage ways under the same conditions as listed in the Manual. General code provisions should also be added to restrict disturbance or fill of drainage ways regardless of whether the fill is done as part of a development.

Suggested By: *Becky Riley*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Moderate

Related Project: None

Category: C

Code Section:

Item No 211

Infill Overlay District for City Code--- for properties of a certain acreage in already developed areas across the City.

Allow higher density infill where infrastructure can support it, and require lower density where the infrastructure does not exist. Look into Density Bonus points (as in the south hills, and Springfield).

Suggested By: *Rob Handy*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section:

Item No 213

Site Review

Strengthen and make more accountable Site Review process.

Suggested By: *Rob Handy*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section:

Item No 214

Create Design Review Board or Committee

Eugene lacks what many other cities find effective, efficient and cost effective. Design Review should be mandatory whether for Current- or a Form- based Code.

Suggested By: *Rob Handy*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Complex

Related Project: None

Code Section: 9.0500

Item No 11

Definition of Family

" (B) 5 unrelated persons" is ambiguous. It is not clear whether this might allow 6 or more people if any 2 or more of them are related. The suggested change is simpler and unambiguous.

Recommended code change to revise definition: "Family. ... (B) Any group of five or fewer persons."

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.0500

Item No 124

Definition of protection

Redefine tree "protection." Mitigation is not protection.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Complex

Related Project: None

Code Section: 9.0500 Definitions

Item No 227

Add a definition for "Adjustment"

In PT 06-65, Planning staff found that EC 9.2181(1) allowed a complete waiver of the EC 9.2180 frontage requirement with essentially no justification. Among staff arguments was that there was no limit to the amount of an "adjustment", and thus an "adjustment" could be 100% -- i.e., a total waiver.

This is another absurd staff interpretation that requires fixing.

In EC 9.0500, add a definition for "Adjustment" that makes clear that allowable adjustments to quantitative standards (such as frontage, lot size, etc.), unless specifically stated otherwise, are limited to no more than a ten percent variation from the base standard.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.1030

Item No 83

Transitional zone

Analyze transition zones between commercial and primarily residential areas and mixed use areas

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.2130

Item No 55

C-4 zone

Analyze need for C-4 including where it is applied (W. 11th and W. 6th locations inappropriate - too much traffic already).

Suggested By: *David Hinkley & Lauri Segal*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: None

Category: C

Code Section: 9.21xx

Item No 53

Commercial Zoning

New downtown zone needed (not standards for shopping centers).

Suggested By: *David Hinkley*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Complex

Related Project: Downtown

Code Section: 9.21xx

Item No 59

Challenges to mixed use

Smaller scale of mixed use in Eugene provides difficulty for batching mortgage paper for mixed use development (via banks) different building codes for same building.

Suggested By: *David Hinkley*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: unknown

Related Project: Downtown

Code Section: 9.2500

Item No 128

Wetland Assessment

Wetland assessments should occur only during wet months (prohibit tampering or mowing with location).

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: None

Category: C

Code Section: 9.2700

Item No 5

Infill Development

The City should adopt an aggressive approach to infill development for reasons of affordability, the need for a range of housing options for a diverse population, environmental sustainability, etc. Design standards can be enacted that would foster appropriate kinds of infill development. An economic model needs to be in place so this kind of development actually occurs.

*There are a lot of R1 neighborhoods that are porous - that have significant capacity for sensitive infill development.

*In R1 neighborhoods with alleys, one should be permitted to split lots so as to create lots with alley only access. This gives economic incentive for infill as someone can profit by selling an alley access lot or building on the alley and selling the street access lot and house.

*A 4500 SF minimum lot size is too limiting. While some of the blocks are exactly 60' x 150' (9000 SF), there are also many blocks with 55' x 141' lots (7755 SF), 60' x 120' lots (7200 SF), and the like that could be split without negative consequences.

*If the City is serious about infill development, they should both allow lots with alley only access and reduce the minimum lot size in R1 neighborhoods to 3500 SF.

Redundant to Item #79

Suggested By: *Brook Weld Muller*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: Infill

Code Section: 9.2700

Item No 67

Zoning flexibility in the Metro Plan Diagram areas

The current approach forces higher-density zones in some inappropriate sites and prevents higher-density zones in some appropriate sites

Residential zones' "purposes" should be less rigidly coupled to the three Metro Plan residential density designations to allow zones to be used in a finer-grained manner than the broad density areas of Eugene's Metro Plan.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.2700

Item No 69

Incorporate a development standards principle

As of right now there is no principle that the development standards follow.

An example of principle could be from Portland code: "Development standards. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed."

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: Low

Complexity: Complex

Related Project: Infill

Code Section: 9.2700

Item No 97

Insufficient number of residential zones

The current five residential zones don't provide an adequate number of choices.

Eugene should follow Portland's example and have two series of residential zones: One series for single-unit (one dwelling per lot) and one series for multi-unit.

Add more residential zones. Create separate series of zones for single-unit and multi-unit development.

Each series should have about five levels, each level defines minimum lot size and provides a table or minimum lot area per dwelling.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.2700

Item No 103

Add Vehicle Use Area Standards

Maximum Vehicle Use Area standard should be added.

Flag Lot: 15% (R-1), 20% (R-1.5), 20% (R-2), 25% (R-3), 25% (R-4)

Rowhouse Lot: 10% (R-1, R-1.5, R-2, R-3, R-4)

Other Lots: 15% (R-1), 20% (R-1.5), 20% (R-2), 25% (R-3), 25% (R-4)

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Category: C

Code Section: 9.2741(2)

Item No 197

Secondary Dwellings. The Secondary Dwellings program has been very popular. It helps provide needed housing without the drawbacks of absentee-landlord-type rentals, and makes homeownership affordable for more people.

I suggest that we expand this program, while also taking steps to make sure there are no adverse effects.

1. Require notice to neighbors when planning to build a secondary unit, so that they have an opportunity to express concerns. Notice should be sent at the time of application for building permit. Ideally, a notice would also be sent while in the planning stage as homeowners may be more able to accommodate suggestions/requests from neighbors before they have spent money on having final plans drawn. Perhaps ask that homeowners send notice to neighbors six months in advance, or as soon as possible thereafter, with some incentive for sooner-rather-than-later.

2. Allow the possibility of more than one unit on larger R1 lots. Two ideas on how we could go about this:
A) Allow two secondary units
B) Allow total number of units on lot to correspond to the maximum R1 density. This would mean only one secondary unit on small-to-medium R1 lots, two on medium-large lots, and potentially more on really huge R1 lots (which would otherwise be subject to subdivision).

3. Eliminate minimum square footage requirements given in code sections (a)4 and (b)1. Lot coverage and setback requirements are sufficient to prevent crowding.

Clarify these:

(b) 2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.

Make this "if any part of the secondary unit is located within 20 feet". Perhaps include exceptions for small projections from the building such as roofs over side doors, windowseats, etc.

(b) 4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.

Define porch. For example, does a three foot by three foot concrete pad outside the door count?

Suggested By: *Susannah Meininger*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Complex

Related Project: Infill

Code Section: 9.2750

Item No 37

Building Heights

The height limitations are not currently compatible existing neighborhoods for single family homes or infill subdivisions.

Suggested By: *Ann Vaughn & Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.2750

Item No 93

Add provision(s) to account for excessive bedrooms in calculating density.

An example problem is student "warehouses" with 4 or more bedrooms. The parking and traffic impacts, in particular, are commensurate with two dwellings, rather than one. (See also definition of "Family".)

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: Infill

Category: C

Code Section: 9.2775

Item No 198

Residential Flag Lot Standards for R-1.

(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. The original lot, prior to creation of the flag lot, shall be at least 13,500 square feet.

Change minimum area to be the same as other R1 lots (including 9.2770 Small Lot provisions). Eliminate requirement for size of original lot. My understanding is that these were put into place to prevent large / disruptive new construction on flag lots. I believe a better way to handle this would be to require that new construction on flag lots meet the requirements of 9.2741 (2) Secondary Dwellings. The Secondary Dwelling standards were designed to prevent such disruptive infill, and have been very effective at doing so while still encouraging attractive and compatible infill.

(4) Use Regulations.

Residential flag lots have the same land use regulations as the base zone except, for residential flag lots of less than 13,500 square feet, there is no allowance for home occupations or a secondary dwelling.

Allow c as long as lot coverage and setback requirements can be met.

(5) (b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines. The special flag lot setback standard does not apply to flag lots that received final plat approval by December 25, 2002.

Change setback requirements to be the same as for Secondary Dwellings.

(c) Access. Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:

1. Via the pole portion of the lot,

2. Via an easement to use a driveway on an abutting property, or 3. Via an existing alley.

...(d) 3. If access is provided via an existing unimproved alley, a petition for improvement is required. The alley must be able to provide automobile and emergency vehicle access to a public street.

Consider disallowing alley access from unpaved alleys, or requiring approval of neighbors.

5. Each rear lot or parcel shall have 2 off-street parking spaces located outside of the pole portion of the flag lot.

Change parking number of required parking spaces to be the same as for Secondary Dwellings. Allow them to be on the pole and if they are immediately adjacent to the flag section (i.e. at the end of the driveway farthest from the street).

Suggested By: *Susannah Meininger*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: Infill

Category: C

Code Section: 9.2775

Item No 221

Flag Lots. Infill in flag lots must be oriented to provide the least intrusion into existing homes and yards.

Require site review to ensure proper orientation of new construction.

Suggested By: *Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Moderate

Related Project: Infill

Code Section: 9.2780-2.2795

Item No 127

Solar Access standards.

Add "solar access" standards in code (building setbacks, staggering, etc.) allowing sunlight to pass through.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: None

Code Section: 9.2790

Item No 190

Solar provisions need to be revisited..

Currently solar provisions are mostly oriented toward passive solar development.

I think there should be requirements for active solar access for every home. These could include:

- some amount of roof area facing within so many degrees of south (to be determined) that receives direct sunshine...
- wiring and water pipes preinstalled in house so can easily be connected to solar panels or water heaters that are placed on the roof area...
- easy connection to grid to return power when generated...

Such things should be included in all new residences similar larger scale requirements should be made on multifamily housing as well.

This falls short of actually requiring active solar installation, but makes that an easy option as technology and owners wish to do it.

Suggested By: *Arthur Farley*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Moderate

Related Project: None

Category: C

Code Section: 9.27xx

Item No 39

West University Neighborhood

Infill in West University Neighborhood has inconsistent density, inadequate parking, required (especially for student housing), heights are too high (zoned 10 stories). Temporary screening/landscaping on undeveloped sites (post demo) builder provide adequate parking (W. University) for dense residential development.

Suggested By: *Drix*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27xx

Item No 40

Infill Standards

Develop infill design standards to permit the construction of duplexes, four-plexes, 8 unit multi-family in existing neighborhoods without damaging the character.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27xx

Item No 43

Infill

Infill is inconsistent with neighborhood character.

Suggested By: *Charles Snyder*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27xx

Item No 45

Dwelling Type

Consistent dwelling type (i.e. SFD, SFA, duplex).

Suggested By: *Charles Snyder*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.27xx

Item No 46

Architecture

Consistent architectural style

Suggested By: Charles Snyder

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27xx

Item No 48

Infill

All Eugene residents should be treated equally with respect to infill.

Suggested By: Charles Snyder

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27XX

Item No 175

Make changes to limit harmful infill.

The Chambers Area Special Zone Overlay is a fine example of citizen-driven, effective infill standards. CAFHN did a remarkable job. I would like to see Planning Staff rise to the occasion and take action to implement similar standards in near downtown neighborhoods

Suggested By: Open House

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.27XX

Item No 176

How long would it be before you moved away if a monstrous 6-plex was built in the backyard of your next-door neighbor?

Suggested By: Open House

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.27XX

Item No 179

Changes that would establish infill criteria mandating infill that will be compatible with established residential areas

e.g. Area 15 where I live. I'd also like to see residents of impacted areas included in the process & solicitation of residents' approval of proposed changes, perhaps via neighborhood associations.

Suggested By: *Alice Callicott*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Code Section: 9.4400/Sr overlay

Item No 112

Site Review Code change to add criteria

Change code to allow criteria to be added to the base/SR criteria in order to address specific requirements, particularly to implement refinement plan policies to "maintain the character of the area (or neighborhood)."

- Revise 9.8440(1) to be less indeterminate:

= The site review plan's design is compatible with surrounding properties, as it relates to building locations, bulk and height, noise, glare, and odors.

- Add a new subsection to 9.8440:

= (n) If the proposal includes residential development, the development will maintain the character of surrounding residential areas.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: Infill

Code Section: 9.4800, 9.4900

Item No 164

Update erosion permitting to explicitly heighten protection of areas on Goal 5 inventory, with some public notice and input required.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.484

Item No 182

Special Overlay Zones. Provide for a transition zone where urban-izable land segues to agricultural land – possibly with less allowable density.

Allows for a smoother and more natural flow between farmland and City with less impact on agricultural pursuits. Helps to maintain character of more rural neighborhoods on the fringes of Santa Clara.

Suggested By: *Jerry Finigan*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.48XX

Item No 174

Preserve all remaining wetlands with local code stronger than state & federal regulations. No more trades.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.4xxx

Item No 70

Introduce "Transition area" overlay zone

Currently there is no such thing in Eugene

Should be applied to residential sites adjacent to significantly-sized, non-residential areas.

Permit additional adjustments to standards on such "edges" while retaining protection for nearby residential area.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.4xxx

Item No 71

Introduce "Heritage Neighborhood" overlay zone

Eugene's code is currently lacking this type of zoning.

Should provide some basic (or "core") limits on lot and development standards to maintain compatibility with the respective neighborhood.

For example, an /HN-R2 overlay could specify lower max building height for areas of established neighborhoods, such as Westside, Jefferson, and Whiteaker, that are zoned R-2, but that are almost fully built-out at a much lower mass and scale than current R-2 standards allow.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Infill

Create an ecovillage/cohousing type development

The owners of the 2.8-acre parcel including the two houses 485 and 505 River Road, Loren Schein and Miaya Sustaita, my partner, Rob Bolman and myself, Melanie Rios, are hoping to create an ecovillage/cohousing type development on their land where we would live with perhaps thirty to fifty other people. We are initiating a conversation about the possible creation of an “Ecovillage Special Use Area” for this parcel and others who successfully apply for this zoning status, which we believe would help meet the goals of the city to increase density while promoting sustainability. An existing ecovillage which would like to apply for this zoning status once it is created is Maitreya Ecovillage, at the corner of Almaden St. and West Broadway, where Rob and I currently live.

Zoning regulations in ecovillages would support goals of promoting the safety of the local ecosystem and the entire planet as well as individual safety, including:

- * Constructing buildings that minimize their impact on the earth from the production and transport of building materials, to the service life of the building to its ultimate disposal;
- * Promoting high density living within cities in a manner that is rich in nature and community while preserving fertile land for food production;
- * Becoming self-reliant in our food, energy, transportation and waste disposal, minimizing our use of fossil fuels and other non-renewable resources, while maximizing the amount of wastes that we recycle on-site;
- * Providing educational opportunities for students and interns to learn and practice sustainable living skills;
- * Providing commercial space for various sustainability-related cottage industries, thus creating revenue necessary to make the ecovillage more fully self-sustaining;
- * Providing living spaces for people choosing to live alternative, low environmental impact lifestyles.

Here are some specific requests regarding zoning to support the creation of ecovillages. Sources of information to refine these requests further include the Living Building Challenge recently introduced by the Cascadia Green Building Council and also OUR Eco-village in British Columbia, which has successfully worked with their local government to create an ecovillage zoning code in Canada. Our hope is that Eugene can maintain its position as the “number one green city” in the United States partly through adopting the first eco-village zoning code in this country. We are open to having just some of these requests written into an initial set of codes for an ecovillage zone, with a process set up to include more provisions over time in response to continued research and to changing world conditions, such as possible food scarcity caused by global warming, increased population, pollution of agricultural land and resource depletion.

I. Building codes

- A. Allow for the use of natural and local building materials, including earth, sustainably harvested and recycled wood, and straw. Buildings should be built to be either extremely long lasting or to be fully recyclable or compostable in addition to being structurally sound. Materials should be harvested and created in a manner that respects the earth.
- B. Prohibit the use of building materials that are toxic to produce, use or dispose of.
- C. Encourage composting toilets, rainwater catchments, greywater processing systems, zero net energy design, and other elements to help the community use and re-use their renewable resources on-site. Set up a partnership with the University of Oregon to research the safety and efficiency of these elements and a city team to certify their research results and write them into code.

II. Density requirements and land use

- A. Allow many unrelated adults and their children to choose to share a large home with many bedrooms and a shared kitchen, dining room, and other common facilities. This is a more efficient use of land and energy than having us all live in small nuclear families or as single people in separate homes.
- B. Allow people to sleep in stand-alone bedrooms while sharing common facilities in a nearby home.

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C. Exempt farmland from acreage that is used to calculate density requirements, as long as the farmland is put into a land trust for the purpose of producing food or for natural habitat restoration. If food is grown close to where people live, it requires less energy to transport, and the nutritional value is higher due to shorter transportation time.

D. Allow for growing food in the “greenway” area of the subject property.

III. Self-reliance and renewable energy use

A. Allow for ecovillage residents to keep small livestock such as goats and sheep to provide milk for drinking and manure for creating fertile compost, and to control the growth of weeds such as blackberry vines. Increase the numbers of ducks and chickens allowed per lot to provide eggs for the increased density of people per lot.

B. Encourage passive solar design with additional heating and cooking to be provided by high efficiency wood burning devices, anaerobic digestion, and other renewable energy methods.

C. Reduce the number of automobile parking spaces required per dwelling unit on condition of the promotion of a car sharing co-op and increased bicycle parking.

D. Encourage the ecovillage to participate in the Commuter Solutions program of LTD, receiving lowcost bus passes for residents.

IV. Sustainable education opportunities

A. Allow for educational classes on the topic of sustainable living skills to take place on the land.

B. Allow for research to take place on the land that furthers our understanding of how to live in ways that are both sustainable for the planet and safe for individuals. Create a city staff position or team to evaluate success in these endeavors, so that new methods of sustainable living practices can be approved. This will not only allow an ecovillage to use its own inventions, but also help others in the larger community to discover and replicate these successful practices.

V. Integrate retail and residential uses of space.

A. Allow residents to create and sell products from their homes or in a building close to their home, such as the existing homes that are along River Road.

Suggested By: *Melanie Rios*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.5500

Item No 134

Multi Family alley access and adjustment standards need a major overhaul

Standards need to adequately address impacts on, and compatibility with, adjacent and nearby single-family residential development per stated "Purposes" in EC 9.5500 (1)(a), (b), (f), and (g).

Need to make the code clear, consistent, and transparent.

Use clear language that doesn't misrepresent indoor "recreational areas" as "open space" (see Section (9)).

Section (9)(c)1 should measure 1/4 mile as walking distance from structure entrance(s).

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Complex

Related Project: Infill

Category: C

Code Section: 9.5500

Item No 167

Copy Vancouver B.C. in thin-towers code

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: Downtown

Code Section: 9.5xxx or 9.2500

Item No 118

Goal 5 resource standards

Require erosion permits for any heavy equipment work on lots with Goal 5 resources.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: NA

Code Section: 9.62XX

Item No 89

Native Vegetation

Work to protection native vegetation throughout town.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.62XX

Item No 171

Prohibit demolitions of major sites without better “assured” redevelopment

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: Downtown

Category: C

Code Section: 9.6615

Item No 157

Better censor marquee language/names
some bands have offensive names

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: None

Code Section: 9.6710

Item No 166

Strengthen code provision for 1) geotechnical analysis on sloped sites and 2) to much more fully account for engineering and safety hazards on such sites.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.6730

Item No 161

Make pedestrian connectivity (equal or greater to street connectivity) and transit access required.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.6730

Item No 169

Strictly require accessible paths in all new development (we don't now!!)

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Incorporate Goal of Preserving Natural Hydrology and Require Use of Non-Structural Best Management Practices

The City's new Stormwater Management Manual (1.1 Purpose) says: "The purpose of this manual is to provide stormwater management principles and techniques that help preserve or mimic the natural hydrologic cycle and achieve water quality goals." However, the purpose of "preserving" the natural hydrologic cycle is not carried over as policy guidance in the land use code. It is also barely addressed in the text of the Manual, which is devoted to describing constructed stormwater "facilities" that mimic natural stormwater systems. The goal of preserving the natural hydrologic cycle should be incorporated into the land use code, and provisions to achieve this goal incorporated into the Manual.

The Stormwater manuals and policies of many jurisdictions credit or encourage the use of "non-structural" Best Management Practices (BMPs) to preserve natural hydrology and prevent stormwater runoff and pollution, in addition to the types of "structural" stormwater control facilities proposed for Eugene's manual and policy. The use of non-structural BMPs should be required or encouraged in Eugene's land use code, and more non-structural BMPs should be added to Eugene's Manual. Given that some of the proposed structural facilities in the Manual may not be usable in River Road and Santa Clara, more options are needed, and runoff and pollution prevention measures are a logical and important choice. Non-structural BMPs are typically low-cost measures to implement, and they can be used anywhere.

Non-structural stormwater BMPs include preservation of soils and vegetation, post-development soil quality, disconnected roof drains, impervious surface reduction strategies, site fingerprinting and minimal disturbance techniques, preservation of drainage ways, and a wide range of other practices. Unlike structural "facilities," there are no physical structures associated with these types of BMPs—they are essentially prevention techniques. Use of non-structural BMPs can reduce the need for the more costly structural facilities, and they require little to no ongoing maintenance or inspection.

The use of non-structural BMPs is desirable for all developments, but is especially important for development in River Road and Santa Clara, to protect natural hydrology, recharge groundwater, prevent groundwater pollution, and help preserve the viability of our natural drainage system.

Amend EC 9.0500 Definitions. ADD: "Non-Structural Best Management Practices. Management methods or practices designed to prevent or minimize pollutants from entering stormwater runoff and/or reduce the volume of stormwater requiring management. Non-structural BMPs require minimal hard construction, and work to protect or enhance predevelopment hydrologic conditions."

Amend EC 9.6790 Stormwater Management Manual:

ADD new point "(3): Emphasize non-structural Best Management Practices that reduce runoff and pollution of surface water and groundwater and work to protect or enhance predevelopment hydrologic conditions."

Re-number points 3-6 as 4-7.

ADD new definition under EC 9.0500 Definitions: "Stormwater Management Plan: A plan that describes the non-structural Best Management Practices that will be used in developing a site to encourage on-site infiltration, prevent stormwater runoff and pollution, and protect the natural hydrology of the site to the maximum extent practicable. Guidelines and criteria for Stormwater Management Plans are provided in the Stormwater Management Manual."

Amend EC 9.6791 Stormwater Destination (3) Standards. INSERT "An applicant proposing a new development must submit a Stormwater Management Plan that describes the non-structural Best Management Practices that will be used to encourage on-site infiltration, prevent stormwater runoff, and protect the natural hydrology of the

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site. In addition, an applicant must submit documentation..."

Amend Stormwater Management Manual to include non-structural Best Management Practices. Incorporate new sections under Chapter 2.0 STORMWATER BEST MANAGEMENT PRACTICES AND STORMWATER MANAGEMENT FACILITY DESIGN, or add new chapter, STORMWATER BEST MANAGEMENT PRACTICES.

Amend Stormwater Management Manual to include guidelines and criteria for Stormwater Management Plans that include non-structural Best Management Practices and meet the definition above.

Suggested By: *Becky Riley*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.6791, Stormwater Management Manual

Item No 207

Incorporate DEQ Rules

The land use code notes that underground injection control systems are regulated by the Safe Drinking Water Act (SDWA) and state rules. In addition, the Manual references DEQ's Underground Injection Control program web site, and describes current state regulations for protecting groundwater. However, state rules are at risk of being repealed due to lack of state funding for enforcement. Appropriate provisions of the state rules--intended to implement the SDWA--should be incorporated into the text of this land use code and Manual to ensure that local rules are in compliance with federal requirements.

For example, DEQ rules currently permit underground injection control systems only if "site development, design, construction, and management practices" have been used first to minimize stormwater runoff. Also, DEQ rules require that surface infiltration systems are preferred and required BEFORE consideration of underground injection systems (unless site characteristics render them infeasible). A number of the "stormwater facilities" included in the proposed Stormwater Manual--including drywells, sumps, and soakage trenches--are regulated as underground injection control (UIC) systems. In parallel with the current--but perhaps to be repealed--DEQ regulations, Eugene's code should allow these systems to be used only after other surface infiltration systems and development, design and construction BMPs are used to prevent runoff in the first place. Inclusion of such requirements is important for Eugene to remain in compliance with the Safe Drinking Water Act. These provisions are especially important if development in River Road and Santa Clara is to continue without running afoul of federal requirements.

Amend EC 9.6791 Stormwater Destination (4) Underground Injection Control Systems to read: "Stormwater runoff disposed of in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. 300, Chapter 6A, Subchapter XII and Oregon Administrative Rule Chapter 340, Section 04]. Underground injection control systems are to be used only after site development, design, construction, and management practices have been used to minimize stormwater runoff. Surface infiltration systems are preferred and required before consideration of underground injection systems (unless site characteristics render them infeasible), in accordance with provisions in the Stormwater Management Manual."

Amend Stormwater Management Manual 1.4.4 Underground Injection Control Structures (UICs) to remove references to DEQ UIC rules, and instead to directly incorporate the body of the rules into the Manual.

Suggested By: *Becky Riley*

Reason for Change: Perfective

Operational Cost: Medium

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.6792

Item No 205

Eliminate Exemptions from Pollution Control Standards

Eliminate the exemption from pollution control requirements for one and two family dwellings, and the exemption for other developments that add less than 1,000 sq. ft. of impervious surface.

The supposed intent of the exemption is to avoid putting a maintenance burden on smaller developments or City staff. However, it is not unreasonable to expect industrial, commercial and multi-family developments of any size to be able to maintain structural stormwater pollution reduction facilities. These types of properties would likely have property managers, in any case. Instead of a blanket exemption, developers of one and two family dwellings should be required to use non-structural BMPs (such as protecting soils and preserving or planting trees), and be exempted only from requirements for structural "pollution control" facilities. Unlike structural facilities, non-structural BMPs do not require specialized or ongoing maintenance and inspection that would cause a hardship on either property owners or City inspectors. In this way, all development would be required to do its part to prevent stormwater runoff and pollution--something that is desirable anywhere in the City, but is essential in the sensitive River Road-Santa Clara Basin.

Amend EC 9.6792 Stormwater Pollution Reduction:

ADD the word "prevention" to: (1) Purpose: The purpose of EC 9.6792 is to reduce the impacts that urbanization is having on the city's water quality by providing standards for the prevention, capture and treatment of stormwater runoff from development."

DELETE section: (2) (c) 1: "A land use application that will result in the construction of creation of less than 1,000 square feet of new or replaced impervious surface at full buildout of the development."

DELETE section: (2) (c) 2. b. (1): "Will result in less than 1,000 square feet of new or replaced impervious surface within a 12 month period."

ADD new section EC 9.6792 "(2) (d): All applications for development permits exempted from pollution control facilities standards under EC 9.5792 (2) (c) are required to submit a Stormwater Management Plan that incorporates non-structural Best Management Practices to meet pollution reduction goals, in accordance with guidelines and criteria in the Stormwater Management Manual."

Suggested By: *Becky Riley*

Reason for Change: Perfective

Operational Cost: High

Complexity: Simple

Related Project: None

Code Section: 9.6880

Item No 160

No tree removal on vacant lots except for public health and safety, narrowly construed.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Category: C

Code Section: 9.6885

Item No 162

No tree removal without a permit for cause (similar to Curitiba, a city of 1.5 million)

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.688x

Item No 117

Tree removal on vacant lots

Trees are being removed on vacant lots prior to development to avoid having to deal with tree removal permits/standards during development.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: None

Code Section: 9.688x

Item No 125

Tree cutting permit

Require permit for any tree cut (perhaps provide provisions for replacing trees under 10' tall, etc.)

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Moderate

Related Project: None

Code Section: 9.7000-9.7030

Item No 114

Earlier input into development process (3 party approach)

Earlier input needed into development process using a third party approach.

Develop workgroup (pre-permit/aplication - pre 120 day 'clock') that includes two representatives each from: neighborhood (immediate impacted and broader neighborhood), City and developer.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Moderate

Related Project: Neighborhood Empowerment

Category: C

Code Section: 9.7000s

Item No 115

120 days too short for process
time period too short for appeals.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: None

Code Section: 9.7000s

Item No 129

Review Process
Limit review processes that puts deadlines on ongoing requests for more information from staff.

Suggested By: *Open House*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.7510

Item No 188

Citizens should be allowed to initiate and apply for land use code amendments subject to standards in 9.8060.
Change the first sentence to read: “the City Council or a citizen may initiate a type V application.” And delete the rest of the first sentence. Also delete the word “City” in the title of this section

Suggested By: *Philip Farrington*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Moderate

Related Project: None

Code Section: 9.7XXX

Item No 86

Streamline redevelopment Projects

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.7XXX

Item No 90

Internal Review Process

The internal review process between departments is taking too long.

Suggested By: *Open House*

Reason for Change: unknown

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.7XXX

Item No 178

Require neighborhood association “sign-off” for upzoning, infill, partitions, redevelopment, etc.

Neighborhood, developer work together, fewer surprises, appeals, etc.

Suggested By: *Rene Kane*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: Neighborhood Empowerment

Code Section: 9.7xxx-9.8xxx

Item No 136

evidence submittal period

As it currently stands applicants can submit evidence after public notification has gone out and up to the 11th hour. This does not allow enough time for public response to all evidence.

Require the public be notified and be provided the specified period for public comment to review ALL evidence submitted by an applicant, including evidence submitted after initial public notification.

Two ways this can be done:

1. Prohibit applicants from submitting new evidence after public notification; and/or
2. Re-notify the public and re-starting the public comment period.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: Neighborhood Empowerment

Category: C

Code Section: 9.7xxx-9.8xxx

Item No 141

Strengthen lot line adjustments

lot line adjustments criteria and notification need to be strengthened. (These can be as important to nearby (and other) property owners as lot partitions).

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: High

Complexity: Moderate

Related Project: None

Code Section: 9.7xxx-9.8xxx

Item No 143

Implement effective use of refinement plans in approval criteria

Wherever there is an approval criterion for consistency with the local refinement plan, make explicit whether this includes only the policies in 9.95xx or also includes other policies in the plan itself.

Suggested By: *Paul Conte*

Reason for Change: Perfective

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.7xxx-9.8xxx

Item No 144

Implement effective use of refinement plans in approval criteria

Provide wider options to require /SR overlay for lot partitions and zone changes, and to be able to add /SR criteria that reduce max height, increase setbacks, etc.,

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.7xxx-9.8xxx

Item No 145

Implement effective use of refinement plans in approval criteria

Clarify the concrete requirements when a refinement plan policy has language such as "maintain the character of the area."

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.7xxx-9.8xxx

Item No 146

Implement effective use of refinement plans in approval criteria

Explicitly require that refinement plan policies, including ones adopted in 9.95xx, shall be interpreted in the context of the original plan text and diagrams, as well as it's legislative history. (As opposed to relying only on other sections of Chapter 9 that may use the same or similar terms with different meanings than in the plan itself.)

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Moderate

Related Project: None

Code Section: 9.800

Item No 149

Needed Housing Criteria

Re-examine Needed Housing Criteria

Suggested By: *Home Builders*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Code Section: 9.8030

Item No 228

Adjustment Review Approval Criteria

Many of the adjustment criteria in EC 9.8030 lack any meaningful justification for an adjustment, and essentially just negate or undermine the base standard. See (1), for example. Many of the criteria themselves are also toothless (again, see (1)).

Review all EC 9.8030 criteria and make every item has a requirement for a relevant justification for the adjustment and meaningful, concrete criteria.

Suggested By: *Paul Conte*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Category: C

Code Section: 9.8200

Item No 223

Tentative Partitions.

Successive partitions have been used to get around natural resource and other requirements in the criteria for subdivisions. This loophole should be closed.

Partitions that include further dividable lots of 13,500 square feet and may lead to the future creation of four or more lots must be subject to the Tentative Plan Approval Criteria-General (9.8515) required for Tentative Subdivisions.

Suggested By: *Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: Infill

Code Section: 9.8800

Item No 173

Prevent loss of green space along Willamette and Amazon

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: Low

Complexity: Complex

Related Project: None

Code Section: 9.9500

Item No 131

Refinement Plans Importance in code.

Refinement plans should have greater status in the land use decision process (eliminate should's, could's, and maybe's).

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: None

Code Section: 9.95xx

Item No 142

Clean up typos and omissions throughout.

Suggested By: *Paul Conte*

Reason for Change: Corrective

Operational Cost: Low

Complexity: Complex

Related Project: NA

Category: C

Code Section: 9.9630

Item No 172

Tighten SHS criteria to generally protect forest and slopes between 700' and 900'.

Suggested By: *Open House*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Moderate

Related Project: None

Code Section: 9.9xxx

Item No 224

Neighborhood Refinement Plans

Neighborhood Refinement Plans or Special Area Zones should be updated city-wide.

For example: 9.9610 River Road-Santa Clara Urban Facilities Plan Policies. This is the only plan that exists for the River Road-Santa Clara areas, and it primarily deals with development along River Road. The mix of City and County properties in the River Road and Santa Clara neighborhoods contain large lots and undeveloped fields that have been and are being rapidly developed. The application of Eugene City Code for infill throughout the RR-SC neighborhoods results in developments that are incompatible with existing neighborhoods, existing infrastructure, and creates tension between residents and the City of Eugene. A specific Refinement Plan for River Road would create Code that recognizes the character of our neighborhoods, considers existing infrastructure, and preserves our natural resources.

Suggested By: *Marilyn Mohr*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: None

Code Section: General

Item No 156

Consider a form based code or alternative set of regulations

Consider a form based code or alternative set of regulations for developers striving to implement Metro Plan concepts around nodal development, Smart Growth, or the principles of new urbanism. The form based code could be an alternative track that a developer could choose, not a mandated approach. It would provide a set of regulations that reinforce the public streetscape and building form and de-emphasize uses. The form based code is not performance based zoning. It is an emerging tool cities are using to guide the creation of vital, mixed use, urban centers.

Suggested By: *Teresa Bishow*

Reason for Change: Adaptive

Operational Cost: unknown

Complexity: Complex

Related Project: None

Category: C

Code Section: General

Item No 208

Low Impact Development Standards

Low Impact Development (LID) standards are one approach other jurisdictions use to protect natural hydrology (soils, vegetation, drainage ways, groundwater, and surface water), as well as accomplish other goals. The LID approach incorporates many individual stormwater Best Management Practices, but also includes broader conservation, planning and site design principles. LID standards could help Eugene achieve stormwater and natural resource protection goals, as well as some broader Council (and neighborhood) interests--such as reducing the otherwise potentially high impact of opportunity-sited or infill development, making it more attractive and compatible with existing neighborhoods and palatable to residents. Staff is currently reviewing the land use code to look for existing code sections that may present barriers to use of "green infrastructure". However, LID is quite different than "green infrastructure"-it is not based on infrastructure at all, but on conservation, site design, etc. It is also not clear if this review of code will include a review of LID approaches used by other jurisdictions, and proposals for additional Low Impact Development standards or incentives to be added to Eugene's development code.

Eugene should consider promoting LID through modifications to the existing code to require or encourage: site fingerprinting, cluster design, protection of native soils from compaction during development, focusing development on more poorly draining soils, preserving better draining soils, limits on impervious surface area, protection of native vegetation and trees, etc.

Suggested By: *Becky Riley*

Reason for Change: Adaptive

Operational Cost: High

Complexity: Complex

Related Project: Infill

Code Section: Stormwater impacts

Item No 177

Incorporate findings from the City/County Stormwater Study to make accurate the recognized waterways and areas subject to periodic flood incidents.

Currently in Santa Clara there are no accurate studies as to how water behaves. Recent development is impacting existing development with increased flood flow.

Suggested By: *Jerry Finigan*

Reason for Change: Adaptive

Operational Cost: Medium

Complexity: Complex

Related Project: None

Category: NA

Code Section:

Item No 212

Appeal fees should be lowered for citizens and neighborhood groups

Change rate structure to reduce land use appeal fees for Neighborhood Associations and Community Organization. Previous cap (about \$250) was reasonable.

Suggested By: *Rob Handy*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: 7.700

Item No 203

Systems Development Charges - equitable share for secondary dwelling units

The current practice of charging the same SDC's for Secondary Dwellings and other small infill projects as for new development is unduly onerous and appears to violate the following code provisions:

7.700 SDC - Purpose. The purpose of the systems development charge is to impose an equitable share of the public cost of capital improvements upon those developments that create the need for or increase the demands on capital improvements.

7.702 SDC - Scope. ... A systems development charge is to be considered in the nature of a charge for service rendered or to be rendered, a service hookup charge, or a charge for facilities provided or to be provided.

7.710 SDC- Methodology.

(1) ... The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of then- existing facilities.

(2) The methodology used to establish or modify the public improvement charge shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related and shall provide for a credit against the improvement fee for the construction of any qualified public improvement.

Secondary Dwellings and other small infill developments should pay reduced SDC's that accurately reflect an equitable share of the public cost. This is clearly substantially less than the cost incurred from large-scale developments distant from existing public systems.

Suggested By: *Susannah Meininger*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Category: NA

Code Section: 7.xxxx

Item No 230

Sidewalk installation and width

In order to overcome resistance to the installation of sidewalks in existing neighborhoods, often due to the cost, I would like to see code amended to allow a property tax deduction given to property owners who voluntarily install a sidewalk in front of their property. If the City is worried that this would lead to too much loss of revenue, then the number of applications per year could be limited or the deduction could be depreciated over several years.

There is also resistance to installing ADA compliant, five foot wide sidewalks in areas with mitigating factors such as mature trees or where major landscaping would be required. However, in many cases, a three foot wide sidewalk would be acceptable. As is, it is either a five foot sidewalk or nothing. This does not serve the disabled community nor the infirm, parents with strollers, small children on bicycles or anyone else who must then share the street with moving vehicles. Let's amend code to allow three foot sidewalks where mitigating factors are declared with the provision that an encumbrance is placed on the property requiring that the sidewalk be expanded to five feet wide when conditions change (such as the trees dying) or when the property is sold.

Suggested By: *Carlos Barrera*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: 9.7000s

Item No 130

Public Access

Provide more meaningful land use information online. (Require developers to provide PDF's on plans and permits).

Suggested By: *Open House*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: 9.7605(2)/ Fee

Item No 189

Land use appeal. Waive the land use appeal fee for remonstrances from city neighborhood organizations

This is a crucial step in getting land use right. If a group representing the entire community cannot oppose destructive development because they are non-profit and have no income, democracy is subverted.

Suggested By: *Jerry Finigan*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Category: NA

Code Section: 9.76xx / Fee

Item No 123

Appeal Cost

Successful appeals should be refunded (planning commission overrules a planner) to uphold the code - due diligence. Appeals should be encouraged rather than being cost-prohibitive.

Suggested By: *Open House*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: 9.806x

Item No 121

Code changes

Allow public to comment (pros and cons) on the suggested code changes.

Suggested By: *Open House*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: Chapter 6

Item No 220

Street Trees. Require street trees in new development

Require planting of street trees in currently un-planted planting strips.

Suggested By: *Marilyn Mohr*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: None

Code Section: Enforcement issue

Item No 42

Parking

Enforce available parking per unit.

Suggested By: *David Hinkley*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Category: NA

Code Section: Fee

Item No 195

Revise land use application

Some land use fees are prohibitive for neighborhood associations.

As city-recognized, non-profit citizen organizations, the neighborhood associations should be exempt from most fees.

Recommended fee changes for Neighborhood Associations:

- Refinement Plan Amendment and (if necessary) associated Metro Plan Amendment: No charge.
- Appeals (all): 25% of original fee, maximum \$250.

Recommended appeal fee changes for all parties:

- Refund full appeal fee if decision is reversed or modified.

Suggested By: *Paul Conte*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: NA

Code Section: General

Item No 158

Make love, not Brownfields

Suggested By: *Open House*

Reason for Change: not applicable

Operational Cost: not applicable

Complexity: not applicable

Related Project: None