

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**September 16, 2019
5:30 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka (*via telephone*), Mike Clark, Greg Evans, Chris Pryor, Claire Syrett, Jennifer Yeh

Councilor Taylor opened the September 16, 2019, work session of the Eugene City Council. Mayor Vinis attended the meeting by phone.

- 1. WORK SESSION: An Ordinance Concerning Accessory Dwellings; Replacing the Term “Secondary Dwelling” with “Accessory Dwelling” Throughout the Eugene Code 1971; Making Additional Amendments to Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.6410, and 9.8030 of that Code; and Addressing the Oregon Land Use Board Of Appeals’ Remand of Ordinance Nos. 20594 And 20595.**

MOTION: Councilor Taylor, seconded by Councilor Semple, moved to not take action on the ordinance at the work session.

Council Discussion

- Councilor Clark – agreed with the motion in principal, but also thought the vote could be reversed later in the meeting by the majority.
- Councilor Semple – expressed disappointment that the ordinance was drafted through a straw poll; would like to give more time for residents to comment.
- Councilor Evans – wanted more time to consider the motions Councilor Yeh emailed prior to the meeting; would like to consider how Senate Bill 1051 and House Bill 2001 overlap and pass an ordinance that plans for them both.
- Councilor Syrett – asked for clarification on what was included in the previous public hearing regarding the ordinance and changes made to the draft since that time; was not amenable to the motion.
- Councilor Pryor – affirmed that the ordinance was not significantly different from what was included in the previous public hearing; asked for clarification on whether the City was currently out of compliance with State law; did not support the motion.
- Councilor Zelenka – said he thought a public hearing or more time to hear from constituents at the next public forum would be helpful.
- Councilor Clark – thought some of the changes to the ordinance were significant; preferred not to move quickly, but to have more time for people to weigh in at the next public forum or public hearing.

- Councilor Semple – asked for clarification about the dates when code amendments must be in place; asked what the process would be locally if HB 2001 were to be repealed in the next legislative session; reminded everyone that council instructed staff to work on advocating for a repeal of HB 2001.
- Mayor Vinis – reminded everyone that the topic was on the agenda for “possible action” and council has the option not to vote on a topic at any time.
- Councilor Taylor – wanted more time to respond to public concerns on the topic.
- Councilor Syrett – noted that not all councilors were in favor of changing the regulations on ADUs simply because the state legislature was requiring it, but that some members wanted to make it easier for ADUs to be built.

VOTE: PASSED 5:3, Councilors Yeh, Syrett and Pryor opposed.

Principal Planner Alissa Hunter Hansen gave an overview of the history of council’s discussion of the topic and listed which regulations were included in the previous public hearing. Deputy City Attorney Emily Jerome reviewed the cases appealed to the Land Use Board of Appeals over the summer and explained that the parking regulations had been eliminated from the draft ordinance to comply with State law in time for the deadline at the end of the calendar year.

- Councilor Clark – asked whether council could prohibit ADUs from becoming short-term rentals and any other standards council could include to protect the stability and integrity of neighborhoods; shared plan to introduce a motion to explore the creation of a 10-year property tax exemption on any additional structural value for anyone who builds an ADU

MOTION: Councilor Clark, seconded by Councilor Syrett, moved to direct the City Manager to return to council with language that would allow a 10-year property tax exemption for any additional property value from building an ADU.

- Councilor Clark – said he thought a property tax exemption would make ADUs more affordable to build.
- Councilor Syrett –seconded the motion because she would like to make ADUs more financially accessible to residents; would be interested in strategies.
- Councilor Yeh – wanted to know what other options might accomplish the same outcomes, such as waiving system development charges; proposed friendly amendment— accepted by Councilor Clark and Councilor Syrett—that would include additional strategies to ease the development costs of ADUs.
- Councilor Semple – said she was not supportive of a tax exemption but would be supportive of a reduction in system development charges.
- Councilor Pryor – supported the idea of a property tax exemption, but not of reduced SDCs because people building new properties should be required to fund the community benefits.
- Councilor Evans – echoed Councilor Pryor’s sentiments, noting a gap between the current SDCs and park needs; was supportive of a tax exemption.
- Councilor Clark – disagreed that there was need for more SDCs to fund parks.

- Councilor Zelenka – asked for clarification of the motion
- Councilor Clark – said he wanted to incentivize the building of ADUs; would prefer action on the ordinance to happen at the same time council acts to incentivize ADUs.

RESTATED MOTION (*with friendly amendment*): Move to direct the City Manager to come back with a memo addressing a 10-year property tax exemption for any additional property value attained from an ADU, an SDC discount or credit for ADUs, and other financial incentives identified by staff.

- Councilor Taylor – requested clarification on whether the motion was to be voted upon that evening.
- Councilor Zelenka - requested clarification on whether the City already had SDC credits for ADUs; sought confirmation that a tax exemption would only apply to the city of Eugene portion of the property taxes and which SDCs could be reduced.
- Mayor Vinis – questioned whether there was time to prepare the research memo and also take action on the ADU regulations prior to the State’s deadline.
- Councilor Syrett – said she did not think the concurrent work on the ADU incentives and regulations was necessary and preferred the two conversations to happen sequentially.
- Councilor Semple – said she was not supportive of a property tax exemption, but was willing to vote for the motion in order to move the entire topic of ADU incentives forward for staff to work on.

VOTE: PASSED 6:2, Councilors Taylor and Zelenka opposed.

MOTION: Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to revise the draft ordinance to eliminate the ADU standards for the AG, R-1, R-2, R-3, R-4 and S-E zones that apply only to flag lots, making ADUs on flag lots in those zones subject to the same flag lot standards that apply on regular (non-flag lot) lots in the same zone.

- Councilor Yeh – said she found special regulations for flag lots to be unreasonable.
- Councilor Clark – noted the motion, if passed, would reverse the R-1 code amendments from 2014; planned to vote against the motion because he thought it would make the conversation about ADUs more complex, thereby further delaying the building of them.
- Councilor Pryor – recalled that the 2014 code amendments had significant impact in the number of ADUs built; planned to vote for the motion because it would make ADUs more viable.
- Councilor Syrett – said she voted against the code changes in 2014 because they were deliberately designed to restrict ADU development; thought loosening regulations would help to support families and homeowners to build more ADUs, though she did not expect it to be a high number.
- Councilor Taylor – said she thought council should take care not to reverse previous decisions.

- Councilor Zelenka – asked staff which specific standards for flag lots the motion would impact; asked what council's ability was to restrict lot size standards under HB2001.
- Councilor Semple – asked how many flag lots would be impacted by the motion; asked how density would be calculated with ADUs; thought that flag lots should be treated differently.
- Councilor Clark – wanted to protect the property values and land rights of R-1 homeowners with the 2014 code amendments; noted there seemed to be differences of opinion on what livability means to different people.

MOTION and VOTE: Councilor Evans, seconded by Councilor Clark, moved to table the motion on flag lots. **PASSED 5:3**, Councilors Yeh, Syrett and Pryor opposed.

- Councilor Syrett – noted there was a previous successful effort in 2014 to limit how many people could live in a neighborhood; thought reducing regulations and making ADUs more affordable could increase the numbers of them, but still thought the numbers would be few.
- Councilor Taylor – said people chose their neighborhoods because they were less dense.
- Councilor Clark – clarified that his concerns were about what percentage of the neighborhood is homeowners as opposed to renters; said more renters could result in a different neighborhood character.
- Councilor Yeh – thought the land use code was not the place to address undesirable behaviors and that the City should not presume that renters were bad neighbors; thought council had talked about the topic for a long time and, while they had not reached consensus, they needed to make a decision.
- Councilor Pryor – questioned whether there was a mutually exclusive choice between density and livability; felt the community needed to have a conversation about what livability means in the 21st century compared to what it meant in the 20th century; said council needed to confront the rate of growth it now faces.
- Councilor Zelenka – noted that the impact of the ordinance may vary by neighborhood; asked staff whether there was a way to have different rules for different parts of the city.

The meeting adjourned at 7:01 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Cas Casados)

[Link to the webcast of this City Council meeting.](#)