

INCOMPATIBLE INFILL

Will proposed residential code updates do the job?

The city of Eugene is proposing new rules for the residential R-1 single-family areas of Eugene that would lift the ban on building alley-access houses and add some controls over secondary dwelling units. Both of these changes are intended to address some of the grievous developments that have been occurring in residential neighborhoods all over town, inflicting pain and suffering on surrounding neighbors. The city's stated goal is to allow "compatible infill" in existing neighborhoods and to provide more housing options. But are the rules adequate to protect neighbors and neighborhoods?

New rules have been years in the works, but now that they are before the City Council, it's definitely time to take notice of them. The council has already held a public hearing, but a work session and final action have not yet been scheduled.

One doesn't have to go far to find examples of the incompatible infill that seem to be built with little thought or care for impacts on adjacent homes. They are often two-story structures crammed into a backyard with a minimum 5-foot setback from the property line. They loom over the fence, robbing privacy, ruining views, obstructing sunlight and generating noise, outdoor lighting and activity where before there was tranquility and open space. With alley-access lots, quiet backyards suddenly have motor vehicle traffic, as unused alleys become public access roads. Privacy is lost and property values decline. Longtime residents move out, finding that their homes are too heavily impacted.

The city is stepping up to the plate with a proposal to allow many of these developments to go forward by setting some design guidelines and limiting some of the potential conflicts with neighbors. There are two categories of development included in the rules: secondary dwellings and alley-access lots (which have been prohibited since 2001).

The proposed rules will continue to allow secondary dwellings, which have been referred to in the past as "accessory dwellings" or "granny cottages." These can be up to 800 square feet and either attached to an existing residence or built as a separate structure. The new rules are intended to prevent stark, two-story walls and windows from looming over the neighbors' yards by limiting height

and requiring some modest staging of the elevation. That means that the second story would need to be set back more than the 5-foot minimum. This is a clear improvement over existing code, but the wall of the new dwelling could still be up to 12 feet high and 25 feet long just 5 feet away from your 6-foot privacy fence.

The city hasn't provided illustrations of what this additional setback would look like, so it's difficult to know how much privacy is maintained and what the visual impact would be. Neighborhood leader Paul Conte has suggested that the city provide a simple Google Sketchup drawing so that a worst-case-scenario could be viewed in 3D on the city's website. If the proposal can pass this litmus test with the public, then the city should green-light the secondary dwelling standards. Otherwise, wall height could be lowered to 9, 10 or 11 feet. Or the 12-foot height could be limited to a shorter length of wall.

The city should also consider giving neighbors some notification when a new secondary unit is planned next to them and giving people some appeal option if they feel their own property is being unduly or unnecessarily impacted. Property rights should work both ways.

Alley-access lots would once again be allowed under the proposed rules. These are actually new legal lots that can be created from backyards located on alleys. They would be allowed where the alley right-of-way is at least 12 feet wide. The city has not posted a map or listing showing which streets and neighborhoods have alleys meeting this criteria. And the city has not established what surface these alleys should have.

An alley width standard makes sense since homes require a certain level of access. Just to build a home requires access by lumber delivery, gravel and cement trucks. Once occupied, they will require access by ambulances, fire trucks, garbage trucks, tow trucks and delivery vehicles. A 12-foot alley would require a one-foot easement from the property owner to allow an alley-access

lot. This results in a 13-foot-wide alley. Will such large vehicles be able to safely navigate, turn around and exit this alley?

By comparison, Eugene development standards require a 40-foot right-of-way for the smallest streets allowed. Even a flag lot (aka panhandle lot) requires a 20-foot-wide driveway access. So 13 feet is a significant departure from current access standards.

These alley homes will need to accommodate parking for residents and visitors. The new rules include parking area requirements for the future residents. But it is not clear where visitors would park or how pedestrians (especially children) access the home safely. For example, will alleys be lit? Will snow be cleared? Will they be maintained and repaired by the taxpayers, or will gravel alleys be allowed to deteriorate?

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The alley homes would be allowed on extremely small lots of only 2,250 square feet, half of the 4,500-square-foot minimum lot size for new single-family houses. The small lot is made slightly more tenable by limiting the house size to 1,000 square feet. It's a good idea to prevent big, overbearing houses on the alley. However, taken together, it looks like the alley-access dwelling could become an inferior class of housing — tiny homes without yards. These houses will lack street presence and a sense of belonging to a neighborhood.

The proposed secondary dwelling rules are a real step forward; however, there are just too many potential problems with alley-access lots at this time. The city should put the lid back on them for now. If there becomes a compelling reason to reconsider them in the future, the city should provide a notification and appeal process for the neighbors who may be adversely impacted.

The city webpage on the proposed code amendments can be found at wkly.ws/1nz. ■

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