

Jefferson Westside Neighbors DEPT OF

A City-Chartered Neighborhood Association

www.jwneugene.org

JAN 19 2012

LAND CONSERVATION
AND DEVELOPMENT

January 18, 2012

Oregon Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2524

RE: Petition for an enforcement order against the City of Eugene

Dear Commissioners,

As directed by the **Jefferson Westside Neighbors** Executive Board, I am filing this petition with the Land Conservation and Development Commission for an enforcement order, as described below pursuant to OAR 660-045-0060.

The Jefferson Westside Neighbors (JWN) is chartered by the City of Eugene as the neighborhood organization that encompasses all properties that are the subject of this petition.

Per 660-045-0060(1)(a)

The JWN ("Requester") hereby petitions the Land Conservation and Development Commission ("LCDC") for an enforcement order pursuant to ORS 197.319 to 197.335, based on the provisions of ORS 197.320(1), which state:

197.320 Power of commission to order compliance with goals and plans. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions into compliance with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission has good cause to believe:

- (1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

2011-2012 Executive Board

Paul Conte, Chair; Stephen Heider, Vice Chair

Kirsten Kelso, Treasurer; Sue Cummings; Angie Towle; Michael Kresko; Jess Hampton

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The City of Eugene ("City") is not in compliance with the Goal 2 Land Use Planning requirement that:

"City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268." OAR 660-015-0000(2)
(Emphasis added.)

The Oregon Supreme Court in *Baker v. City of Milwaukie* (21 OR 500 (1975)) has clarified the relationship of a zoning ordinance and the comprehensive plan, as well as the City's responsibility to ensure the zoning ordinance is consistent with the comprehensive plan:

"Likewise, the City of Milwaukie, upon adopting a comprehensive plan, had a duty to implement that plan through the enactment of zoning ordinances in accordance therewith.

In summary, we conclude that a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it. We further hold that the zoning decisions of a city must be in accord with that plan and a zoning ordinance which allows a more intensive use than that prescribed in the plan must fail." (Emphasis added.)

In the present case, the City continues to apply the R-3 Limited High-Density Residential Zone to over two hundred tax lots that are designated Medium Density Residential (MDR) in the comprehensive plan. The R-3 Zone is inconsistent with the MDR plan designation, as is clear from the descriptions of residential zones in the Eugene Land Use Code and the descriptions of the Low, Medium and High Density Residential designations in the *Eugene-Springfield Metropolitan Area Plan* ("Metro Plan"). (See Attachments J, K and L.)

Further, the City's past zone change approval practices provide additional evidence that the City considers the R-2 Medium-Density Residential Zone to be consistent with *only* the MDR plan designation, and the R-3 Limited High-Density Residential Zone to be consistent with *only* the High Density Residential (HDR) plan designation. Requester notes that City staff have acknowledged in discussions with Requester that the R-3 Zone is inconsistent with the MDR plan designation.

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ORS 197.320 and the decision in *Baker v. City of Milwaukie* require the City to bring its land use regulations into compliance with the acknowledged comprehensive plan provisions.

The City of Eugene has not complied with this requirement, and therefore Requester requests the commission adopt an enforcement order to secure the compliant zoning sought in the Requester's initial request to the City.

Specifically, Requester asks that DLCDC compel the City to change the zoning of the tax lots identified in Requester's request (Attachments A and G), to R-2 Medium-Density Residential Zone so that these lots' zoning will be consistent with the lots' Medium Density Residential plan designation.

Per 660-045-0060(1)(b)

The City's reply to Requester's request (Attachment B) was non-responsive and did not comply with the requirements of OAR 660-045-0050. Attachment C lists the OAR 660-045-0050 requirements by section and identifies the associated City response or lack of response.

Although the City's letter stated "the City intends to take action which will correct any zone / designation conflicts identified in Requester's request," the City did not provide a meaningful plan to accomplish this end, as required by OAR 660-045-0050(3)(a).

The City also failed to provide any information regarding planned changes in how the relevant plans' policies and the zoning regulations will be applied or interpreted differently, as required by OAR 660-045-0050(3)(b).

The City also provided no citations to any specific provisions of plans or code that are actually to be amended or applied differently, as required by OAR 660-045-0050(3)(c). The City's letter makes only general references to the *Metro Plan* diagram's Medium Density Residential designation for the subject properties and to the Eugene Zoning Map assignment of the R-3 Limited High-Density Residential Zone to the subject properties.

Finally, the City provided no schedule, target dates or approximate length of time required to correct the zone/designation conflicts identified in Requester's request, as required by OAR 660-045-0050(3)(d).

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The City's response provides no indication of what the City intends to do other than to "address zone / designation conflicts as a component of its 'Envision Eugene' project." As a member of the City's Envision Eugene Community Resource Group (EE-CRG), and having served as chair of one of the EE-CRG committees, I'm well-informed of Envision Eugene tasks, deliverables and schedules; and there are no tasks or deliverables in any Envision Eugene project plan that directly address correcting the non-compliant zoning that's the subject of this petition.

The remainder of the City's response simply describes a number of general Envision Eugene activities and hypothetical actions the City *might* take. Such generalities are not a sufficient response to the requirements of OAR 660-045-0050.

Requester also notes that, prior to sending the January 6, 2012 reply, the City made no attempt to contact Requester after receiving Requester's request, other than to acknowledge receipt of the request.

Requester has made every effort to seek a reasonable plan to resolve the City's non-compliant zoning, but Requester has encountered nothing but delay and stonewalling, as recounted in the November 5, 2011 e-mail to the Eugene City Council. (See Attachment D.) Requester is seeking an enforcement order only as a last recourse.

Per 660-045-0060(1)(c)

As a result of the non-compliant R-3 zoning, the City has already approved a building permit allowing more than fifty percent *higher* density than the maximum density allowed by the Medium Density Residential plan designation and the R-2 zone that is consistent with the MDR plan designation. (See Attachment E.)

Despite Requester's repeated requests, the City has refused to provide assurances that it will comply with the maximum density allowed by the MDR plan designation or by the maximum density and building height allowed by the R-2 zone that is consistent with the plan designation.

The subject properties lie in two residential subareas of the *Westside Neighborhood Plan* (the encompassing refinement plan) that have a mixture of detached single-family homes, duplexes and triplexes, and multi-family apartments that are generally consistent in density and height with the MDR designation and current R-2 zoning standards. Much of the existing development in these subareas is historical in character.

As part of a close-in, older neighborhood that has suffered “blight-and-flight” in the past, the subject areas remain at risk of destabilization from various factors. Allowing non-compliant development with double the allowable density and forty percent larger structures would likely further exacerbate traffic and parking conflicts, accelerate the loss of characteristic residential structures, increase the loss of open space and large trees, and fuel the decline in home ownership. All these factors were considered during the two-year community process that developed the *Westside Neighborhood Plan* and resulted in the Medium Density Residential plan designation being identified as the most appropriate alternative to ensure the future stability and livability of the two subareas¹.

Per 660-045-0060(2)

The required documents are provided as the following attachments:

- (a) The request mailed to the affected local government or district
Attachment A. (See also Attachment D, e-mail transmittal to Eugene City Council.)
- (b) A receipt or certificate showing how and when that request was mailed to the affected local government or district
Attachment A, final page.
- (c) The affected local government or district's response (if any) to the request
Attachment B. (See also Attachment C.)
- (d) Any maps or photographs that illustrate the type, extent, or location of the alleged noncompliance
 - Attachment F, pages 1 and 2, plan and zone boundaries.
 - Attachment G – Table of tax lots
 - Attachment H – Tax lot map
 - Attachment I – Aerial images of tax lots

¹ I was a member of the “Westside Planning Team” that wrote the *Westside Neighborhood Plan* and have first-hand knowledge of the planning team’s discussions about the two subareas involved in this case. The intent was for these subareas to maintain and rehabilitate existing residential structures and to maintain development at no more than medium density, as reflected in the adopted refinement plan designation. See Attachment K.

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(e) Documentation of the noncompliance alleged in the request, including but not limited to the following:

(A) Records of noncompliant actions taken by the affected local government or district, such as approvals, permits, rezonings, plan amendments, and amendments of land use regulations

Attachment E. Approval of non-compliant building permit.

(B) Requirements from the comprehensive plan, land use regulation, special district cooperative agreement, urban growth management agreement, goal, rule, or other regulation or agreement, as described in ORS 197.320(1) to 197.320(10) and ORS 197.646, with which the affected local government or district has not complied.

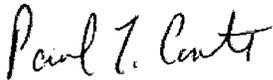
- For citations, see Attachment A, attachment to letter, under sections addressing OAR 660-045-0040(3). See also Attachment F, pages 3 to 6.
- For *Eugene-Springfield Metropolitan Area Plan* cover, table of contents and cited sections, see Attachment J.
- For *Westside Neighborhood Plan* cover, table of contents and cited sections, see Attachment K.
- For Eugene Code land use code table of contents and cited sections, see Attachment L.

In conclusion, City officials and staff consistently admonish citizens that land use decisions must abide by the rules, regardless of how affected citizens may feel about the decisions.

Requester asks no more than that the City also "play by the rules" and cease trying to sidestep its responsibility to comply with its comprehensive plan.

Accordingly, Requester respectfully asks DLCD to issue an enforcement order to ensure the City complies with its own comprehensive plan by implementing zoning that is consistent with the plan designations for the subject lots.

Sincerely,



Paul Conte, Chair

1461 W. 10th Ave., Eugene, OR 97402

Chair@jwneugene.org 541.344.2552

cc: Eugene Mayor Kitty Piercy; Eugene City Council; Eugene City Manager Jon Ruiz

Attachment A.

Jefferson Westside Neighbors

A City-Chartered Neighborhood Association
www.jwneugene.org

November 4, 2011

Jon Ruiz, Manager
City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401

RE: Notice of intent to petition the Land Conservation and Development Commission
for an enforcement order

Dear Mr. Ruiz,

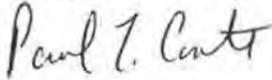
As directed by the **Jefferson Westside Neighbors** Executive Board, I am serving the City of Eugene notice that we intend to petition the Land Conservation and Development Commission for an enforcement order, as described in the attached request as required by OAR 660-045-0040.

The City is required by OAR 660-045-0045 to respond to this request within sixty (60) days.

Despite our best efforts to work with City staff on resolving this noncompliance, the Planning Division staff has been totally unresponsive, forcing us to take this action.

We would appreciate your prompt action to bring the City into compliance with the comprehensive plan.

Sincerely,



Paul Conte, Chair
1461 W. 10th Ave.
Chair@jwneugene.org 541.344.2552

cc:

Mayor Kitty Piercy
Ward 1 Councilor George Brown

2011-2012 Executive Board

Paul Conte, Chair; Stephen Heider, Vice Chair
Kirsten Kelso, Treasurer; Sue Cummings; Angie Towle; Michael Kresko; Jess Hampton

ATTACHMENT

INFORMATION AS REQUIRED BY OAR 660-045-0040

The Citizen's Request to the Affected Local Government or District

(2) The citizen's request shall be in the form of a letter containing the following:

(a) the name, address, and telephone number of the requester:

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402
541.344.2552
pconte@picante-soft.com

(b) the name, address, and telephone number of the attorney, if any, who will represent the requester:

N/A

(c) the name and address of the affected local government or district:

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401

(d) a clear statement of the requester's intent to *'petition the Land Conservation and Development Commission for an enforcement order pursuant to ORS 197.319 to 197.335:*

As directed by the Executive Board of the **Jefferson Westside Neighbors**, a city-chartered neighborhood organization, *I intend to petition the Land Conservation and Development Commission for an enforcement order pursuant to ORS 197.319 to 197.335:*

(e) the subsection of the statute on which the petition will be based (ORS 197.320(1) to ORS 197.320(10) or ORS 197.646(3)):

197.320(1)

(f) a statement of facts that establish a basis for seeking enforcement and for invoking the subsection of ORS 197.320 or ORS 197.646 cited by the requester:

(See next section.)

(3) The statement of facts required in subsection (2)(f) shall describe five matters:

(a) the specific provisions of the comprehensive plan, land use regulation, special district cooperative agreement, urban growth management agreement, goal, rule, or other regulation or agreement, as described in ORS 197.320(1) to 197.320(10) or ORS 197.646, with which the affected local government or district is alleged not to comply:

Eugene-Springfield Metropolitan General Area Plan Update 2004.

Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.

Policy A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

1982 Westside Neighborhood Plan (the adopted refinement plan)

Land Use Diagram – Eastern Residential / Mixed Use Area – Policy 1

This area shall continue to be recognized as appropriate for medium-density residential development. Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to non-residential uses shall be discouraged.

Land Use Diagram – Northern Residential Area – Policy #1

The City shall recognize this area as appropriate for medium-density residential development.

(b) any case law or appellate rulings with which the affected local government or district is alleged not to comply:

Oregon Supreme Court in Baker v. City of Milwaukie (21 OR 500 (1975)):

“Likewise, the City of Milwaukie, upon adopting a comprehensive plan, had a duty to implement that plan through the enactment of zoning ordinances in accordance therewith.

In summary, we conclude that a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it. We further hold that the zoning decisions of a city must be in accord with that plan and a zoning ordinance which allows a more intensive use than that prescribed in the plan must fail.”

(c) the nature of the noncompliance alleged in subsection (3)(a):

Despite repeated requests, the City of Eugene has allowed approximately 250 tax lots that are designated in the Eugene-Springfield Metropolitan Plan as “Medium Density Residential” (with a maximum density of 28.56 dwelling units per net) acre to remain zoned R-3 Limited High Density Residential (with a maximum density of 56 dwelling units per net acre).

(d) the lands affected by the noncompliance alleged in subsection (3)(a):

All parcels currently zoned R-3 within the "Eastern Residential / Mixed Use Area" and the "Northern Residential Area" of the **1982 Westside Neighborhood Plan**.

(e) the corrective action the requester seeks from the affected local government or district:

Change the zone of the tax lots identified in 3.d, above, to R-2 Medium-Density Residential Zone, which is consistent with the Medium Density Residential comprehensive plan designation of the tax lots.

(4) If the requester alleges that a pattern of noncompliant decisions by the affected local government or district is the reason for seeking enforcement, the requester's statement of facts also shall describe the following:

N/A

(5) If the requester alleges that a practice of noncompliant decisions by the affected local government or district is the reason for seeking enforcement, the requester's statement of facts also shall contain the following:

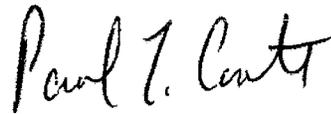
N/A

CERTIFICATE OF SERVICE

Pursuant to OAR 660-0450060, I hereby certify that on November 9, 2011, I served by first class mail the request to which this certificate of service is attached to the following party:

Jon Ruiz, Manager
City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401

Dated: January 18, 2012



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



City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401-2793
(541) 682-5010
(541) 682-5414 FAX
www.eugene-or.gov

January 6, 2012

Paul Conte
1461 West 10th Avenue
Eugene, OR 97402

Dear Mr. Conte:

I received your letter, mailed on November 9, 2011, asserting that Jefferson Westside Neighbors ("JWN") intends to seek a citizen-initiated enforcement order from the Land Conservation and Development Commission ("LCDC"). This letter constitutes the City's written response to your letter.

Your letter asserts that approximately 250 parcels within JWN's boundaries are zoned in a way that is inconsistent with policies from the Metro Plan (the regional comprehensive plan) and policies from a City refinement plan. You identify the subject parcels as "[a]ll parcels currently zoned R-3 within the 'Eastern Residential / Mixed Use Area' and the 'Northern Residential Area' of the 1982 Westside Neighborhood Plan." I understand that the subject parcels are in the Metro Plan's R-2 Medium Density Residential land use designation and are subject to refinement plan text that indicates a medium density designation but that these parcels are in Eugene's R-3 Limited High Density Residential zone. JWN believes that this zone / designation combination results in a conflict with respect to the allowed uses and densities on the parcels. JWN would like the City to resolve the issue by taking action to down-zone all of the subject parcels from the R-3 zone to Eugene's R-2 Medium Density Residential zone.

Your letter cites ORS 197.320(1) as the basis for JWN's proposed LCDC enforcement order. From the City's perspective, it is not clear that there is an inconsistency in need of correction pursuant to ORS 197.320(1). Nonetheless, with this letter, I am informing you that the City intends to take action which will correct any zone / designation conflicts identified in JWN's request. The remainder of this letter describes the City's intent.

The parcels identified by JWN are among many other parcels, located throughout the City's many neighborhoods, with zoning that may be at odds with current plan designations or policies. The City intends to address this issue in a programmatic way, not on an ad hoc basis, with one neighborhood taking priority over all others.¹ The City intends to address zone /

¹As you know, at the urging and with the involvement of JWN, the City has been particularly attentive to concerns raised by JWN in recent years. The City has developed, adopted and applied two entirely new Special Area Zones for land within JWN's boundaries. The Chambers Special Area Zone was adopted and applied to JWN properties in December 2005 and the Jefferson-Westside Special Area Zone was adopted and applied to JWN properties in December 2009. In addition, in March 2007, the City changed the land use designations in its comprehensive plan and in the Jefferson/Far West Refinement Plan to resolve a zone/plan consistency concern with respect to another JWN area known as "Area 15."

Paul Conte
January 6, 2012
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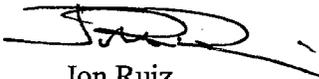
designation conflicts as a component of its "Envision Eugene" project, with which you are familiar.

It would not be prudent for the City to place the Envision Eugene work on hold to immediately address the concerns raised in your letter. Not only is the "Envision Eugene" project the highest planning priority for the City's long range planning staff, it presents the right context for the City to consider and act on zone / designation consistency issues like the one identified by JWN. The Envision Eugene project will include the establishment of a new Eugene Urban Growth Boundary (UGB) and a combination of actions that will demonstrate that the land within the new UGB is sufficient in terms of acres and allowed densities to accommodate the City's needs for the next 20-years. Potential actions include proposals to: revise the Metro Plan and refinement plans, to adopt a new Eugene-specific comprehensive plan and plan diagram, to change the zoning and/or land use designations of parcels throughout the City and to make changes to the uses and densities permitted in specific zones and land use designations. The concerns raised in your letter may also be addressed by revising current plan policies, adopting a new Eugene-specific comprehensive plan, changing the zoning or land use designations for some properties and/or changing the uses and densities that are permitted in some land use designations. Taking action to address JWN's concerns outside of the Envision Eugene process would result in, at least, inefficiency and redundancy of work or, worse, the City Council acting on cross purposes.

As noted above, JWN has requested that the City resolve the alleged conflict between the subject parcels' R-3 Limited High Density Residential zone and their R-2 Medium Density Residential Metro Plan designation by down-zoning all of the subject parcels to Eugene's R-2 zone. However, assuming there is a conflict under ORS 197.320(1), other possible resolutions may be considered. Because any resolution would require action by the Eugene City Council, I cannot be certain how JWN's concerns will ultimately be addressed. While the down-zoning sought by JWN is one possible solution, the City Council could alternatively change the plan designation of the parcels to R-3 to correlate with the parcels' zone, or revise plan or code text to eliminate the perceived density conflicts. With approximately 250 properties at issue, it is also possible that the City Council could take different actions with respect to different parcels. You have not indicated whether the owners of the subject parcels are supportive of JWN's proposal to downzone them. Testimony from the owners may influence the City Council's decision-making.

Considering this response, I hope that JWN chooses to engage in the upcoming local process to address its issues instead of seeking an enforcement order from LCDC. The local process will include notice and hearings before the Planning Commission and City Council.

Sincerely,



Jon Ruiz
City Manager

cc: City Council

Attachment C.

OAR 660-045-0050

The Local Government or Special District's Response to a Citizen's Request

- (3) If the affected local government or district will take corrective action, its statement of the intended action must specify the following:

"Nonetheless, with this letter, I am informing you that the City intends to take action which will correct any zone / designation conflicts identified in JWN's request."

- (a) How the provisions of any relevant plan, regulation, agreement, or process will be amended;

*"The City intends to address zone / designation conflicts as a component of its 'Envision Eugene' project ****

Potential [Envision Eugene] actions include proposals to: revise the Metro Plan and refinement plans, to adopt a new Eugene-specific comprehensive plan and plan diagram, to change the zoning and/or land use designations of parcels throughout the City and to make changes to the uses and densities permitted in specific zones and land use designations. The concerns raised in your letter may also be addressed by revising current plan policies, adopting a new Eugene-specific comprehensive plan, changing the zoning or land use designations for some properties and/or changing the uses and densities that are permitted in some land use designations.

Because any resolution would require action by the Eugene City Council, I cannot be certain how JWN's concerns will ultimately be addressed. While the down-zoning sought by JWN is one possible solution, the City Council could alternatively change the plan designation of the parcels to R-3 to correlate with the parcels' zone, or revise plan or code text to eliminate the perceived density conflicts. With approximately 250 properties at issue, it is also possible that the City Council could take different actions with respect to different parcels."

- (b) How the provisions of any relevant plan, regulation, agreement, or process will be applied or interpreted differently;

The City provided no information regarding planned changes in how the relevant plans' policies and the zoning regulations will be applied or interpreted differently.

- (c) Precise citations to the provisions of any plan, regulation, agreement, or process to be amended or applied differently; and

The City provided no citations to any specific provisions of plans or code to be amended or applied differently. General references are made to the *Eugene-Springfield Metropolitan Area Plan* diagram's "Medium-Density Residential" designation for the subject properties and to the Eugene Zoning Map assignment of the R-3 Limited High-Density Residential Zone to the subject properties.

- (d) The schedule for the action to be taken.

The City provided no schedule, target dates or approximate length of time required.

Attachment D.

Subject: Request to correct noncompliant R-3 zoning
From: Paul Conte <pconte@picante-soft.com>
Date: 11/5/2011 1:49 PM
To: MayorAndCouncil <MayorAndCC@ci.eugene.or.us>
BCC: paul.t.conte@gmail.com

November 5, 2011

Dear Mayor and City Councilors,

After six months of futile attempts to have the City address substantial noncompliant R-3 Limited High Density zoning in two areas that are designated "Medium Density Residential" (MDR) in both the *Metro Plan* and the *Westside Neighborhood Plan*, the **Jefferson Westside Neighbors (JWN)** Executive Board directed me to begin proceedings to seek an enforcement order from the Oregon Land Conservation and Development Commission (LCDC).

On Friday, the City Manager was sent the attached formal request for compliance and has sixty days to respond.

I've attached a complete "guide" to this issue, which explains the City's noncompliance.

Prior to proceeding, I sought the opinions of three local land use attorneys, the local area Department of Land Conservation District (DLCD) representative and a member of the Lane Council of Governments staff. There was complete agreement that the R-3 zone is inconsistent with the MDR designation. The Deputy City Attorney subsequently acknowledged this fact, as well.

On May 31, 2011, I advised the Acting Planning and Development Department (PDD) Director of this issue and asked that staff confirm the inconsistent zoning and take prompt action to correct the zoning.

I also advised the Acting PDD Director of a recent building permit approval that allowed high-density development on one of the MDR lots, in violation of State land use statutes.

Since that time, despite repeated requests and two meetings, the Planning Division staff have taken no action and have not indicated any intent to correct the problem.

I also accepted an invitation from the local DLCD representative to try to mediate an agreement with the City; however, nothing came out of that either.

As a last attempt by the JWN board to resolve this issue collaboratively, on October 20, at the JWN board's direction, I notified the Acting PDD Director that the JWN would initiate a petition for an LCDC enforcement order unless the City made a credible commitment to rectify the noncompliance. At my request, the Acting PDD Director and the Deputy City Attorney met with me to try to resolve the issue without requiring an LCDC enforcement order. Despite a cordial meeting

that satisfactorily addressed some other pending issues, no action or commitment with respect to the noncompliant zoning was forthcoming.

The JWN is seeking nothing more than that the City "play by the rules." It's highly ironic that while Planning staff waves the lofty "pillars" of Envision Eugene as the way they will lead us past Eugene's history of conflicts over development, staff appear uninterested in ensuring that Eugene's adopted comprehensive plan is followed.

I would be happy to provide further information to the Mayor or councilors, if you wish.

Respectfully,

Paul Conte, Chair

Jefferson Westside Neighbors

2010 Eugene Neighborhood of the Year

2011 National Neighborhood of the Year Finalist

541.344.2552

— Attachments: —

City Manager 4-Nov2011 re Compliance order.pdf	636 KB
Guide to noncompliant R-3 zone on medium density lots.pdf	891 KB

527 W 10TH AVE APT 1
EUGENE, OR 97401

Attachment E.

House #	527	Suffix	N/A	Pre-directional	W
Street Name	10TH	Street Type	AVE	Unit type / #	APT 1
Mail City	EUGENE	State	OR	Zip Code	97401
Zip + 4	N/A	Create Date	Mar 25, 2011	Update Date	N/A

[Land Use](#) 1133 Apartment With 5 To 19 Units
USPS Carrier Route N/A

Additional site address(es) attached to this tax account (First 5 of 10)

- 527 W 10TH AVE APT 2
- 527 W 10TH AVE APT 3
- 527 W 10TH AVE APT 4
- 527 W 10TH AVE APT 5
- 527 W 10TH AVE APT 6

General Taxlot Characteristics

Geographic Coordinates

X 4237528 Y 878965 (State Plane X,Y)
Latitude 44.0492 Longitude -123.1009

Zoning

Zoning Jurisdiction Eugene

Parent Zone R-3 LIMITED HIGH-DENSITY RESIDENTIAL

Land Use

General Land Use

Code Description

M Multi-Family

Detailed Land Use

Code Description

1133 Apartment With 5 To 19 Units

Taxlot Characteristics

Incorporated City Limits	EUGENE
Urban Growth Boundary	Eugene
Year Annexed	1889
Annexation #	N/A
Approximate Taxlot Acreage	0.25
Approx Taxlot Sq Footage	10,890
2000 Census Tract	3900
2000 Census Block Group	3
Plan Designation	Metro Plan Map
Eugene Neighborhood	Jefferson Westside Neighbors
Metro Area Nodal Dev Area	No
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

[top](#)



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General Information

Address: 527 W 10TH AVE **Log Number: 10-07316-01**

Project Description: **New 8 unit apartment building, (Unit designations are 1-8)**

Received date: **12/30/10** Type: **Commercial** Status: **Issued**
 Target to first review: **02/04/11** Map TaxLot: **17-03-31-24 03500** Zoning:
 Permit ready to issue as of: **03/12/11** Subdivision: **Elias Stewards Addtn** Addition: Block: **3**
 Application will expire on: Lot: **9** Project **KSHostetler** Coordinator: **541-682-5237**

For the list of contractors working on the project, click here [Contractors](#)

Permits Applied For Are Listed Below:

Permit Type	Status	Issued Date	Permit Printed	Expiration Date	Completion Date
Building	Finished	03/14/11	03/16/11	09/07/12	09/12/11
Electrical	Finished	03/14/11	03/16/11	09/07/12	09/12/11
Fire	Finished	03/14/11	03/16/11	09/07/12	09/12/11
Mechanical	Finished	03/14/11	03/16/11	09/07/12	09/12/11
Plumbing	Finished	03/14/11	08/25/11	09/07/12	09/12/11
Public Works	Finished	03/14/11	03/16/11	09/07/12	09/12/11

[Inspection Details](#) [Plan Review Summary](#) [Fee Summary](#)

[Print Certificate](#) [New Search](#)



CITY OF EUGENE CERTIFICATE OF OCCUPANCY



This document certifies that the work constructed under permit **10-07316-01** at **527 W 10TH AVE** has been inspected for compliance with the requirements of the applicable codes for the occupancy and the use as listed below, and other pertinent laws and ordinances pertaining to the building construction and must be maintained in compliance with codes in effect at construction time.

Project Description:

New 8 unit apartment building, (Unit designations are 1-8)

Certificate Instructions:

None

Owner: OUR PROPERTY HOLDINGS ONE LL
3956 MIRROR POND WAY
EUGENE OR 97408

Application Date: 12/30/2010
Completion Date: 9/12/2011

Construction Type: 5BS
Occupancy Group: R2
Design Occupant Load: 0
Sprinkler System: Yes Required
Building Code: 2010 Oregon Structural Specialty Code

Stuart Ramsing
A handwritten signature in black ink that reads "STUART RAMSING".
Eugene Building Official

Attachment F.

Guide to the Non-compliant R-3 Zoning of "Medium Density Residential" Lots within the Westside Neighborhood Plan

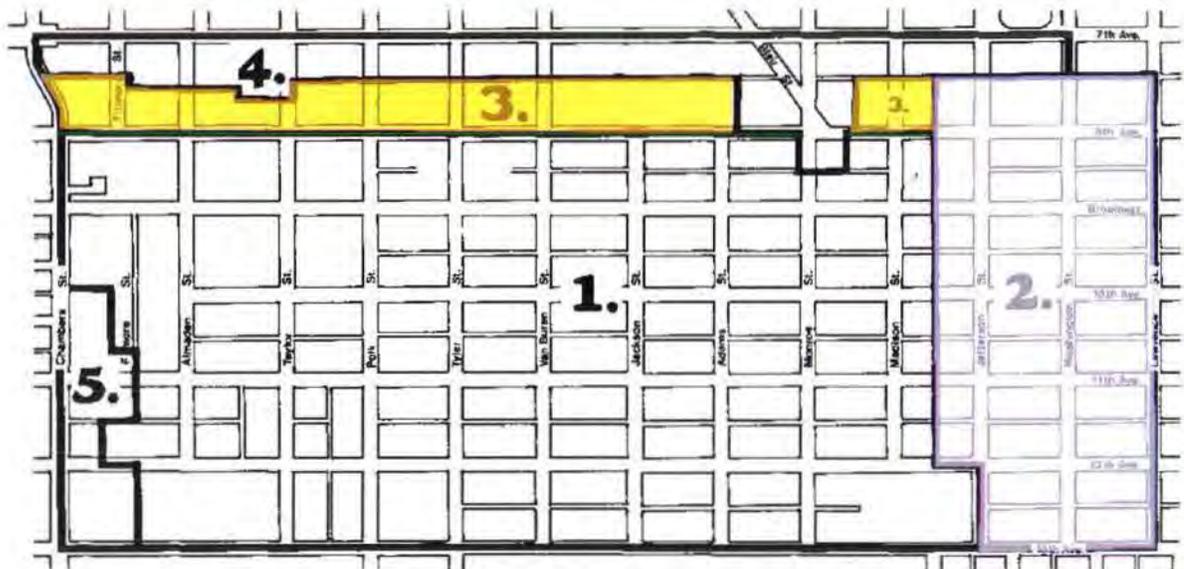
Summary of issue

Approximately 200 tax lots, covering around twenty-percent (50-60 acres of 250-300 acres total) of the area covered by the 1987 Westside Refinement Plan (WNP) and within the Jefferson Westside Neighbors (JWN) boundaries, are improperly zoned R-3 Limited High-Density Residential Zone because the R-3 zone is not legally consistent with the lots' designation as "Medium Density Residential" (MDR) on the Metro Plan Diagram and in the diagram and policies of the WNP. To correct this error, the lots should be rezoned to R-2 Medium Density Residential Zone, which is the zone specifically intended to implement the MDR designation.

Geographic area

The areas in which these lots are found are defined as the "Eastern Residential / Mixed-Use Area" and the "Northern Residential Area" in the WNP, as depicted on the following map. Both areas are designated "medium density residential."

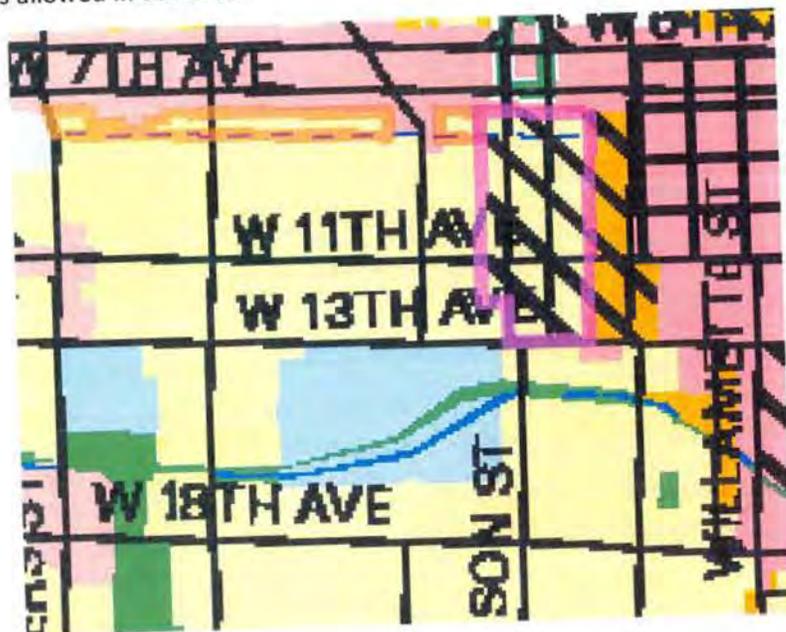
W E S T S I D E P L A N



Land Use Diagram

- 1. Central Residential Area
- 2. Eastern Residential/Mixed Use Area
- 3. Northern Residential Area
- 4. West 7th Avenue Commercial Area
- 5. Chambers Street Commercial Area

The areas are depicted on the following section of the current Metro Plan Diagram. (A fuchsia line depicts the "Eastern Residential / Mixed Use Area," and orange lines depict the two parts of the "Northern Residential Area.") Both are designated "Medium Density Residential." The hash marks on the Eastern Residential / Mixed Use Area indicate a "Mixed Use" overlay; however, this is only in recognition of commercial uses that existed as of the adoption of the WNP in 1987. No new commercial zoning is allowed in this area.



The areas are depicted on the following section of the Eugene Zoning Map. The gold color indicates R-3, pink indicates C-2 and light blue indicates Downtown Westside Special Area Zone (S-DW).



Applicable policies and code

Metro Plan

Policy A.2 of the Metro Plan requires:

Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.

Policy A.9 of the Metro Plan defines the density ranges as follows:

Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

Westside Refinement Plan

In the WNP, Policy #1 for the "Eastern Residential / Mixed Use Area" states:

This area shall continue to be recognized as appropriate for medium-density residential development. Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to non-residential uses shall be discouraged.

In the WNP, Policy #1 for the "Northern Residential Area" states:

The City shall recognize this area as appropriate for medium-density residential development.

In the WNP, Policy #1 for the "Land Use Element" states:

Prevent erosion of the neighborhood's residential character.

Eugene Code defines "residential character" at EC 9.0500 as:

A combination of qualities and features that gives identity to a particular area where the predominant use is housing and that distinguishes the area from other areas.

Under Land Use Policy #1, the WNP sets forth the following “Implementation strategies”:

- 1.1 *Encourage those engaged in residential development to preserve the existing single-family character through mechanisms such as block planning, alley access parcels, and rehabilitation of existing residential structures.*
- 1.2 *Amend the Zoning Ordinance to require site review approval for residential developments of four or more units.*
- 1.3 *Initiate a zoning subdistrict for the properties along the west side of Jefferson Street between 8th and 12th Avenues from R-3 Multiple Family Residential to R-3/20. (Maximum of 20 units per acre instead of 35.)¹*
- 1.4 *Discourage conditional uses that would convert residential uses to non-residential uses.*

Eugene Land Use Code

Eugene Code defines the R-2 and R-3 zones as follows:

9.2710 Purpose of R-2 Medium-Density Residential Zone. *The purpose of the R-2 Medium-Density Residential zone is to implement the Metro Plan by providing areas for medium-density residential use and encourage a variety of dwelling types. The R-2 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the medium-density residential area. (Emphasis added.)*

Table 9.2750 Residential Zone Development Standards *defines the min-max density range for R-2 as 10 to 28 dwellings per net acre (du/na).*

9.2720 Purpose of R-3 Limited High-Density Residential Zone. *The purpose of the R-3 Limited High-Density Residential zone is to implement the Metro Plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units and multiple-family dwelling units. The R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.*

Table 9.2750 Residential Zone Development Standards *defines the min-max density range for R-3 as 20 to 56 dwellings per net acre (du/na).*

The names, purposes and density ranges (specifically the maximum densities) establish the following:

- The R-2 zone is consistent with the Metro Plan MDR designation.
- The R-3 zone is consistent with the Metro Plan “High Density Residential” (HDR) designation.

¹ The current R-2 zone allows 28 du/na, which exceeds the recommended /20 residential density range. As noted in the implementation strategy, the R-3 zone at the time the WNP was adopted was only 35 du/na; whereas R-3 now allows 56 du/na.

Similarly, the name, purpose and density range (specifically the maximum density) establish that the R-3 zone is not legally consistent with the Metro Plan MDR designation, and therefore violates Metro Plan Policy A.2.

Eugene Code defines the approval criteria for a zone change as follows:

9.8865 Zone Change Approval Criteria. *Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:*

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.*
- (2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.*

...

Eugene Code defines the approval criteria for a code amendment, including changes to the names, purposes and density ranges of residential zones, as follows:

9.8065 Code Amendment Approval Criteria. *If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:*

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

...

Thus, both the Metro Plan and Eugene Code require that:

- a) When a tax lot is rezoned, the lot's new zone must be consistent with the lot's Metro Plan and refinement plan designations; and
- b) When the code that defines a zone is amended, the new zone definition must be consistent the Metro Plan and refinement plan designation(s) of all the lot's to which that zone applies.

As explained above, the R-3 zone is not consistent with Metro Plan policy A.9 and is not consistent with the WNP policies applicable to lots in the "Eastern Residential / Mixed-Use Area" and "Northern Residential Area."

Eugene’s R-3 zoning district is noncompliant on “Medium Density Residential” lots

Oregon Supreme Court in Baker v. City of Milwaukie (21 OR 500 (1975)) states:

“Likewise, the City of Milwaukie, upon adopting a comprehensive plan, had a duty to implement that plan through the enactment of zoning ordinances in accordance therewith.

In summary, we conclude that a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it. We further hold that the zoning decisions of a city must be in accord with that plan and a zoning ordinance which allows a more intensive use than that prescribed in the plan must fail.”

The City of Eugene has not followed the requirements of *Baker v. City of Milwaukie* and therefore the R-3 zoning district is noncompliant in the “Eastern Residential / Mixed-Use Area” and “Northern Residential Area” Of the WNP.

Land Use Code Update unlawfully amended the R-3 zone

The noncompliance arose when City Council adopted the Land Use Code Update (LUCU) in 2001. LUCU amended the R-3 zone by renaming and redefining R-3 as a zone to implement the Metro Plan high-density residential range and not accompanying this change with concurrent action to prevent the R-3 zone from remaining in effect on tax lots designated as medium-density residential. This change did not meet approval criteria in EC 9.8065 (2), and thus was unlawful.

The appropriate action would have been to concurrently rezone all MDR lots as R-2, since LUCU also amended the R-2 zone by renaming and redefining R-2 as the zone to implement the Metro Plan medium-density residential range.

Corrective action

Almost a decade has passed since the MDR lots *should* have been rezoned to R-2. Such rezoning remains the proper way to address the existing noncompliance and make the subject lots’ zoning consistent with the Metro Plan and Westside Neighborhood Plan.

Although in other cases, changing a group of lots from R-3 to R-2 might raise the question of Goal 10 compliance; this is not an issue here, since the assumed housing capacity for the affected lots was based on their long-standing medium-density residential designation, not the R-3 density range. Further, since R-2 is the clear and unchallenged zone that implements the entire medium-density range, there is no argument that rezoning to R-2 would lower the assumed housing capacity for these lots.

There also should be no issue of “fairness” to property owners because the amendments to the R-3 definition were unlawfully applied to their property in the first place. The property owners are entitled to no more than what the long-standing MDR designation allows, which is set forth in the R-2 zone.

History of the Northern Residential Area

The Northern Residential Area was originally zoned in 1935 as part of the R-2 Multiple Family Residence District, which was the only residential district other than R-1 Single Family Residence District. (See Ordinance 8413.)

In 1948, the code was amended to redesignate R-2 as Two-Family Residential District, and the R-3 Multiple Family Residence District was added to the residential zones. The Northern Residential Area remained part of the R-2 Two-Family Residential District. (See Ordinance 9188.)

By 1968, the area was rezoned RG Garden Apartment to act as a transition between commercial uses on W. 7th Avenue and residential uses south of W. 8th Avenue. The district was intended to provide a high quality environment for apartment dwellers by requiring open space for use by residents. (See WNP 3-9.)

In March 1972, the "1990 Plan" was adopted and designated this area as "Medium Density Residential", which was defined as "11-20 dwellings per acre." The 1990 Plan was the initial version of the Eugene-Springfield comprehensive plan.

In September 1977, the 1977 Westside Neighborhood Plan was adopted. (See Resolution 2747 and 1987 WNP Appendix 2-1.) One of the Land Use Policies was:

Through appropriate zoning provisions, maintain a medium-density level of development by conserving single-family homes and ensuring that new homes and apartments will be physically compatible with existing homes and the neighborhood's existing character.

In February and March of 1982, the 1980 Metro Plan was adopted and continued the designation of this area as "Medium Density Residential", which was defined as "Over 10 through 20 dwellings per gross acre." This area was also designated with a "Mixed Uses" overlay. (See Ordinances 18686 and 18927.)

In March 1985, the RG District was eliminated and all property zoned RG was rezoned to R-3. (See WNP 3-9.)

On January 12, 1987, the Metro Plan Diagram was amended to remove the "Mixed Uses" overlay from this area. (See Ordinance 19443.)

On the same date, the 1987 Westside Neighborhood Plan was adopted, and this area was once again designated as "medium-density." Ordinance 19444 contained explicit language making clear that the WNP was the legal description of the Northern Residential Area's designation:

Section 3. The land use diagram included in the Westside Neighborhood Plan is hereby adopted as a refinement to the Eugene-Springfield Metropolitan General Area Plan diagram and the explanatory text discussing each segment of the diagram is recognized as clarifying and providing further intent of the Metro Plan Diagram."

In April 2000, an updated version of the "1987 Metro Plan Update" was published, which folded in all the plan amendments through that date. The Plan Diagram designated the Northern Residential Area as "Medium Density Residential", which was defined as "Over 10 through 20 dwellings per gross acre" or "Over 14.28 through 28.56 dwellings per bet acre." This area was no longer designated with a "Mixed Uses" overlay.

In February and May 2001, the Land Use Code Update (LUCU) changed the names, purposes and density ranges for the R-2 and R-3 zones. R-2 Medium-Density Residential Zone implemented the Metro Plan MDR designation, and R-3 Limited High-Density Residential Zone implemented the lower range of the Metro Plan HDR designation.

In April 2004, the Metro Plan Diagram was revised as part of a set of “housekeeping” amendments intended to correct inconsistencies in the plan diagram with respect to refinement plans, including the WNP. The Plan Diagram wasn’t changed for the Northern Residential Area, which continued to be designated as “Medium Density Residential.”

In summary, the Northern Residential area has always been designated as “Medium Density Residential.”

History of the Eastern Residential / Mixed-Use Area

The Eastern Residential / Mixed-Use Area was originally zoned in 1935 as part of the R-2 Multiple Family Residence District, which was the only residential district other than R-1 Single Family Residence District. (See Ordinance 8413.)

In 1948, the code was amended to redesignate R-2 as Two-Family Residential District, and the R-3 Multiple Family Residence District was added to the residential zones. The Eastern Residential / Mixed-Use Area was rezoned as R-3 at that time. (See WNP 3-7.)

In 1965, the Planning Commission adopted a policy of favorable consideration for zone change requests from R-3 to commercial zoning east of Washington Street. By 1970, a significant portion of the area east of Washington Street was zoned C-2. (See WNP 3-7.)

In March 1972, the “1990 Plan” was adopted. The 1990 Plan was the initial version of the Eugene-Springfield comprehensive plan. The Metropolitan Area Plan Diagram was a hand-colored “blob” map with indistinct area boundaries, having some uncolored areas and lacking north-south streets in the Eastern Residential / Mixed-Use Area. What can be determined from this diagram is that there was a “High Density Residential” area to the west of the “Commercial” area covering downtown, and there was a “Medium Density Residential” to the west of the “High Density Residential” area. The dividing point was somewhere in the vicinity of Lawrence, Washington or Jefferson Streets. The 1990 Plan defined “Medium Density Residential” as “11-20 dwellings per acre” and defined “High Density Residential” as “Over 20 dwellings per acre.”

In March 1977, City Council established the Westside Mixed Use District to 1) maintain the primary residential use and character of the area, 2) provide for existing office and small commercial uses as well as some limited additional uses, and 3) retain major landscape features which enhance the character of the area. The City subsequently changed the zone of several tax lots between Washington and Lincoln Streets and W. 7th and 13th Avenues from C-2 Community Commercial to MU Mixed Use. (See WNP 3-7.)

In September 1977, the 1977 Westside Neighborhood Plan was adopted. (See Resolution 2747 and 1987 WNP Appendix 2-1.) One of the Land Use Policies was:

Through appropriate zoning provisions, maintain a medium-density level of development by conserving single-family homes and ensuring that new homes and apartments will be physically compatible with existing homes and the neighborhood's existing character.

In February and March of 1982, the 1980 Metro Plan was adopted and included a somewhat more clearly delineated "blob" map for the Plan Diagram. On this diagram, Jefferson Street appears to be the dividing line with the area west of Jefferson Street designated as "Medium Density Residential" and the area to the east of Jefferson Street as "High Density Residential." In this version of the plan, "Medium Density Residential" was defined as "Over 10 through 20 dwellings per gross acre," and "High Density Residential" was defined as "Over 20 dwellings per gross acre." Both subareas (east and west of Jefferson St.) were also designated with a "Mixed Uses" overlay. (See Ordinances 18686 and 18927.)

In August 1984, the Planning Commission established a policy of not approving zone changes from R-3 to MU based on the finding that such zone changes would decrease the emphasis on residential use in the area by increasing the amount of non-residential uses allowed. (See WNP 3-8.)

On January 12, 1987, the Metro Plan Diagram was amended to remove the "Mixed Uses" overlay from the area west of Jefferson Street. (See Ordinance 19443.)

On the same date, the 1987 Westside Neighborhood Plan was adopted, and this area was designated as "medium-density." Ordinance 19444 contained explicit language making clear that the WNP was the legal description of the Eastern Residential / Mixed-Use Area's designation:

Section 3. The land use diagram included in the Westside Neighborhood Plan is hereby adopted as a refinement to the Eugene-Springfield Metropolitan General Area Plan diagram and the explanatory text discussing each segment of the diagram is recognized as clarifying and providing further intent of the Metro Plan Diagram."

The WNP included "mixed-use" in the title for this area, but only to recognize the existing commercial uses. Policy # 1 for the Eastern Residential / Mixed-Use Area clearly states:

Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to non-residential uses shall be discouraged.

In April 2000, an updated document for the "1987 Metro Plan Update" was published, which folded in most plan amendments through that date. The Plan Diagram designated the Eastern Residential / Mixed-Use Area to the west of Jefferson Street as "Medium Density Residential", which was defined as "Over 10 through 20 dwellings per gross acre" or "Over 14.28 through 28.56 dwellings per bet acre." This area was no longer designated with a "Mixed Uses" overlay. The Plan Diagram designated the Eastern Residential / Mixed-Use Area to the east of Jefferson Street as "High Density Residential", which was defined as "Over 20 dwellings per gross acre" or "Over 28.56 dwellings per bet acre." This area retained a "Mixed Uses" overlay. It appears the designation of the eastern subarea as HDR was an error because the Metro Plan had been amended by the adoption of the 1987 Westside Refinement Plan, and the text of the WNP (which supersedes the Metro Plan Diagram) clearly established the entire Eastern

Residential / Mixed-Use Area as “medium-density residential.” There were no other Metro Plan amendments that changed the eastern subarea’s “medium-density residential” designation.

In February and May 2001, the Land Use Code Update (LUCU) changed the names, purposes and density ranges for the R-2 and R-3 zones. R-2 Medium-Density Residential Zone implemented the Metro Plan MDR designation, and R-3 Limited High-Density Residential Zone implemented the lower range of the Metro Plan HDR designation.

In April 2004, the Metro Plan Diagram was revised as part of a set of “housekeeping” amendments intended to correct errors and inconsistencies in the plan diagram with respect to refinement plans, including the WNP. The Plan Diagram corrected the error mentioned above and correctly designated the entire Eastern Residential / Mixed-Use Area as “Medium Density Residential.”

In summary, the entire Eastern Residential / Mixed-Use Area has been designated as “Medium Density Residential” since at least January 12, 1987. The current Plan Diagram’s depiction of the “Mixed Use” overlay is only a recognition of commercial uses that are “grandfathered” in, and none of the area has allowed additional commercial uses since 1984.

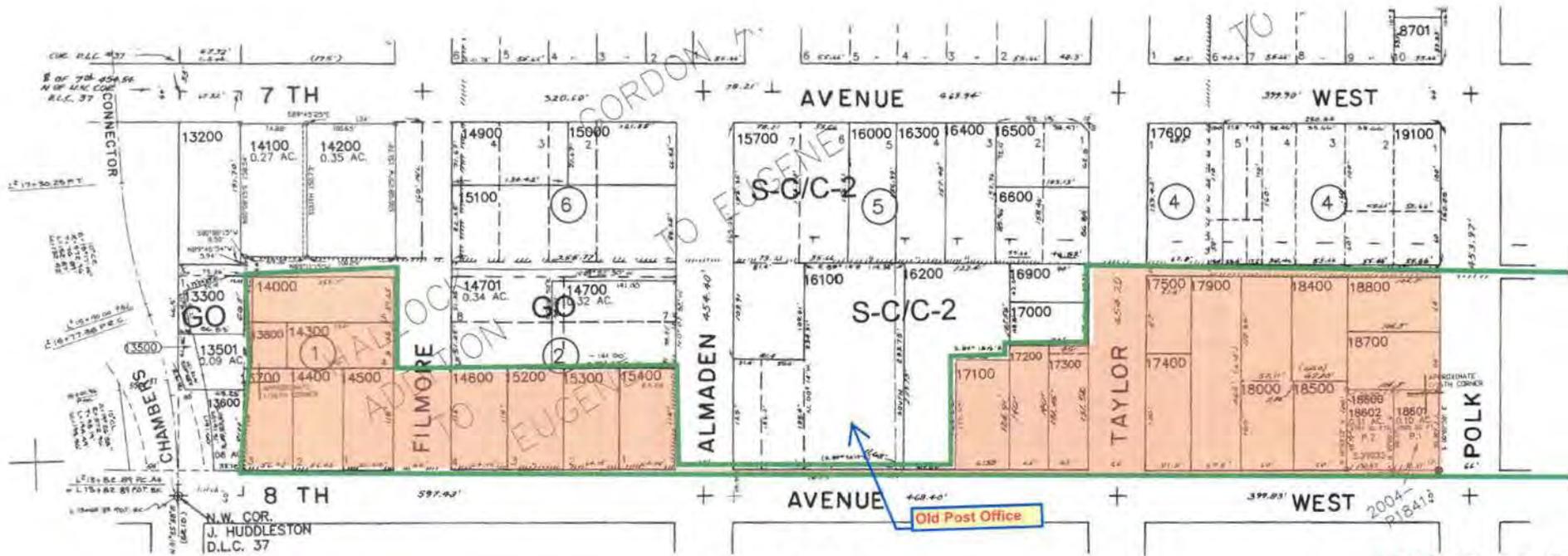
Map	Taxlot	Address
17033121	11300	759 Madison St
17033121	11400	767 Madison St
17033121	11600	691 W 8th Ave
17033121	11700	673 W 8th Ave
17033121	12100	Vacant
17033121	12201	633 W 8th Ave
17033121	12300	792 Jefferson St
17033121	12400	Vacant
17033121	12401	760 Jefferson St
17033121	12500	752 Jefferson St
17033121	12600	642 W 7th Aly
17033121	13300	755 Jefferson St
17033121	13400	777 Jefferson St
17033121	13500	595 W 8th Ave
17033121	13601	571 W 8th Ave
17033121	14100	555 W 8th Ave
17033121	14200	529 W 8th Ave
17033121	14300	509 W 8th Ave
17033121	14400	780 Washington St
17033121	14500	766 Washington St
17033122	9300	995 W 8th Ave
17033122	9400	981 & 995 W 8th Ave
17033122	9500	967 W 7th Aly
17033122	9800	953 W 8th Ave
17033122	9901	941 W 8th Ave
17033122	9902	935 W 8th Ave
17033122	10000	Jade West Parking lot
17033122	10001	871 W 8th Ave
17033122	10600	871 W 8th Ave
17033122	12400	Church of the Nazarene Parking lot
17033122	12900	768 Madison St
17033122	13100	731 W 8th Ave
17033122	13300	Church of the Nazarene Parking lot
17033124	1000	842 Washington St
17033124	1100	522 W 8th Ave
17033124	1200	532 W 8th Ave
17033124	1300	552 W 8th Ave
17033124	1400	570 W 8th Ave
17033124	1500	580 W 8th Ave
17033124	1600	805 Jefferson St

Map	Taxlot	Address
17033124	1700	841 Jefferson St
17033124	1800	859 Jefferson St
17033124	1900	591 W Broadway
17033124	2000	575 W Broadway
17033124	2100	561 & 563 W Broadway
17033124	2200	549 W Broadway
17033124	2300	531 W Broadway
17033124	2400	513 W Broadway
17033124	2500	858 Washington St
17033124	2600	934 Washington St
17033124	2700	910 Washington St
17033124	2800	552 W Broadway
17033124	2900	572 W Broadway
17033124	3000	592 W Broadway
17033124	3100	939 Jefferson St
17033124	3200	961 Jefferson St
17033124	3300	971 Jefferson St
17033124	3400	577 W 10th Ave
17033124	3500	531 W 10th Ave
17033124	3600	515 W 10th Ave
17033124	3700	960 Washington St
17033124	3800	943 Washington St
17033124	3900	492 W Broadway
17033124	4000	470 W Broadway
17033124	4100	450 W Broadway
17033124	4900	445 W 10th Ave
17033124	5000	465, 467 & 473 W 10th Ave
17033124	5100	491 W 10th Ave
17033124	5200	973 Washington St
17033124	5300	961 Washington St
17033124	5600	Vacant
17033124	6300	1060 Washington St
17033124	6400	1074 Washington St
17033124	6500	507 W 11th Ave
17033124	6600	531 W 11th Ave
17033124	6700	551 W 11th Ave
17033124	6800	571 W 11th Ave
17033124	6900	591 W 11th Ave
17033124	7000	1061 Jefferson St
17033124	7100	1060 Jefferson St
17033124	7200	601 W 11th Ave

Map	Taxlot	Address
17033124	8100	630 W 10th Ave
17033124	8200	612 W 10th Ave
17033124	8300	1040 Jefferson St
17033124	8400	1035 Jefferson St
17033124	8500	592 W 10th Ave
17033124	8600	572 W 10th Ave
17033124	8700	556 W 10th Ave
17033124	8800	528 W 10th Ave
17033124	8900	512 W 10th Ave
17033124	9000	1038 Washington St
17033124	9100	537 W 10th Aly
17033124	9600	938 Jefferson St
17033124	9700	910 Jefferson St
17033124	10400	639 W Broadway
17033124	10500	860 Jefferson St
17033124	10600	814 Jefferson St
17033124	10700	628 W 8th Ave
17033131	900	1159 Washington St
17033131	1000	1177 Washington St
17033131	1100	491 W 12th Ave
17033131	1200	461 W 12th Ave & 462 W 11th Aly
17033131	1300	455 W 12th Ave
17033131	2100	1104 Washington St
17033131	2200	1128 Washington St
17033131	2300	1144 & 1146 Washington St
17033131	2400	534 W 11th Ave
17033131	2500	552 W 11th Ave
17033131	2600	572 W 11th Ave
17033131	2700	594 W 11th Ave
17033131	2800	1145 Jefferson St
17033131	2900	1161 Jefferson St
17033131	3000	1177 Jefferson St
17033131	3100	1193 Jefferson St
17033131	3200	569 W 12th Ave
17033131	3300	547 W 12th Ave
17033131	3400	527 W 12th Ave
17033131	3500	1160 Washington St
17033131	3600	1190 Washington St
17033131	3700	618 W 11th Ave
17033131	3800	1138 Jefferson St

Map	Taxlot	Address
17033131	3900	634 W 11th Ave
17033131	4900	631 W 12th Ave
17033131	5000	1172 Jefferson St
17033131	5100	1192 Jefferson St
17033131	5300	590 W 12th Ave
17033131	5400	1245 Jefferson St
17033131	5500	572 W 12th Ave
17033131	5600	556 W 12th Ave
17033131	5700	530 W 12th Ave
17033131	6000	1258 Washington St
17033131	6100	1274 Washington St
17033131	6200	1292 Washington St
17033131	6300	531 W 13th Ave
17033131	6400	551 W 13th Ave
17033131	6501	571 W 13th Ave
17033131	6502	576 W 12th Aly
17033131	6600	1259 Jefferson St
17033131	6700	1275 Jefferson St
17033131	6800	587 W 13th Ave
17033131	6900	494 W 12th Ave
17033131	7000	1223 Washington St
17033131	7100	1239 Washington St
17033131	7200	460 & 464 W 12th Ave
17033131	7300	475 W 12th Aly
17033131	7400	458 W 12th Ave
17033131	7500	448 W 12th Ave
17033131	7600	No address
17033131	8400	451 W 13th Ave
17033131	8600	471 W 13th Ave
17033131	8700	1261 Washington St
17033131	8800	1287 Washington St
17043611	12000	755 Polk St
17043611	12100	761 Polk St
17043611	12200	791 Polk St
17043611	12300	1279 W 8th Ave
17043611	12400	1247 W 8th Ave
17043611	12800	1233 W 8th Ave
17043611	12901	780 Tyler St
17043611	13400	1187 W 8th Ave
17043611	13600	1190 W 7th Ave
17043611	13900	1167 W 8th Ave
17043611	14100	1153 W 8th Ave

Map	Taxlot	Address
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17043611	14900	772 Van Buren St
17043611	15000	1144 W 7th Aly
17043611	15100	780 Van Buren St
17043611	15200	1131 W 8th Ave
17043611	15300	1125 W 8th Ave
17043611	15600	787 Van Buren St
17043611	15700	1097 W 8th Ave
17043611	15800	1087 W 8th Ave
17043611	15900	1071 W 8th Ave
17043611	16000	1061 W 8th Ave
17043611	16100	1070 W 7th Aly
17043611	16400	1051 W 8th Ave
17043611	16900	995 W 8th Ave
17043612	13700	1675 W 8th Ave
17043612	13800	Vacant
17043612	14000	754 Fillmore St
17043612	14300	760 Fillmore St
17043612	14400	1657 W 8th Ave
17043612	14500	786 Fillmore St
17043612	14600	1595 W 8th Ave
17043612	15200	1575 W 8th Ave
17043612	15300	1521 W 8th Ave
17043612	15400	1509 W 8th Ave
17043612	17100	1425 W 8th Ave
17043612	17200	1417 W 8th Ave
17043612	17300	1409 W 8th Ave
17043612	17400	1389 W 8th Ave
17043612	17500	755 Taylor St
17043612	17900	1375 W 8th Ave
17043612	18000	1357 W 8th Ave
17043612	18400	Parking lot
17043612	18500	1343 W 8th Ave
17043612	18601	790 Polk St
17043612	18602	Vacant
17043612	18700	778 Polk St
17043612	18800	756 Polk St



Attachment H. Non-compliant R-3 Tax Lots

SEE MAP 17 04 36 13

MAP 17 04 36 12



REVISIONS:
 1/25/2011 - LCAT167 - CONVERT MAP TO GIS
 1/25/2011 - LCAT174 - CANC TL 8300 INTO TL 8400

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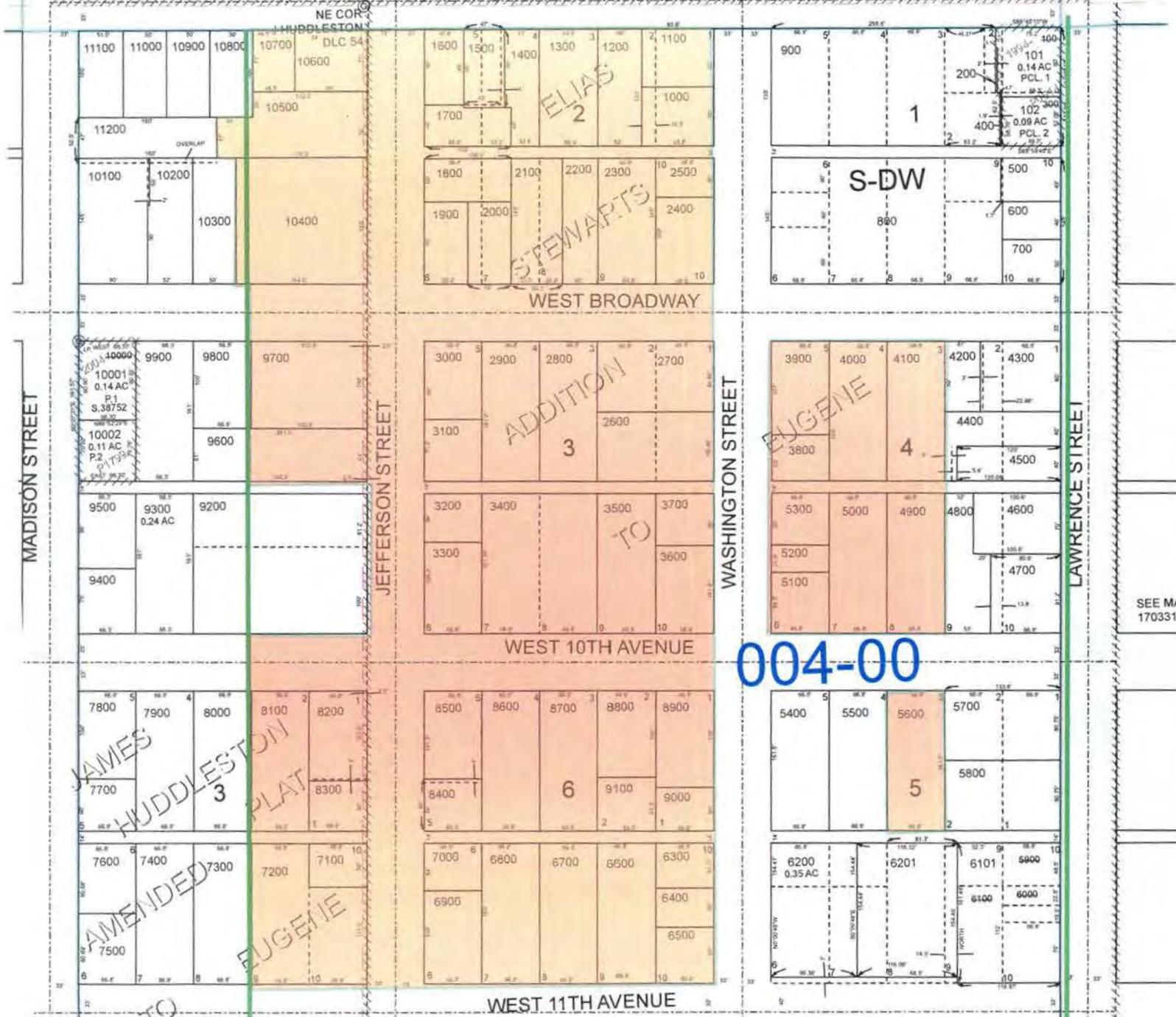
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WEST 8TH AVENUE



SEE MAP
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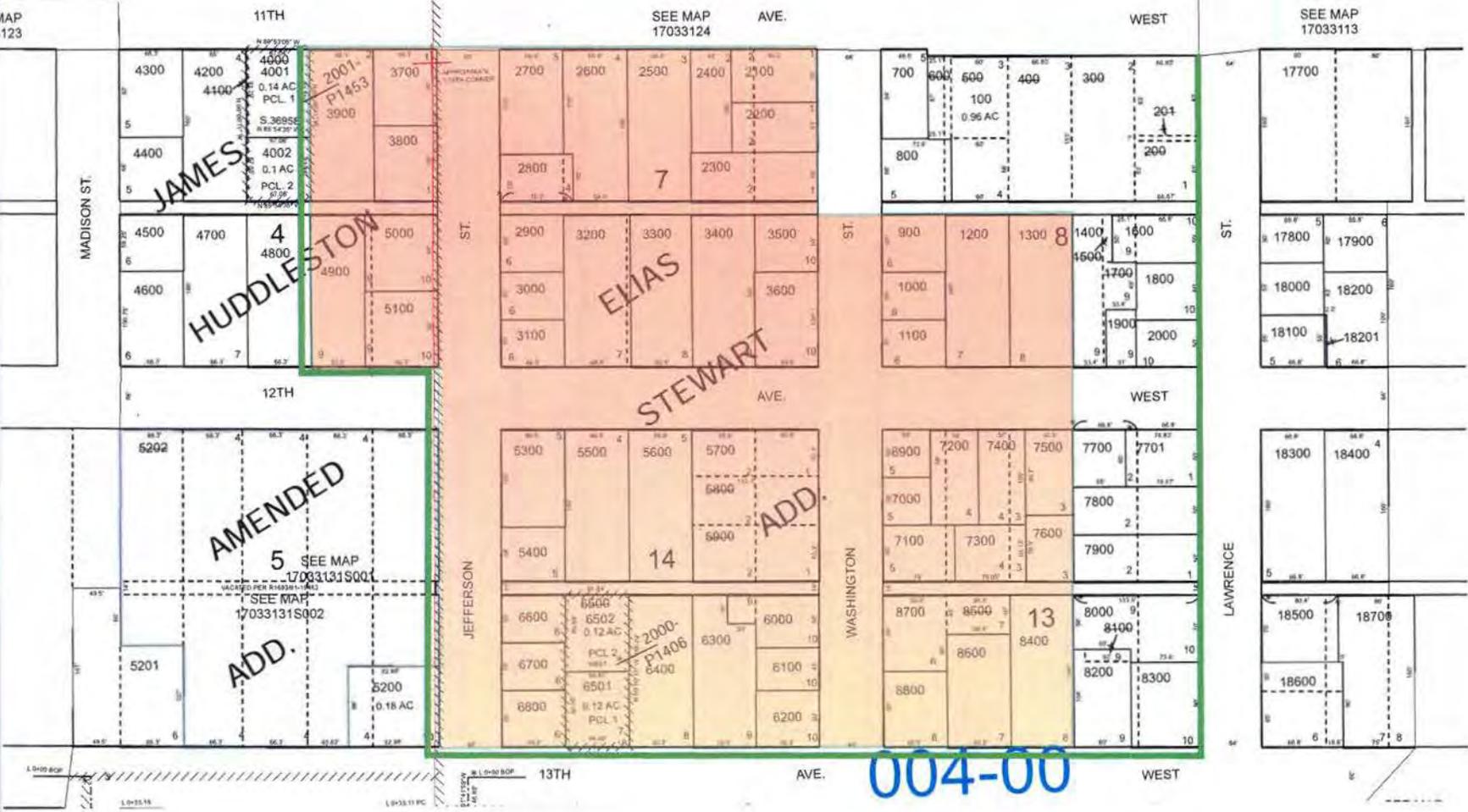
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Lane County
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MAP 17033131
EUGENE

ASSESSMENT AND
TAXATION ONLY

MAP
1123



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 - 4100
 - 500
 - 5202
 - 5800
 - 5900
 - 6500
 - 8100
 - 8500
 - 9000
 - 101
 - 600

Attachment I. Aerial Images of Non-compliant R-3 Areas





39m

W 7th Ave

W 8th Ave

Polk St

W 7th Ave

Taylor St

Almaden St

Almaden St

676

632

1321

1331

1333

710

1390

755

1375

5574

796

776

790

810

1333

1346

1372

1390

845

1352

1409

1412

720

1409

1412

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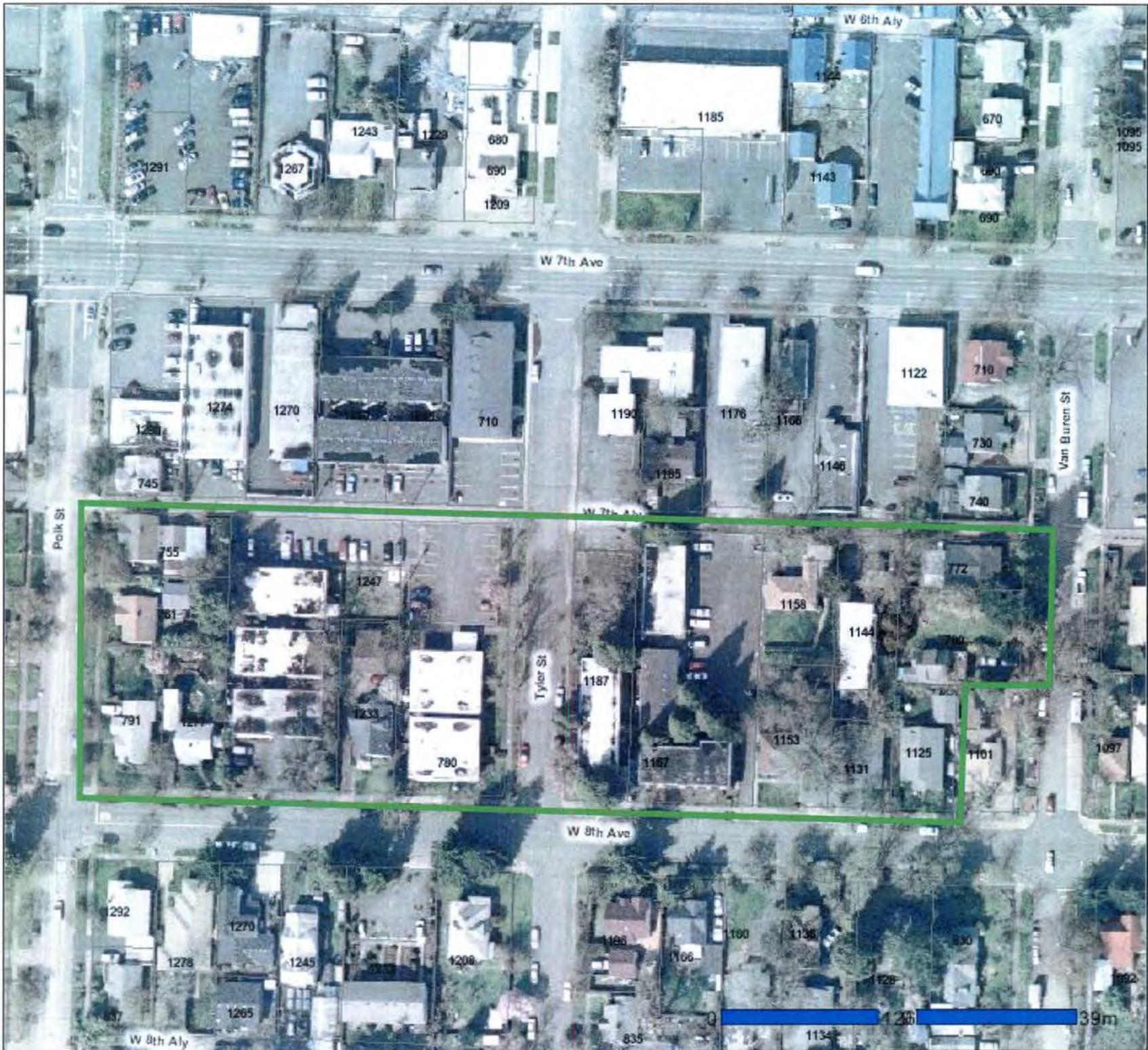
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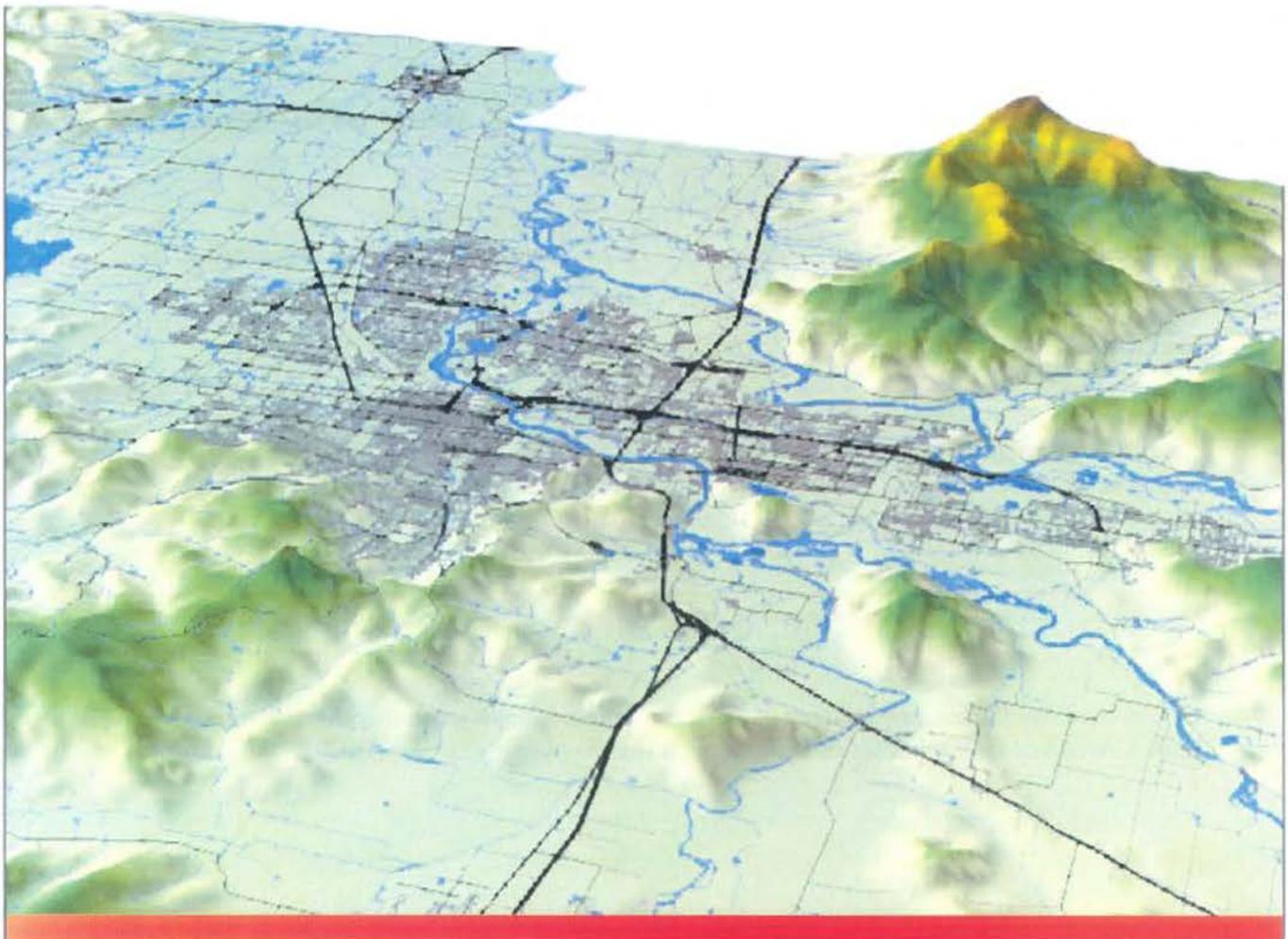






METRO PLAN

EUGENE-SPRINGFIELD
METROPOLITAN AREA GENERAL PLAN
2004 UPDATE



METRO PLAN
Eugene-Springfield Metropolitan Area General Plan
2004 Update

Eugene, Springfield, and Lane County

For information about the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*, contact the following planning agencies:

City of Eugene
Eugene Planning Division
99 West 10th Avenue, Suite 240
Eugene, Oregon 97401
1-541-682-5481

City of Springfield
Development Services Department
225 5th Street
Springfield, Oregon 97477
1-541-726-3759

Lane County
Land Management Division
125 East 8th Avenue
Eugene, Oregon 97401
1-541-682-4061

Lane Council of Governments
99 East Broadway, Suite 400
Eugene, Oregon 97401-3111
1-541-682-4283

For *Metro Plan Replacement Pages* that contain on-going updates to the *Metro Plan*, contact Lane Council of Governments or visit the web site at www.lcog.org/metro.

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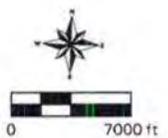
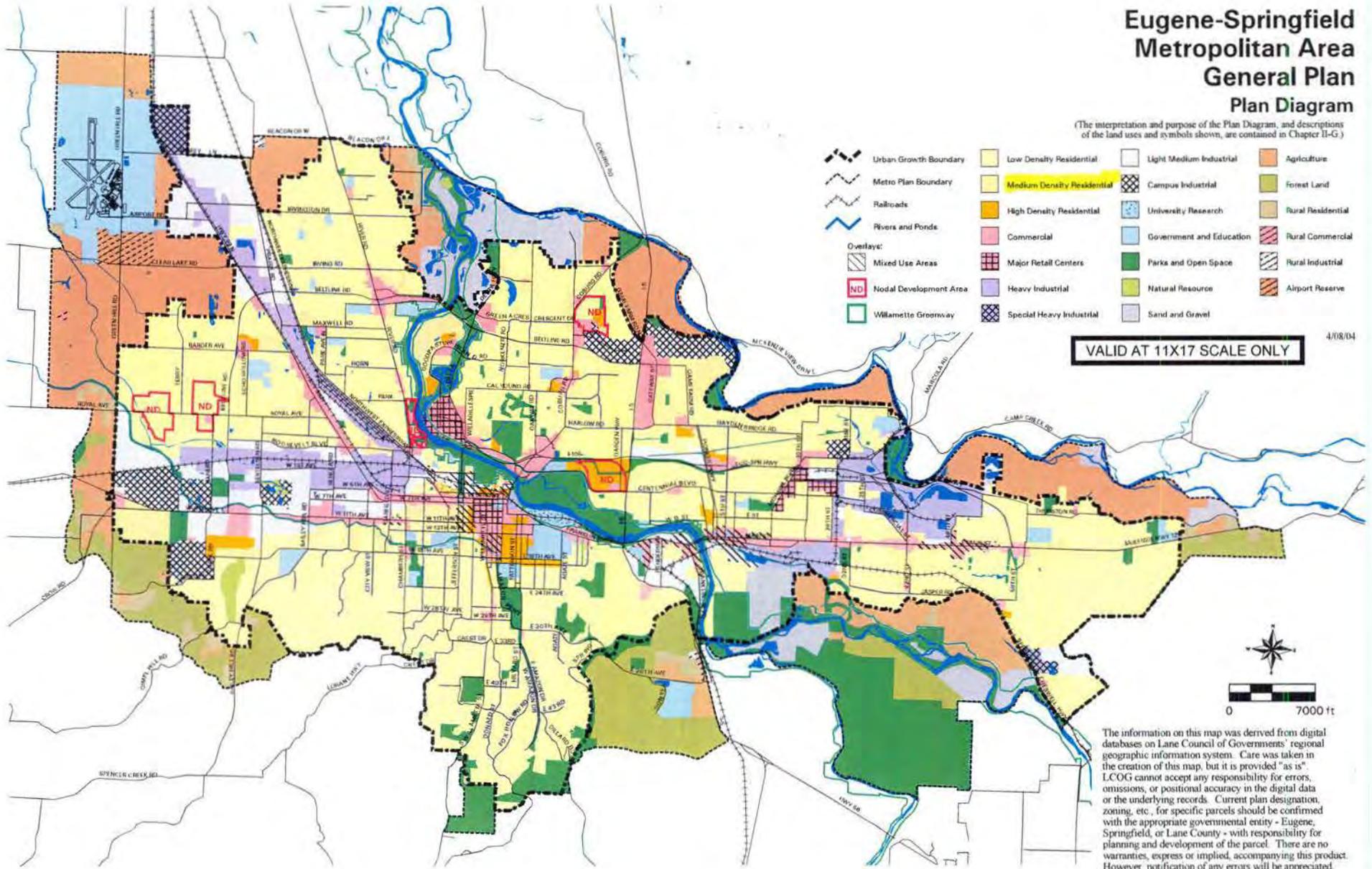
Eugene-Springfield Metropolitan Area General Plan Plan Diagram

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)



VALID AT 11X17 SCALE ONLY

4/08/04



The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate governmental entity - Eugene, Springfield, or Lane County - with responsibility for planning and development of the parcel. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.

Chapter III Specific Elements

A. Residential Land Use and Housing Element

The Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. Land in residential use occupies the largest share of land within the urban growth boundary (UGB). The existing housing stock and residential land supply and its relationship to other land uses and infrastructure are critical to the future needs of all residents.

This element addresses Statewide Planning Goal 10: Housing, "To provide for the housing needs of the citizens of the state." Housing demand originates with the basic need for shelter but continues into the realm of creating communities. The policies contained in this element are based on an analysis of land supply and housing demand, existing housing problems, and the demographic characteristics of the expected future population. Factors that were reviewed to develop a projection of future housing demand were: projected number of households; household income, age, size, and type; and special housing needs. The background material for this analysis is contained in two documents, the *1999 Supply and Demand Technical Analysis* and the *1999 Site Inventory Document*.

The policies in this element provide direction for the local jurisdictions in preparing zoning and development regulations to address future housing needs. Each jurisdiction will be responsible to implement the policies contained in the Residential Land Use and Housing Element. At the time of the annual monitoring report, information on progress made to realize this policy direction will be made available. As local jurisdictions implement this element of the *Metro Plan*, they will analyze the suitability of residential designations in terms of density and location and, based on this analysis, may propose changes to the *Metro Plan* Diagram.

Goal

Provide viable residential communities so all residents can choose sound, affordable housing that meets individual needs.

Findings and Policies

The findings and policies in this element are organized by the following seven topics related to housing and residential land:

- Residential Land Supply and Demand
- Residential Density
- Housing Type and Tenure
- Design and Mixed Use

uses, such as parking lots and single-family dwellings are being replaced with higher density, multi-family development.

10. Since the last Periodic Review of the *Metro Plan* in 1987, there have been only two minor expansions of the UGB for residentially designated land. Each expansion was less than one acre in size.
11. The UGB defines the extent of urban building and service expansion over the planning period. There are geographic and resource constraints that will limit expansion of the UGB in the future. At such time that expansion is warranted, it will be necessary to cross a river, develop agricultural land, or cross over a ridge where the provision of public services and facilities will be expensive.
12. Since adoption of the *Metro Plan*, the supply of residential lands has been reduced as a result of compliance with federal, state, and local regulations to protect wetlands, critical habitat of endangered/threatened species, and other similar natural resources. This trend is likely to continue in order to meet future Statewide Planning Goal 5 and stormwater quality protection requirements.
13. Springfield charges a system development charge for stormwater, wastewater, and transportation. Willamalane Park and Recreation District charges a system development charge for parks. Springfield Utility Board (SUB) charges for water. Eugene charges for stormwater, wastewater, parks, and transportation. Eugene Water & Electric Board (EWEB) charges for water. These charges could be increased in some cases. Currently, state law does not include local systems development charges for fire and emergency medical service facilities and schools. Depending on market conditions, residents of newly constructed housing also pay for services and facilities they receive through local assessment districts, connection charges, direct investment in public infrastructure, and property taxes.

Policies

- A.1 Encourage the consolidation of residentially zoned parcels to facilitate more options for development and redevelopment of such parcels.
- A.2 Residentially designated land within the UGB should be zoned consistent with the *Metro Plan* and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.
- A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.
- A.4 Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.

- A.5 Develop a monitoring system that measures land consumption, land values, housing type, size, and density. Reports should be made to the community on an annual basis.
- A.6 Eugene, Springfield, and Lane County shall encourage a community dialogue, when the annual monitoring report on land supply and housing development is made public, to address future Periodic Review requirements that relate to meeting the residential land supply needs of the metropolitan area.
- A.7 Endeavor to provide key urban services and facilities required to maintain a five-year supply of serviced, buildable residential land.
- A.8 Require development to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing.

Residential Density

Findings

- 14. Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down.
- 15. Recently approved subdivisions are achieving lot sizes on flat land averaging 7,400 square feet in Eugene and 7,800 square feet in Springfield. Comparing the net density⁴ of all Eugene-Springfield metropolitan single family-detached units in 1986 and 1994 indicates that in 1986 the net density was 4.12 units per acre which equates to a 10,573 square foot lot while in 1994, the net density was 4.18 units per acre or a 10,410 square foot lot. These trends indicate that development in low-density is achieving assumed density expectations.
- 16. Although single-family detached lot sizes are decreasing, the *Metro Plan* targeted residential densities for all new development are not being achieved at this time. The *Metro Plan* assumes a net density of 8.57 units per acre (note: translation from 6 units per gross acre⁵) for new development over the planning period. For new dwelling units constructed during 1986 to 1994, the net density was 7.05 units per acre based on the Regional Land Information Database of Lane County (RLID). The estimated average overall residential net density for all residential development has climbed from 5.69 units per acre in 1986 to 5.81 units per acre in 1994.

⁴ Density (Net): The number of dwelling units per each acre of land, excluding areas devoted to dedicated streets, neighborhood parks sidewalks, and other public facilities.

⁵ Density (Gross): The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

17. Both Springfield and Eugene have adopted smaller minimum lot size requirements to allow increased density in low-density residentially designated areas. Even so, density in low-density residentially designated areas does not routinely achieve the higher range of low-density zoning (near 10 units/gross acre) due to the current market and the area requirements for other site improvements such as streets.
18. Offering incentives (e.g., reduced parking requirements, tax abatements) for increased density has not been completely successful in this metro area. In areas where some increase in density is proposed, there can be neighborhood opposition.

Policies

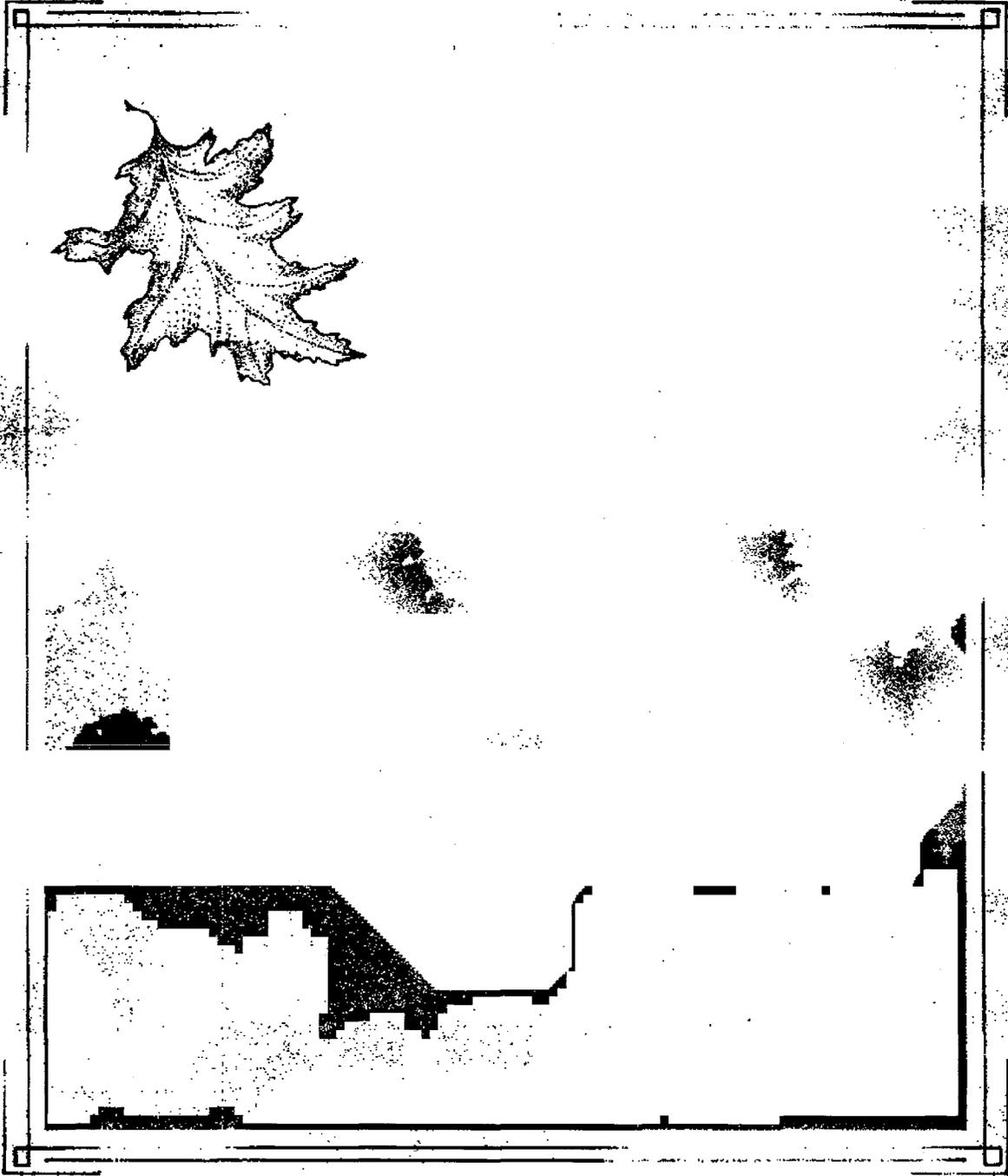
- A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

- A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.
- A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.
- A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.
- A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.
- A.14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.



WESTSIDE NEIGHBORHOOD
PLAN JANUARY 1987

Eugene City Council
(as of Council action date)

Mayor Brian Obie
Ruth Bascom
Rob Bennett
Debra Ehrman
Freeman Holmer
Jeff Miller
Roger Rutan
Emily Schue
Cynthia Wooten

Eugene Planning Commission
(as of Planning Commission referral date)

Dorothy Anderson
Rob Bennett
Jim Ellison
Gerry Gaydos
Eleanor Mulder
Hugh Prichard
Randy Thwing

Westside Neighborhood Planning Team

Paul Conte
Kate Rogers Gessert
Bette Martin
Marilyn Odell
Gary Rayor, Chair

Pearl Roher
Jonathon Stafford, Vice Chair
Patricia Thomas
Cary Thompson

The draft of this plan was prepared by the Westside Neighborhood Planning Team aided by staff from the City of Eugene including the departments of Planning, Administrative Services, Eugene Development, Fire, Parks and Recreation, Police, and Public Works. Assistance was also provided by staff of other public agencies including the Lane Council of Governments, School District 4J, and the Eugene Water and Electric Board.

For more information about the Westside Neighborhood Plan contact:

City of Eugene Planning Department
777 Pearl Street
Eugene, Oregon 97401
1-503-687-5481

Preparation of this report was financially aided through a Federal Community Development Block Grant from the Department of Housing and Urban Development, B-85-MC-41-0001.



WESTSIDE NEIGHBORHOOD PLAN

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Policies/Implementation Strategies

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7-1

Adopting Resolution

LAND USE DIAGRAM

What is the Land Use Diagram?

The Land Use Diagram represents the general future land use patterns that are desired for the Westside Neighborhood. It is a graphic expression of the policies found elsewhere in the plan and is based on a number of factors, including:

1. Unique physical and social features in the neighborhood.
2. The type of existing development.
3. Land use and zoning regulations.
4. The condition of existing structures.
5. Ownership patterns and future development plans of institutions and public agencies in the area.
6. Goals and policies previously adopted by the City Council that have a bearing on the Westside Neighborhood and, in particular, the Eugene-Springfield Metropolitan Area General Plan and the 1984 Eugene Community Goals and Policies.

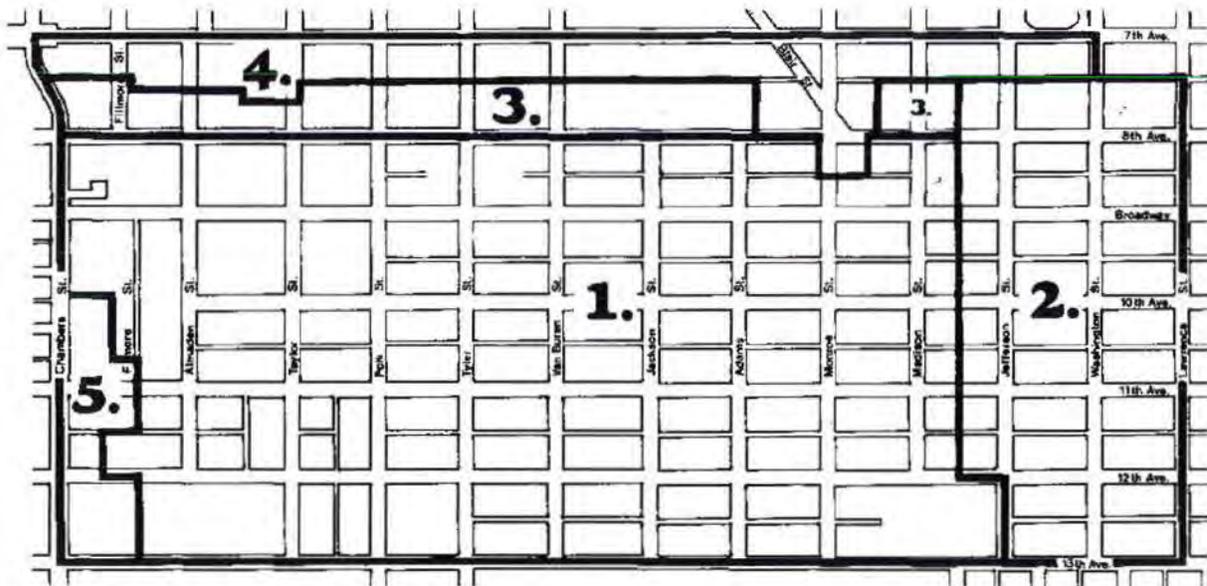
How to Use the Land Use Diagram

The Land Use Diagram and the accompanying policies are meant to be used along with other policies in the Westside Plan and applicable City goals, policies, and plans to evaluate individual land use proposals. It is intended to be a guide for both public and private actions affecting the growth and development of the area.

The Land Use Diagram is not a zoning map. In nearly every case there is more than one zoning district which, if applied, would be consistent with the suggested land use pattern.

The Land Use Diagram is intended to indicate the type of future development that is desired for the area. It is not intended to invalidate existing development.

WESTSIDE PLAN



Land Use Diagram

- | | |
|---------------------------------------|------------------------------------|
| 1. Central Residential Area | 4. West 7th Avenue Commercial Area |
| 2. Eastern Residential/Mixed Use Area | 5. Chambers Street Commercial Area |
| 3. Northern Residential Area | |

Following the Land Use Diagram is text pertaining to each of the five subareas describing general land use characteristics and zoning history and setting forth policies to guide future development.

2. EASTERN RESIDENTIAL/MIXED USE AREA

Description

The portion of this area west of Washington Street is characterized by a mix of older single-family and duplex structures and newer large apartment buildings. There are also two social institutions and the Kaufman Senior Center. The portion of this area east of Washington Street contains a variety of residential structures and retail, office, and institutional uses. In a typical block in this area, the parcel sizes range from approximately 3,500 to 10,700 square feet. Inadequate off-street parking causes inconveniences in the Eastern Residential/Mixed Use area, particularly when downtown offices and stores are open.

Zoning History

In 1948, the area from the half block west of Jefferson Street to roughly the half block east of Washington Street was zoned R-3 Multiple-Family Residential. The remaining portion of the area and extending as far east as Charnelton Street was zoned C-2 Community Commercial. The R-3 zoning remained relatively stable until the early 1960's, when the City began to receive a number of requests for commercial zoning. On July 5, 1965, the Planning Commission adopted a policy of favorable consideration for zone change requests from R-3 to commercial zoning east of Washington Street. By 1970, a significant portion of the area east of Washington Street was zoned C-2.

In 1972, the City recognized the need to re-examine the policy of allowing commercial use in this area and to evaluate the impact of commercial uses on the development of the downtown. In 1974, the Eugene Commercial Study was completed containing the recommendation that major retail expansion occur immediately west of the existing mall with the remainder of the area being rezoned for high-density residential use. A more detailed study of the issue which encompassed the area bounded by Jefferson and Charnelton Streets and 7th and 13th Avenues was completed in July, 1976. The study was entitled Eugene Downtown Westside Alternatives report. Based on one of the alternatives in the report, the Eugene Planning Commission conducted a public hearing in October 1976 to consider rezoning many of the C-2 zoned tax lots to either R-4 High Rise Multiple-Family Residential or RP Residential/Professional. Based on the testimony, however, the Planning Commission tabled the decision to rezone the properties until after a mixed use zoning district could be created.

In March 1977, the City Council established the Westside Mixed Use District to 1) maintain the primary residential use and character of the area, 2) provide for existing office and small commercial uses as well as some limited additional uses, and 3) retain major landscape features which enhance the character of the area. The City subsequently changed the zone of several tax lots between Washington and Lincoln Streets and 7th and 13th Avenues from C-2 Community Commercial to MU Mixed Use.

Since the initial application of the MU Mixed Use District, three privately initiated requests for changes in zone from R-3 Multiple-Family Residential to MU Mixed Use have been reviewed. In December 1980,

approval was granted to rezone two tax lots on the south side of West 10th Avenue east of Washington Street from R-3 to MU. Application of the MU district allowed the conversion of a former church into the Washington Abbey, a 50-unit residential complex with limited commercial activity. In March 1982, a request to rezone one tax lot on the west side of Washington Street between 7th and 8th Avenues from R-3 to MU was approved. It was considered to be a unique situation that would not set precedent for future rezonings west of Washington Street. It was approved to reinforce the residential stability south of West 8th Avenue and to provide a compatible mixed-use transition between commercial uses on West 7th and residential uses to the south.

In August 1984, the Planning Commission considered an appeal of the Hearing Official's decision to deny the request for rezoning the property located at the southeast corner of Washington and West Broadway Streets from R-3 to MU. The Planning Commission upheld the Hearing Official's decision to deny the request. The primary basis for the denial was that the change of zone would decrease the emphasis on residential use in the area by increasing the amount of non-residential uses allowed.

Policies

1. This area shall continue to be recognized as appropriate for medium-density residential development. Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to non-residential uses shall be discouraged.
2. The City shall continue to recognize that the MU Mixed Use District was initially applied to properties zoned C-2 Community Commercial in order to foster concentration of commercial uses within the downtown area and to encourage medium-density residential uses in the Westside. The City shall not allow rezoning of R-3 zoned property to MU Mixed Use. In response to privately initiated zone change requests, the City may consider expansion of the MU District into areas zoned C-2 Community Commercial.
3. The City shall target rehabilitation loans to areas of most need.

3. NORTHERN RESIDENTIAL AREA

Description

This area contains several apartments, small houses, and duplexes, a neighborhood market, and a branch of the post office.

Zoning History

In 1948, most of this area was zoned R-2 Two-Family Residential. By 1968, the area was zoned RG Garden Apartment to act as a transition between commercial uses on 7th Avenue and residential uses south of 8th Avenue. The district was intended to provide a high quality environment for apartment dwellers by requiring open space for use by residents. The northeast corner of Almaden Street and 8th Avenue was and is zoned for commercial use. It is currently used for a branch of the post office. In December 1979, the New Frontier Market, at the northwest corner of Van Buren and 8th, was rezoned from RG Garden Apartment to C-1/SR Neighborhood Commercial with Site Review. In general, the zoning in this area has remained fairly stable. In March 1985, the RG District was eliminated and all property zoned RG was rezoned to R-3. Since 1948 there has been some expansion of the commercial node at the corner of Blair and 8th.

Policies

1. The City shall recognize this area as appropriate for medium density residential uses.
2. The City shall promote residential development that will provide a transition between retail and auto-oriented activities on West 7th Avenue and lower-density residential developments south of West 8th Avenue.
3. In general, the alley (extended) south of West 7th Avenue shall be recognized as a dividing line between commercial uses to the north and residential uses to the south except for the existing commercial node at Blair Street and West 8th Avenue.
4. The City shall encourage alley access and parking to occur in rear yard areas with special landscaping and other amenities provided along West 8th Avenue.

Attachment L.

Eugene Code

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- 9.9690 Whiteaker Plan Policies
- 9.9700 Willakenzie Area Plan Policies
- 9.9710 Willow Creek Special Area Study Policies

Residential Zones

- 9.2700** **Purpose of R-1 Low-Density Residential Zone.** The purpose of the R-1 Low-Density Residential zone is to implement the Metro Plan by providing areas for low-density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.
(Section 9.2700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2705** **Purpose of R-1.5 Rowhouse Zone.** The purpose of the R-1.5 Rowhouse zone is to implement the Metro Plan by providing areas for attached rowhouse dwellings.
(Section 9.2705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2710** **Purpose of R-2 Medium-Density Residential Zone.** The purpose of the R-2 Medium-Density Residential zone is to implement the Metro Plan by providing areas for medium-density residential use and encourage a variety of dwelling types. The R-2 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the medium-density residential area.
(Section 9.2710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2720** **Purpose of R-3 Limited High-Density Residential Zone.** The purpose of the R-3 Limited High-Density Residential zone is to implement the Metro Plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units and multiple-family dwelling units. The R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.
(Section 9.2720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2730** **Purpose of R-4 High-Density Residential Zone.** The R-4 High-Density Residential zone is designed to implement the Metro Plan by providing areas for high-density residential use and is intended to provide an opportunity for a dense living environment. The R-4 zone must ensure that public facilities and services will be provided in a timely manner to adequately serve the projected demand. The R-4 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the high-density residential area.
(Section 9.2730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.2735** **Residential Zone Siting Requirements.** In addition to the approval criterial of EC 9.8865 Zone Change Approval Criteria, a property proposed for the R-1.5 zone shall not exceed the area needed to accommodate up to 8 rowhouse lots and shall be located at least 500 feet, as measured along existing street public right-of-way, from any other property zoned R-1.5.
(Section 9.2735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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9.2630, EC 9.2631 and EC 9.2640.

(Section 9.2741, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; Ordinance 20302, enacted November 10, 2003, effective December 10, 2003; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Minimum Net Density per Acre (1)	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre (1)	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5)					
Main Building. Includes Secondary Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building. Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet	20 feet	25 feet	30 feet	30 feet
Minimum Building Setbacks (2),(4),(6),(8),(9),(10)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (11)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (excluding education, government and religious uses and buildings located on Flag Lots in R-1 created after December 25, 2002)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet

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Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
Maximum Lot Coverage					
All Lots, Excluding Rowhouse Lots	50% of Lot		50% of Lot		
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (12)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. Site	20% of dev. Site
Fences (13)					
(Maximum Height Within Interior Yard Setbacks)	6 feet	42 inches	6 feet	6 feet	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches	42 inches	42 inches	42 inches	42 inches

(Section 9.2750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; and administratively corrected May 25, 2004.)

9.2751 Special Development Standards for Table 9.2750.

(1) Density.

- (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to attached secondary dwellings in R-1 or to residentially zoned lots or development sites that are developed and are 13,500 square feet or less in size. (Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)
- (b) For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.
- (c) For purposes of calculating net density:
 1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
 2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
 3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next

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whole number only for:

- a. A lot or development site that is 13,500 square feet or more in area;
- b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and
- c. Fractions of .75 or above.

In all other circumstances, the planning director shall round down to the previous whole number.

4. At the request of the developer, the acreage described in 1., above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.
 - (d) Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.
 - (e) Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the number of dwelling units within the historic property are exempt from the residential net density minimums.
- (2) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General.)
- (3) **Building Height.**
 - (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
 - (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 2. In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet.

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3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.
(See Figure 9.2751(3)).
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.
(See Figure 9.2751(3)).
- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones.
- (4) Solar standards may require a more restrictive height limitation and setback requirement, refer to EC 9.2795 Solar Setback Standards.
- (5) Exceptions to general height restrictions are contained in:
 - (a) EC 9.6715 Height Limitation Areas.
 - (b) EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.
- (6) Special setback provisions may also apply, see EC 9.6750 Special Setback Standards.
- (7) Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to a review and payment of a fee set by the city manager.
- (8) Certain building features and uses may intrude into required setback, refer to EC 9.6745 Setbacks - Intrusions Permitted, and EC 9.6750 Special Setback Standards.
- (9) Except as provided in this subsection (10), no interior setback along the side property lines is required if the buildings abut or share a common wall that conforms to adopted state building codes. A 5 foot setback is required at the end of the rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building. A 5 foot setback is also required along an alley.
- (10) Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks. There are no front yard setbacks since there is no frontage on a street.
- (11) The 18 foot setback requirement for garages and carports is measured through the centerline of the driveway from the front property line to either the garage door or to the frontmost support post of a carport.
- (12) For multiple-family projects, refer to EC 9.5500(9) Open Space.
- (13) **Fences.**

