



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

November 8, 2021

7:30 p.m. CITY COUNCIL MEETING

As the state and community recover from the COVID-19 pandemic, most City Council meetings will continue to be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of November 8, 2021; Her Honor Mayor Lucy Vinis Presiding

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 2. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 3. CONSENT CALENDAR 1**
 - A. Approval of City Council Minutes**
 - B. Approval of City Council Tentative Agenda**
- 4. PUBLIC FORUM**
- 5. CONSENT CALENDAR 2**
 - A. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-03-08-23, Tax Lot 3900 Located at 3840 Gilham Road) (City File: Muller, Joseph; A 21-10)**
- 6. ACTION: An Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Pledge of Allegiance to the Flag

Meeting Date: November 8, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

In honor of Veterans Day on November 11, there will be a recitation of the Pledge of Allegiance to the Flag.

BACKGROUND

The City Council voted at its June 27, 2011, work session to begin formal council meetings with a voluntary recitation of the Pledge of Allegiance to the Flag at those meetings closest to the following holidays: Memorial Day, Veterans Day, Flag Day, and the Fourth of July. In addition, the council voted to begin a practice of reading the Declaration of Independence and/or from the Constitution of the United States at the beginning of its meeting closest to the Fourth of July.

According to the United States Code, Title 4 (U.S. Flag Code), the Pledge "...should be rendered by standing at attention and facing the flag with the right hand over the heart. When not in uniform, men should remove any non-religious headwear with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute."

The Pledge is as follows: *"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."*

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: November 8, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work session on May 12, July 12, July 26, September 15, and October 27, 2021; and the public hearing on May 17, 2021.

ATTACHMENTS

- A. May 12, 2021, Work Session Minutes
- B. May 17, 2021, Public Hearing Minutes
- C. July 12, 2021, Work Session Minutes
- D. July 26, 2021, Work Session Minutes
- E. September 15, 2021, Work Session Minutes
- F. October 27, 2021, Work Session Minutes

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**May 12, 2021
12:00 p.m.**

Councilors Present: Emily Semple, Jennifer Yeh, Mike Clark, Claire Syrett, Matt Keating, Randy Groves, Alan Zelenka

Councilors Absent: Greg Evans

Mayor Vinis opened the May 12, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION and POSSIBLE ACTION: River Road – Santa Clara Neighborhood Plan Project Update

Senior Planner Chelsea Hartman, Santa Clara Community Organization Chair Kate Perle and River Road Community Organization Co-Chair Jon Belcher presented an update on the Santa Clara Neighborhood Plan Project.

Council Discussion:

- Councilor Syrett – thanked staff for their ongoing commitment; acknowledged the formal work on the project and patience with staff changes from the neighborhood associations is appreciated.
- Councilor Clark – thanked staff for their work; inquired if staff did an analysis on this work for unexpected incentives for annexations; asked staff about the resolution process for the plan as it progresses and monitoring potential new issues or policy conflicts; asked what may be needed from Council if there is a need to increase efficiency for this project or other potential changes.
- Councilor Zelenka – expressed support for Councilor Syrett’s comments and this motion; stated the plan goes beyond only land use and said he looked forward to the public adoption and review process.
- Councilor Groves – thanked staff and specifically called out Ms. Perle’s and Mr. Belcher’s dedication to the project; expressed support for this plan and looked forward to next steps; noted concern about how annexations occur and the speed of the process.
- Councilor Keating – shared gratitude to staff; requested clarification on mixed-use corridors and mixed economy; specified his support for additional investments in middle and low-income housing with a focus on affordable housing.
- Councilor Semple – thanked staff and complimented materials provided to Council; noted the template for this plan will help other neighborhoods in the future with this work; inquired about special area zones and why staff are waiting to address them.
- Councilor Yeh – thanked staff and everyone involved in this process; noted the thoughtfulness of the plan in going beyond land use and expressed hope that it will be the template for these kinds of plans in the future.
- Councilor Syrett – asked staff to elaborate on the planning district concept; expressed appreciation for expansiveness of the area plan that resulted in high community participation and a very useful product.

- Councilor Clark – asked for clarifications of staff approach on special area zones regarding the larger vision goals and land use specific; inquired how staff would use the special area zone once created.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to initiate a public review and adoption process for the River Road-Santa Clara Neighborhood Plan, including associated comprehensive plan and refinement plan amendments, zone changes, and Group 1 land use code amendments in Attachment B. **PASSED 7:0**

2. **WORK SESSION: Ordinance to Finalize Compliance with ORS 197.312(5) for ADUs**

City Manager Sarah Medary covered the next steps in the process for public hearing and potential action in the future, and Planning and Development Senior Planner Jeff Gepper and Assistant City Attorney Lauren Sommers presented information regarding the ordinance to finalize compliance with ORS 197.312(5) for ADUs.

Council Discussion:

- Councilor Clark – appreciated the bottom-up approach to the work happening in the Santa Clara and River Road area with the community; stated HB 2001 as it relates to ADUs is bad policy and destructive to neighborhood livability without solving the problem; expressed that as a city with a history of opposition to a top-down approach from state, the City and Council need to respect the residents' points of view.
- Councilor Semple – shared her concern with special area zones; said she heard from neighborhoods that they want sufficient time to review and provide their opinions on these changes; inquired if there is leeway to let the neighborhoods participate further; said it would be helpful to know who has final say about a piece of land, specifically regarding the state, city and metro plan with special area zones; asked staff how the plan was advertised.
- Councilor Keating – asked if, since state law supersedes local land use ordinance, state law would also supersede Homeowner's Association (HOA) contracts.
- Councilor Yeh – appreciated the history and past actions section on the topic staff provided; mentioned report from Jefferson Westside Neighbors and their concerns regarding larger lots and density part of the plan.
- Councilor Syrett – said that the ordinance does not conform with state law and after the public hearing she will vote to make sure ordinance is in compliance with state law, although Councilors may not agree with the state law; asked staff if Council has discretion regarding parts of the ordinance with lot areas, maximum densities; stated it needs to be made clear to the community where Council and the City has discretion with this ordinance and where they don't as it is required by state law.
- Councilor Zelenka – asked if it would be a winning defense against the HOA conflicting rule it's legal to build an ADU and the law allows it; expressed dislike of HB2001 and its "cookie-cutter" approach; stated that Council and the City can't change a lot in the ordinance as it's required by state law and encouraged those upset with it to take complaints to Legislature.
- Councilor Groves – asked for something simple to be published by staff prior to the public hearing with basic information regarding what discretion Council does and does not have on this ordinance.
- Councilor Clark – stated there are a list of federal state laws not enforced in the city of Eugene and said the same approach can be taken in this case; mentioned solution proposed by Jefferson Westside Neighbors and belief that their plan ought to direct Council in its interpretation and discretion.

- Councilor Semple – asked what the second building was to be named in the Jefferson Westside special area zone, specifically whether it would be an ADU or a supplemental dwelling unit; inquired how that difference is treated in the law.
- Mayor Vinis – offered perspective that in-depth conversations about this policy have happened since 2018 and ADUs are only a small part of housing supply challenge; said there are needed points of clarification on the proposed ordinance but this is state law and it's time to move on; emphasized there are bigger issues that have more impact on housing than ADUs and that it is not the time to stall and delay this process.

The meeting adjourned at 1:34 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Julie Adams)

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

MINUTES

**Eugene City Council
Virtual Meeting
Eugene, Oregon 97401**

**May 17, 2021
7:30 p.m.**

Councilors Present: Randy Groves, Emily Semple, Jennifer Yeh, Alan Zelenka, Matt Keating, Mike Clark, Claire Syrett, Greg Evans

Mayor Vinis opened the May 17, 2021, meeting of the Eugene City Council in virtual format.

1. CEREMONIAL ITEMS

Mayor Vinis read a proclamation declaring the week of May 16 – 22, 2021 to be Public Works Week.

2. PUBLIC HEARING: An Ordinance Concerning Multiple-Unit Property Tax Exemptions and Amending Section 2.946 of the Eugene Code, 1971

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Mayor Vinis closed the Public Hearing.

3. PUBLIC HEARING: An Ordinance Granting an Exemption from the Application of Section 6.200 of the Eugene Code, 1971, and Providing for a Sunset Date

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Council Discussion

- Councilor Keating – asked Councilor Groves, as a former Fire Chief, to speak on the importance of controlled burn mitigation tactics.
- Councilor Groves – expressed support for these mitigation tactics; explained that controlled burns help native species, controlling the length of brush and other positive impacts.

Mayor Vinis closed the Public Hearing.

4. PUBLIC HEARING: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Whiteaker Plan Land Use Diagram to Redesignate the Property Identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use and Rezone the Property from I-2 Light-Medium Industrial with /SR Site Review Overlay to S-W Whiteaker Special Area with /SR Site Review Overlay

Mayor Vinis opened the Public Hearing.

1. Rick Satre – on behalf of applicant, shared the applicant’s plans for the site where rezoning was being requested, noting that the development would include opportunities for new employment, mix of residential uses and the application complies with applicable criteria.

Council Discussion

- Councilor Syrett – inquired about the role and limitations of Council in the quasi-judicial process.
- Councilor Keating – asked about the level of engagement that occurred with the surrounding neighborhoods for the proposed ordinance; inquired about Council’s authority with land use change proposals to underscore mixed economy in addition to mixed location; asked a for definition of mixed-use zoning.

Mayor Vinis closed the Public Hearing.

5. PUBLIC HEARING: 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, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 And 9.8030 of that Code; Addressing the Oregon Land Use Board Of Appeals’ Remand of Ordinance Nos. 20594, 20595, and 20625; and Providing an Effective Date

Mayor Vinis opened the Public Hearing.

1. Carmel Snyder – on behalf of AARP, supported ADUs that expand affordable housing options.
2. Kaarin Knudson – spoke about the benefits of ADUs; proposed simple changes.
3. Eliza Kashinsky –supported passage of the ordinance; shared disappointment in delays.
4. Bill Aspegren – supported changes to ordinance to ensure it is done correctly.
5. Vanessa Wheeler – spoke against the ordinance and density increases in special area zones.
6. Ryan Moore – supported the ordinance to increase housing supply, noting its benefits.
7. Paul Allen – supported a change to expand the five-foot set-back rule in the ordinance.
8. Alexis Biddle – supported in-fill housing and passage of the ordinance, to help multiple crises.
9. Seth Sadofsky – supported quick passage due to housing crisis with no delays for special zones.
10. Paul Conte – reviewed history of ordinance discussions, opposed the ordinance it as written.

Council Discussion

- Councilor Clark – asked Planning Director Alissa Hansen and Deputy City Attorney Emily Jerome to speak to their past statements and current recommendations before passage of ordinance.
- Councilor Syrett – appreciated the public comment; stated that her vote in 2018 was not due to density issues as characterized during public testimony; stated her intention to make a motion on the proposed ordinance around an increase in allowable heights of ADUs.
- Councilor Evans – inquired if size of lot was the determining factor for how many ADUs would be allowed on it.
- Councilor Yeh – confirmed that staff would be providing information on where Council has discretion in the proposed ordinance; said since her previous statements in 2018 there has been a lot of discussion, changes and new information around this issue and things are not the same as they were years ago.
- Councilor Groves – requested Council receive the clarifying information from Ms. Jerome and Ms. Hansen before the night of passage of the ordinance.

- Councilor Clark – asked about areas where there are two single families per lot and how that applies to ADUs within state law; requested clarification of Council’s level of discretion within the proposed ordinance.
- Councilor Zelenka – asked staff what the exceptions are within the state law for the 1 single family:1 ADU ratio rule.

Mayor Vinis closed the Public Hearing and record.

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Julie Adams)

Webcast of meeting available [here](#).

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**July 12, 2021
7:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the July 12, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION: Program Review and Proposed Use of Affordable Housing Trust Fund Resources

Co-Community Development Director AIC Amanda Nobel Flannery and Housing Finance Analyst Ellen Meyi-Galloway gave a PowerPoint presentation on the Affordable Housing Trust Fund and proposed FY22 allocations.

Council Discussion:

- Councilor Keating – asked if it was possible to explore using the funds for rental application fee assistance; discussed implementing a one-time application fee into a system that is accessible by landlords looking to fill a vacancy.
- Councilor Semple – asked questions about using the entire 25 percent for rental assistance and increasing the allocation for housing development.
- Councilor Clark – asked if multi-family construction was differentiated from single-family housing development; acknowledged skyrocketing cost in the construction industry and said hundreds of units must be built to achieve housing goals; requested details on what types of housing are actually being built; asked about impacts of the Construction Excise Tax on construction; supported doing as much as possible to incentivize housing development.
- Councilor Zelenka – asked about the status of recommendations from the Housing Policy Board and the Renters Protection Committee, the timeline for council consideration of the HPB proposals, and the intersection of this work with the reparations discussions.
- Councilor Syrett – suggested revising the percentages and postponing allocation decisions until the HPB recommendations are available.

MOTION: Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to allocate Affordable Housing Trust Fund resources consistent with the Advisory Committee recommendation and as outlined in Attachment D.

MOTION TO AMEND AND VOTE: Councilor Syrett, seconded by Councilor Zelenka, moved to increase the housing development portion to \$1 million and decrease the direct assistance for renters' and homeowners' portion by the same amount. **PASSED 8:0**

VOTE ON MAIN MOTION AS AMENDED: PASSED 8:0

2. WORK SESSION AND POSSIBLE ACTION: 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, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 And 9.8030 of that Code; Addressing the Oregon Land Use Board of Appeals’ Remand of Ordinance Nos. 20594, 20595, and 20625; and Providing an Effective Date

Senior Planner Jeff Gepper gave a PowerPoint presentation on Finalizing Compliance for Accessory Dwelling Units, outlining the ADU Code Amendment history and options for Council action. Deputy City Attorney Emily Jerome was available for questions.

Council Discussion:

- Councilor Clark – requested help with motions to postpone Council action to consider proposed revisions from Jefferson Westside Neighborhood Association and motions from Councilor Syrett.

MOTION: Councilor Yeh, seconded by Councilor Syrett, moved to adopt the ordinance in Attachment H, 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, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 and 9.8030 of that Code; Addressing the Oregon Land Use Board of Appeals’ Remand of Ordinance Nos. 20594, 20595, and 20625; and Providing an Effective Date.

MOTION TO AMEND: Councilor Syrett, seconded by Councilor Yeh, moved to revise the draft ordinance to eliminate the current code’s requirement that ADUs screen their garbage areas, by striking current sections EC 9.2751(17)(b)4., EC 9.2751(17)(c)19., and 9.3811(1)(e)4.

Council Discussion

- Councilor Semple – appreciated the idea of making the code equal among all types of residences but said this wasn’t an equity issue; opposed the motion to amend.

MOTION: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on Amendment 1 until after the summer break.

- Councilor Groves – supported giving people adequate opportunity to provide input and suggested a friendly amendment to schedule action before Council break. The friendly was not accepted by the makers of the motion.
- Councilor Syrett – reminded the councilors that amendments can be made after the public hearing; said that action on this issue has been delayed enough and it is time to discuss the ordinance’s merits.
- Councilor Zelenka – suggested that the council receive input at the September 13 meeting and then vote on the motions.
- Councilor Semple – supported scheduling action after Council break.
- Councilor Yeh – reported that testimony about how silly the garbage screening requirement was already received.
- Councilor Syrett – requested clarification of the timeline for issuing motions.

VOTE ON MOTION TO POSTPONE (*clarification that postponement would be to date-certain of September 15*): **PASSED 5:3, councilors Syrett, Yeh, and Keating opposed.**

MOTION TO AMEND: Councilor Syrett, seconded by Councilor Yeh, moved to revise the draft ordinance's proposed building height/interior setback requirements and maximum building height pertaining to ADUs that are not above a garage or on a sloped lot to change the proposed 10-foot and 18-foot height measurements to, instead, 15-foot and 25-foot height measurements by:

- revising the second sentence in the proposed ordinance's 9.2751(17)(a)2.b.(1) and EC 9.2751(17)(b)5.a. to state as follows:
"In addition, at a point that is 15 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 25 feet."
- AND -
- revising the second sentence in the proposed ordinance's EC 9.2775(5)(e)1.a. to state as follows:
"In addition, at a point that is 15 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 25 feet for detached accessory dwellings and the maximum building height of the primary dwelling for attached accessory dwellings."
- AND -
- revising EC Figure 9.2751(16)(b)3 to change the 10-foot and 18-foot height measurements to 15-foot and 25-foot height measurements, respectively. [See Exhibit A – Page 1 for what that figure would look like if the motion passed]

MOTION TO POSTPONE AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on Amendment 2 until September 15, 2021. **PASSED 5:3, councilors Syrett, Yeh, and Keating opposed.**

MOTION TO AMEND: Councilor Syrett, seconded by Councilor Yeh, moved to revise the draft ordinance's proposed building height/interior setback requirements pertaining to a backyard ADU that is above a garage or on a sloped lot to increase the proposed height at which the roofline may begin to slope upwards from 18 feet to 22 feet, by:

- revising the text in the proposed ordinance's EC 9.2751(17)(a)2.b.(2)(B) so that the second sentence of that subsection states as follows: "In addition, at a point that is 22 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet."
- AND -
- revising EC Figures EC 9.2751(17)(a)2.b.(2)(A) and EC 9.2751(17)(a)2.b.(2)(B) to change the 18-foot height measurement to a 22-foot height measurement. [See Exhibit A – Pages 2 and 3 for what that figure would look like if the motion passed]

MOTION TO POSTPONE AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on Amendment 3 until September 15, 2021. **PASSED 5:3, councilors Syrett, Yeh, and Keating opposed.**

MOTION TO AMEND: Councilor Syrett, seconded by Councilor Yeh, moved to revise the draft ordinance to eliminate the current code's "maximum wall length" for detached ADUs by striking current sections EC 9.2751(17)(b)(6) and EC 9.2571(17)(c)(20).

MOTION TO POSTPONE AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on Amendment 4 until September 15, 2021. **PASSED 5:3**, councilors Syrett, Yeh, and Keating opposed.

MOTION TO AMEND: Councilor Syrett, seconded by Councilor Yeh, moved to revise the draft ordinance's proposed building height/interior setback requirements for ADUs to make the sloped setback requirements inapplicable where a property line abuts a public right-of-way or private street, by:

- Adding a phrase to EC 9.2751(17)(a)2.b.(1), 9.2751(17)(a)2.b.(2)(B), 9.2751(17)(b)5.a., 9.2775(5)(e)1.a., 9.2775(5)(e)1.b.(2) so that the text that currently provides "In addition, at a point that is . . ." is changed to: "In addition, except where the setback is from a property line abutting a public right-of-way or private street, at a point that is . . ."

MOTION TO POSTPONE AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on Amendment 5 until September 15, 2021. **PASSED 5:3**, councilors Syrett, Yeh, and Keating opposed.

MOTION TO POSTPONE AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to postpone Council action on the main motion until September 15, 2021. **PASSED 5:3**, councilors Syrett, Yeh, and Keating opposed.

Mayor Vinis adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**July 26, 2021
5:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the July 26, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION: Ad Hoc Committee on Police Policy Update

City Manager Sarah Medary, Police Auditor Leia Pitcher and Presiding Municipal Court Judge Greg Gill gave an update on the work of the Ad Hoc Committee on Police Policy.

Council Discussion

- Councilor Syrett – acknowledged that the committee provided the opportunity for the city manager, police auditor and presiding judge to collaborate on this work, which has never been done before, and hoped Council will continue to find initiatives that encourage this type of collaboration in the future; appreciated the matrix to help sort the recommendations, the timeline, and the sounding board with a standard set of questions to have the correct screening.
- Councilor Zelenka - echoed Councilor Syrett's comments, noting the next-level thinking of putting three minds together and getting good results; appreciated the complexity of the work and the update being in a simple matrix format; said it is a valuable tool for what to do next because it is complicated to move such diverse recommendations forward; commented on the bucket status and asked what those categories might be.
- Councilor Groves - commented that this is a good way to proceed with this process and the matrix can evolve as work is being done and new information comes to light; commented he does not feel qualified to tell the Police Chief what weapons he needs; shared that in his former career he had a good network to consider and create changes and hoped EPD has that kind of process to make sure informed decisions are being made; noted the City's good intentions to make hard decisions.
- Councilor Yeh - commented that the model makes sense, has flexibility along with transparency and can be tracked; said the initial bucket idea has been greatly improved and she likes the idea of coming back to Council in May; shared the process is rooted in community input and involvement and the information should be going back and forth; praised the hard work done and acknowledged the hard work ahead.
- Councilor Keating - shared this is very serious work and should be used as template to tackle other tough issues such as abatements for climate change and implementation of the TAC report; supported adding a column for advocacy for what is beyond Council's realm from an intergovernmental perspective; praised the approach and template and encouraged use of this model for housing and climate.
- Councilor Semple – expressed appreciation for the chart as a great example of quick information exchange; praised the clarity of the report and how it made working on this project more pleasant and easier.
- Councilor Evans - appreciated the good work done by the leadership team and the ad hoc committee; shared Council will need to drill down through the process because it might take longer than expected; gave an example of training and shared that he would like that piece to be a focus for change in order to understand the relationship and history of police with people of color

and other people who have been traditionally marginalized and targeted; shared the history of police as slave catchers and the many powerful and influential people who were involved in lynchings, murders, and disappearances of people of color; said people are challenged with these relationships with the police; said Council needs to look at the human relationships between police officers and the community, as this is the only way any of this work will be fruitful.

- Councilor Syrett - asked staff to plan to give council periodic briefings on the roles of the other boards, commissions, other interdepartmental teams, the authority of the police chief, collective bargaining agreements and what training looks like locally and at the State level; shared her knowledge of the process of forming some of the other boards, and noted other councilors might need to be educated on that history; said she was willing to serve on the sounding board; clarified what the “in progress” and “under review” columns mean and requested a greater distinction between the two; agreed with Councilor Keating that this work can be used as a template for climate recovery goals and progress on the TAC report.
- Councilor Keating - asked for clarification on who makes up the sounding board and whether it is a body of persons appointed by the Mayor.
- Mayor Vinis - shared that briefings will be helpful for Council and the public who will be following this.
- Councilor Evans - commented that a missing piece in this work is the role of the Police union, noting that negotiations between the City and the police chief are going to be critical to whatever is recommended in terms of what can and cannot be done and how the rank-and-file officers do their jobs; requested feedback from the Police union to get a complete picture.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to approve the criteria, matrix, timeline, and project approach as outlined in the agenda item summary for evaluating the work of the Ad Hoc Committee on Police Policy.

PASSED: 8:0

2. WORK SESSION: Response to Hate Crimes

Police Chief Chris Skinner and Human Rights and Neighborhood Involvement Manager Acting-in-Capacity Fabio Andrade gave an overview of the EPD response to hate and bias crimes.

Council Discussion

- Councilor Clark – said he requested this work session on what work council can do to increase the penalties for hate crimes because there has been an uptick of hate-related incidents in the community since last year; stated it is considerably more important to address this issue today and do so in a way that people will think twice if the penalties are more severe; expressed support for the recommendations, noting that it is not acceptable for a person to act with a level of intimidation; asked about the frequency of Asian hate crimes and inquired about an incident where paintballs were shot at a home of an Asian resident.
- Councilor Keating - said he supported the recommendations, but does not know if the increase in the fine is enough and would like to increase the fines to send a unambiguous message that this type of activity is not tolerable in Eugene; shared stories of hate and bias crimes against LGBTQ+ people, noting that reports are significantly lower than the number of these crimes actually committed; asked what the outreach efforts have been to promote increased reporting of hate and bias crimes and to create trust; asked what the relationship is in regard to language and action by Lane County Corrections.
- Councilor Evans - asked if there is a “heat” map showing where these incidents are occurring in the community and asked if these crimes are happening in one part or spread throughout the community.
- Councilor Zelenka - said he liked where this work is going and supported the motions, noting crime and intimidation for displaying a noose is an obvious addition and increasing the fine seems to

make sense; said the judge has discretion over the fine based on what is just and proportional in the judge's mind and, asked whether the judge was involved in the proposal; asked if the 2021 data is included; shared there were 72 hate and bias crimes reported in Eugene and only two Portland, over a one-year period which points to major differences in how crimes are reported; asked if anyone has the true scale of the hate and bias crimes occurring locally.

- Councilor Yeh – said she was happy to support these changes but was not confident that increasing the fine will change behavior, as many people either do not consider the consequences while committing a crime or are never caught and made to face the consequences; said she would like to hear about preventative measures that the City is taking and if resources are needed to work on this issue; asked if there is a formal plan on how outreach to community members will be done; noted there are hot spots around high schools and asked whether this means high school students are the victims or are making poor choices.
- Councilor Groves - stated this work is incredibly important to the community and the presentation is timely; asked if the City or the Police Chief has a profile of who the people are who are committing these crimes; appealed to the public that it is everyone's responsibility to call in when injustice or hate activity occurs in the community and to be vigilant in protecting those in the community who victims of this abuse and criminal behavior.
- Councilor Evans - asked if the City has specific information on the use of other symbols of intimidation such as the confederate flag and crosses planted in people's yards; shared his personal experience as a recipient of a hate and bias crime when he moved to Eugene; said it is problematic that people and other entities do not trust the system; asked how many incidents involved the display of confederate flags which he likened to displaying Nazi symbols in Jewish neighborhoods; asked Chief Skinner to describe what his department is doing to track organizations, groups, and gangs who may be racist and are perpetrating some of these activities.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, move to direct the City Manager to prepare an ordinance and schedule a public hearing on a code amendment adding the crime of intimidation by display of a noose. **PASSED: 8:0**

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, move to direct the City Manager to prepare an ordinance and schedule a public hearing increasing the maximum monetary penalty for violating EC 4.731 to \$6,250. **PASSED: 8:0**

Meeting adjourned 7:11 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Niyah Ross)

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

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**September 15, 2021
12:00 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the September 15, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION AND ACTION: 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, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 and 9.8030 of that Code; Addressing the Oregon Land Use Board of Appeals’ Remand of Ordinance Nos. 20594, 20595, and 20625; and Providing an Effective Date

Senior Planner Jeff Gepper gave a PowerPoint presentation on Finalizing Compliance for Accessory Dwelling Units, outlining the ADU Code Amendment history and options for Council action. Deputy City Attorney Emily Jerome reminded the councilors that the motions from the July 12 work session were on the table.

Amendment 1

Revise the draft ordinance to eliminate the current code’s requirement that ADUs screen their garbage areas, by striking current sections EC 9.2751(17)(b)4., EC 9.2751(17)(c)19., and 9.3811(1)(e)4.

VOTE ON MOTION TO AMEND #1: PASSED 8:0

Amendment 2

Revise the draft ordinance’s proposed building height/interior setback requirements and maximum building height pertaining to ADUs that are not above a garage or on a sloped lot to change the proposed 10-foot and 18-foot height measurements to, instead, 15-foot and 25-foot height measurements by:

- revising the second sentence in the proposed ordinance’s 9.2751(17)(a)2.b.(1) and EC 9.2751(17)(b)5.a. to state as follows: “In addition, at a point that is 15 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 25 feet.”

- AND -

- revising the second sentence in the proposed ordinance’s EC 9.2775(5)(e)1.a. to state as follows: “In addition, at a point that is 15 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 25 feet for detached accessory dwellings and the maximum building height of the primary dwelling for attached accessory dwellings.”

- AND -

- revising EC Figure 9.2751(16)(b)3 to change the 10-foot and 18-foot height measurements to 15-foot and 25-foot height measurements, respectively. [See Exhibit A – Page 1 for what that figure would look like if the motion passed]

Council Discussion

- Councilor Semple – asked how the numbers in the motion were developed; said she felt accessory buildings should be smaller than the main building.
- Councilor Groves – said he worked hard to understand the different perspectives on this proposal and acknowledged his struggle with the proposed motion.
- Councilor Clark – agreed with Councilor Groves and noted that a consequence of infill is the loss of direct sunlight on a property; advocated more opportunities for housing of all types.
- Councilor Zelenka – noted the conflict between being a good neighbor and ensuring more housing.
- Councilor Syrett – shared that the proposed amendments are the result of testimony and stakeholder input; said the issue before Council is a fundamental decision about housing availability versus property rights.
- Councilor Clark – reminded the Council of prior decisions to not expand the Urban Growth Boundary and said both infill and expansion are needed to meet housing goals.
- Councilor Semple – supported incentivizing ADUs and said that cities grow from the inside out; said she felt the number of ADUs actually built in the city’s core may be negligible; supported increasing the number of parks and community gardens if densifying is allowed.
- Councilor Zelenka – agreed that the Council’s action will not result in a lot of new ADU development and the impact of ADUs on housing stock will be minimal; opposed the proposed amendment because it impacts scale and livability.
- Councilor Syrett – agreed that a decision was made by Council to not expand the UGB and it therefore has a responsibility to create and increase housing types.
- Mayor Vinis – said the amendment addresses Council’s responsibility to act on climate change and comply with state law.

VOTE ON MOTION TO AMEND #2: PASSED 6:2, councilors Zelenka and Clark opposed.

Amendment 3

Revise the draft ordinance’s proposed building height/interior setback requirements pertaining to a backyard ADU that is above a garage or on a sloped lot to increase the proposed height at which the roofline may begin to slope upwards from 18 feet to 22 feet, by:

- revising the text in the proposed ordinance’s EC 9.2751(17)(a)2.b.(2)(B) so that the second sentence of that subsection states as follows: “In addition, at a point that is 22 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet.”
- AND-
- revising EC Figures EC 9.2751(17)(a)2.b.(2)(A) and EC 9.2751(17)(a)2.b.(2)(B) to change the 18-foot height measurement to a 22-foot height measurement. [See Exhibit A – Pages 2 and 3 for what that figure would look like if the motion passed]

VOTE ON MOTION TO AMEND #3: PASSED 8:0

Amendment 4

Revise the draft ordinance to eliminate the current code’s “maximum wall length” for detached ADUs by striking current sections EC 9.2751(17)(b)(6) and EC 9.2571(17)(c)(20).

Council Discussion

- Councilor Syrett – noted that the original proposed language adds to the cost of construction and has no practical purpose; supported prioritizing housing development over aesthetics.
- Councilor Zelenka – said the original language represents a very slight increase in costs to create a visual break.
- Councilor Clark – said he felt that aesthetics were less important than loss of rights for a neighbor.

VOTE ON MOTION TO AMEND #4: PASSED 7:1, Councilor Zelenka opposed.

Amendment 5

Revise the draft ordinance's proposed building height/interior setback requirements for ADUs to make the sloped setback requirements inapplicable where a property line abuts a public right-of-way or private street, by:

- Adding a phrase to EC 9.2751(17)(a)2.b.(1), 9.2751(17)(a)2.b.(2)(B), 9.2751(17)(b)5.a., 9.2775(5)(e)1.a., 9.2775(5)(e)1.b.(2) so that the text that currently provides "In addition, at a point that is . . ." is changed to: "In addition, except where the setback is from a property line abutting a public right-of-way or private street, at a point that is . . ."

Council Discussion

- Councilor Zelenka – said he felt the proposed amendment would have only a minor impact.
- Councilor Semple – asked clarifying questions about the differences between alleys, streets, and other types of rights-of-way.
- Councilor Syrett – asked about the general width of an alley and shared that the amendment was the result of her conversation with contractors.
- Councilor Keating – thanked Councilor Syrett for her proactivity in proposing the amendment; said that most fears about ADUs are unwarranted and hoped the council and community would embrace opportunities to create livable, affordable housing, including rental properties.
- Councilor Groves – agreed that livability applies to both homeowners and renters in the community.

VOTE ON MOTION TO AMEND #5: PASSED 8:0.

Main motion as amended on table.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Clark, moved to substitute the following motion for the motion to adopt the ordinance as amended: Move to direct the City Manager to prepare an ordinance that comprises the proposed ordinance in Attachment A as amended, but revised by substituting for Section 10 amendments to the SC-Chambers Special Area Zone and sections 18 and 19 amendments to the SJW-Jefferson Westside Special Area Zone, the amendments for the SC and SJW zones dated August 23, and August 21 respectively, as submitted by Ted Coopman on behalf of the JWN and to provide the required public notice, required DLCD notice and to schedule a public hearing regarding the revised ordinance

Council Discussion

- Councilor Clark – supported the substitute motion and said the staff proposal does not comply with the Comprehensive Plan, noting it treats households differently; encouraged action now and expressed concern that without the substitute motion the council's actions will be doomed to remand; asked questions about Department of Land Conservation and Development notice requirements.

- Councilor Semple – clarified that a constituent requested that she bring the motion forward and she was trying to ensure transparency; noted that the language is legal and affects a very small area of the city.
- Councilor Syrett – expressed concern that the Jefferson-Westside Neighbor’s goal was not to facilitate or ease passage of the ordinance; said there is no justification for one neighborhood to be exempt from citywide standards; encouraged council to not be afraid of the threat of remand.
- Councilor Evans – supported the autonomy of neighborhoods, noting that the impacts of ADU regulations will affect neighborhoods differently.
- Councilor Zelenka – said the Jefferson-Westside proposal was too much of a change provided too late in the process; said all neighborhoods are unique and JWN is not more special than others.
- Councilor Yeh – opposed the substitute motion and conveyed her enthusiasm for Council to take action on the amended ordinance.
- Mayor Vinis – disagreed that neighborhoods should be autonomous and said the intent of the proposed action on ADUs is to create a citywide planning landscape.
- Councilor Clark – said consistent rules are needed and the staff proposal creates inconsistencies among neighborhoods.
- Councilor Evans – said the deadline to take action is looming and encouraged Council to act while it can still control the narrative.

VOTE ON MOTION TO SUBSTITUTE: FAILED 3:5, councilors Keating, Zelenka, Yeh, Syrett, and Groves opposed.

Council Discussion

- Councilor Clark – said he was opposed to the main motion as it does not comply with the Comprehensive Plan; repeated his belief that the issue will be remanded on substance.
- Councilor Evans – said despite his support for the substitute motion, he would vote in favor of the main motion as amended.

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:2, councilors Semple and Clark opposed.

Mayor Vinis adjourned the meeting at 1:20 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**October 27, 2021
12:00 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Randy Groves

Councilors Absent: Greg Evans

Mayor Vinis opened the October 27, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION – Waste Management at Large Events

Waste Prevention and Green Building Analyst Deveron Musgrave presented information about the ways with which the City's supports sustainable events.

Council Discussion:

- Mayor Vinis – thanked staff for the presentation and said it is interesting to learn how the City addresses the impacts of waste at large events.
- Councilor Zelenka – asked about the City's intentions or plans to pursue a zero waste agenda; inquired about the possibility of establishing a dish and utensil library, noting that some neighborhood associations already have a stock of reusable service ware that they make available.
- Councilor Semple – reminded Council that this work session was requested on the Sustainability Commission's behalf to consider their recommendations for proposed legislation to establish waste management requirements, including 1) event will strive for and demonstrate a minimum of 50% waste diversion, 2) event will sell no bottled water, will provide multiple water fountains or water filling stations and attendees and participants are advised to bring empty water bottles or to buy a reusable container at the event, 3) event will utilize bulk container dispensers for condiments, 4) event will eliminate all single-use plastic cups, and to-go containers, to be replaced by recycled-content paper containers or through use of recyclable durables; asked Council to weigh in on what the next steps should be in advance of 2022 events.
- Councilor Keating – asked questions about the City's fleet of water stations and whether they are also available for smaller, non-profit events; asked about the potential for using the stations at emergency respite sites; noted the challenges with establishing meaningful waste management policies and protocols in the COVID environment and asked about plans for post-pandemic events; asked for information about the practice of sorting through trash at large events to separate recyclable and reusable materials
- Mayor Vinis – said she was interested in learning more about the travel emissions calculator and specifics around the impacts of air travel; inquired about the impacts of producing fabric or reusable bags compared with the impacts of single-use bags; asked about the University of Oregon's and the IAAF's role in partnering on responsible waste reduction and management for large sporting events.
- Councilor Semple – asked the Council what message she should take back to the Sustainability Commission, noting their commitment to the Climate Action Plan's goals.

- Council Groves – supported the commission’s goals as laudable but encouraged Council to wait to see what the post-pandemic environment is like before considering new regulations.
- Councilor Syrett – agreed that new regulations should wait until public health advice has evolved following the pandemic; appreciated the Sustainability Commission’s recommendations and supported a future work session on this topic.
- Councilor Yeh – supported a future follow-up work session to receive more information about the feasibility of the Sustainability Commission’s recommendations and to discuss ways to support smaller, local events with waste management resources.
- Councilor Keating – voiced concern about the use of plastics and the amount of plastic that is not currently recyclable; asked questions about how plastic recycling is handled locally; supported better educational outreach about what the City and individuals can do to manage waste.
- Councilor Clark – recounted the past practice of shipping recyclable plastics to China, which no longer exists as an option; pointed out that it takes financial resources to encourage recycling and implement recycling systems and suggested a competition to engage entrepreneurs to innovate ways to reuse waste materials.
- Councilor Zelenka – agreed that the issue can be approached as an economic development strategy that will require some upfront investment; supported investigating the idea of a dish library; agreed that the new, post-pandemic normal may prohibit or limit some ideas.
- Councilor Groves – shared information about the County’s master recycler program.
- City Manager Medary – said that staff has been very successful in their work through strong partnerships and collaborative efforts; suggested that staff review the list of Sustainability Commission recommendations and identify where impacts can feasibly be made and bring that information back to Council.
- Councilor Vinis – noted that consideration may also be given to carbon offsets that would benefit recycling efforts.

2. **WORK SESSION: Right-of-Way Resolutions on Federal Aid Projects**

Acting-in-Capacity City Engineer Jenifer Willer presented information about the City’s proposal for handling right-of-way resolutions for Council action.

- Councilor Clark – expressed concern that the City would be ceding its home rule authority with this action and requested certainty that the City isn’t putting itself into a subjugated position; suggested adding language to the proposed motion that would protect property owners and stakeholders by specifying that only projects with advanced agreements could be placed on the Consent Calendar; encouraged mitigation of any potential consequences at both ends of the project.
- Councilor Zelenka – noted that 90 percent of projects will be non-controversial and suggested adding the language “. . . unless ROW is complex, controversial, or Council has indicated they want further discussion.”
- Councilor Keating – supported the motion revisions; expressed concern about relying on staff to determine whether a project is controversial; asked questions about the average number of projects per year and what the impacts would be if Council did not take action.
- Councilor Zelenka – noted that Council also has responsibility to identify potentially controversial projects and use the already established system to ensure that concerns are being addressed.
- Councilor Clark – agreed that there are measures in place to ensure that issues are addressed and encouraged staff to always err on the side of caution when determining where on an agenda a particular resolution should be placed.

MOTION: Councilor Zelenka, seconded by Councilor Syrett, moved to direct the City Manager to place future federal aid project-of-way resolutions on Consent Calendar 2, unless ROW is complex, controversial, or Council has indicated they want further discussion. Those will be placed on the regular agenda as an action item.

- Councilor Clark - clarified that if there is not a pre-existing agreement, the project will automatically be scheduled as a regular action item.
- Councilor Keating – asked clarifying questions about the language needed to ensure Council’s intent is clear.

VOTE: Passed 7:0

Mayor Vinis adjourned the meeting at 1:20 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: November 8, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve the City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2 notes, in part, that "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov



City Council Tentative Agenda

Updated November 4, 2021

**** SPECIAL NOTICE ****

As our state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held remotely using virtual meeting technology. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

November 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Nov	Monday	5:30 pm	 Sustainability Comm. Work Plan (Work Session)	45 mins	Chelsea Clinton, CS	
			 Ward Boundary Update (Work Session)	45 mins	Jason Dedrick, CS	
		7:30 pm	 Pledge of Allegiance to the Flag		Althea Sullivan, PDD	
			 Committee Reports and Items of Interest			
			 Public Forum			
 Resolution Annexing Land to City (Joseph Muller) (Consent Calendar 2)	Kathryn Brotherton, CAO					
		 Ordinance Concerning Disposition of EWEB Real Property and Amending Section 2.196 of the Eugene Code, 1971 (Action)				
Expected absences for 11/8: none						
10-Nov	Wednesday	12 pm	 Housing Implementation Pipeline (HIP) Draft Review (Work Session)	45 mins	Amanda Nobel, PDD	
			 TBD (Work Session)	45 mins		
Expected absences for 11/10: none						
15-Nov	Monday	5:30 pm	Schedule only as needed			
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 11/15: none						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



CC Agenda Change/Amendment



Pledge of Allegiance

17-Nov	Wednesday	12 pm	 CAP 2.0 Annual Update and Implementation Plan (Work Session)	90 mins	Chelsea Clinton, CS
Expected absences for 11/17: none					
22-Nov	Monday	5:30 p.m.	 Renter Protections (Work Session)	45 mins	Genevieve Middleton, PDD
			 2022 Legislative Priorities (Work Session)	45 mins	Ethan Nelson, CS
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Ordinance Granting BNSF Railway a Franchise for Use of Public Way (Action)		Pam Berrian, CS
Expected absences for 11/22: none					
24-Nov	Wednesday	12 pm	MEETING CANCELLED		
Expected absences for 11/24: none					

December 2021					
Date	Day	Time	Title	Length	Dept. Contact
8-Dec	Wednesday	12 pm	 Joint Work Session with Lane County Board (Work Session)	90 mins	CS
<i>Expected absences for 12/8: none</i>					
8-Dec	Wednesday	5:30 pm	 Budget Committee FY22 Supplemental Budget Review (Work Session)		Vicki Silvers, CS
<i>Expected absences for 12/8: none</i>				<i>Note: Budget Committee Meeting Added</i>	
13-Dec	Monday	5:30 p.m.	 Funding for Climate Change and Homelessness Initiatives (Work Session)	45 mins	Twylla Miller, CS
			 HIP – Downtown Housing (Work Session)	45 mins	Will Dowdy, PDD

13-Dec	Monday	7:30 pm	 Committee Reports and Items of Interest  Res. Acknowledging Receipt of FY21 Annual Financial Report (Consent Calendar 1)  Res. Approving a Low Income Rental Housing Property Tax Exemption for Green Leaf Village (Consent Calendar 1)  Resolution Approving LIRHPTE for Aurora Building (Consent Calendar 11)  Public Forum  URA - Resolution Acknowledging Receipt of FY21 URA Annual Financial Report (Action)  FY22 City of Eugene Supplemental Budget (Public Hearing and Action)  FY22 URA Supplemental Budget (Public Hearing and Action)		Finn Cronin, CS Ellen Meyi-Galloway, PDD Ellen Meyi-Galloway, PDD Finn Cronin, CS Liz Butterfield, CS Liz Butterfield, CS
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Expected absences for 12/13: none

15-Dec	Wednesday	12 pm	 City Manager Evaluation (Work Session)  Library Levy Update (Work Session)	60 mins 30 mins	CS Will O'Hearn, LRCS
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Expected absences for 12/15: none

Council Break: December 16 – January 5

January 2022					
Date	Day	Time	Title	Length	Dept. Contact
5-Jan	Wednesday	5:30 pm	2022 State of the City		Niyah Ross, CS
<i>Expected absences for 1/5:</i>					
10-Jan	Monday	5:30 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	

10-Jan	Monday	7:30 pm	 Election of 2022 City Council Officers  Committee Reports and Items of Interest  Public Forum  Resolution Annexing Vacant Land at 825 Horn Lane (Consent Calendar 2)		Althea Sullivan, PDD
<i>Expected absences for 1/10: none</i>					
12-Jan	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
<i>Expected absences for 1/12: none</i>					
18-Jan	Tuesday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
<i>Expected absences for 1/18: none</i>					
19-Jan	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
<i>Expected absences for 1/19: none</i>					
24-Jan	Monday	5:30 p.m.	 Housing Implementation Pipeline Review and Action (Work Session)	90 mins	Amanda Nobel, PDD
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
<i>Expected absences for 1/24: none</i>					
26-Jan	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
<i>Expected absences for 1/26: none</i>					

February 2022					
Date	Day	Time	Title	Length	Dept. Contact
9-Feb	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
<i>Expected absences for 2/9: none</i>					

14-Feb	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 2/14: none					
16-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		Expected absences for 2/16: none			
22-Feb	Tuesday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 2/22: none					
23-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		Expected absences for 2/24: none			
28-Feb	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 2/28: none					

March 2022					
Date	Day	Time	Title	Length	Dept. Contact
9-Mar	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 3/9: none					

14-Mar	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 3/14: none					
16-Mar	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 3/16: none					

Council Break: March 17 – April 11

 Work Session	 Action	 Public Hearing	 Public Forum	 Consent Calendar
 Committee Reports/Items of Interest	 Ceremonial Matters	 Pledge of Allegiance		

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
"Housing Status" as a Protected Class – <i>follow-up TBD</i>	Semple	03/12/20
Response to Hate Crimes – <i>follow-up TBD</i>	Clark	03/18/21
Reparations (two-part work session) – <i>Part 1 held June 23</i>	Evans	03/18/21
Waste Management at Large Events – <i>follow-up TBD</i>	Semple	04/08/21
Funding Source for Climate Change and Homelessness – <i>scheduled December 13</i>	Zelenka	05/10/21
Fossil Fuel Risk Bonds	Groves, Syrett	10/21/21

UPCOMING PUBLIC HEARINGS			
Date of Public Hearing	Title	Description	Staff Contact
November 15 (7:30 p.m.)			

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: November 8, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on city-related issues and should not address items which have already been heard by a Hearings Official or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-03-08-23, Tax Lot 3900 Located at 3840 Gilham Road) (City File: Muller, Joseph; A 21-10)

Meeting Date: November 8, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5A
Staff Contact: Althea Sullivan
Contact Telephone Number: 541-682-5485

ISSUE STATEMENT

This item is a request to annex property located at 3840 Gilham Road. The property to be annexed is approximately .22 acres and is located at the northwest corner of the intersection of Sterling Park Place and Gilham Road. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned AG Agricultural with the /UL Urbanizable Land Overlay. Both the Metro Plan and the applicable refinement plan, the Willakenzie Area Plan, designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is adjacent to the City limits along the property's north, west, and south boundaries. Annexation will allow for future rezoning and development consistent with the property's residential land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that: (1) the land proposed to be annexed is within the City's UGB and is contiguous to the City limits or separated from City limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans; and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached draft resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within

500 feet of the subject property and the affected neighborhood association (Northeast Neighbors) consistent with Eugene Code requirements. One email was received which expressed general support for the annexation.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of any testimony in opposition to the request, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue. To take preventative measures for community members and staff safety against the spread of COVID-19, please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt a resolution approving the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

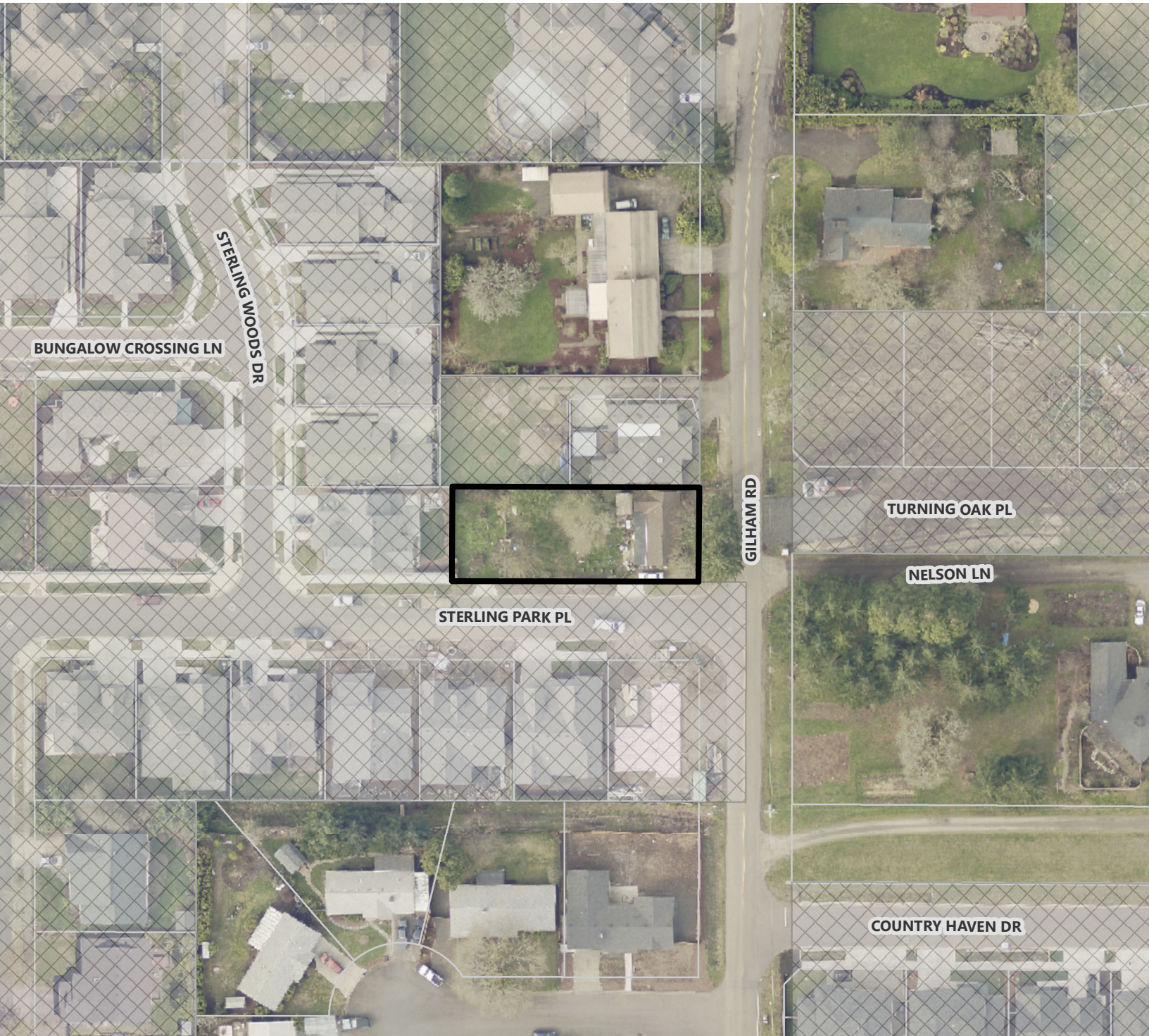
Staff Contact: Althea Sullivan, Senior Planner
Telephone & E-Mail: 541-682-5485, ASullivan@eugene-or.gov



Vicinity Map

MULLER, JOSEPH (A 21-10)

Attachment A



- Subject Property
- Eugene City Limits
- Taxlots



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 10/22/2021
by City of Eugene Planning Division

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Ft.



RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-03-08-23, TAX LOT 3900 LOCATED AT 3840
GILHAM ROAD).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on July 9, 2021, by Joseph W. Muller, Jr., in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-08-23, Tax Lot 3900 to the City of Eugene.

B. The property proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation are attached as Exhibit C.

D. On October 8, 2021, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Northeast Neighbors neighborhood organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on November 8, 2021.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

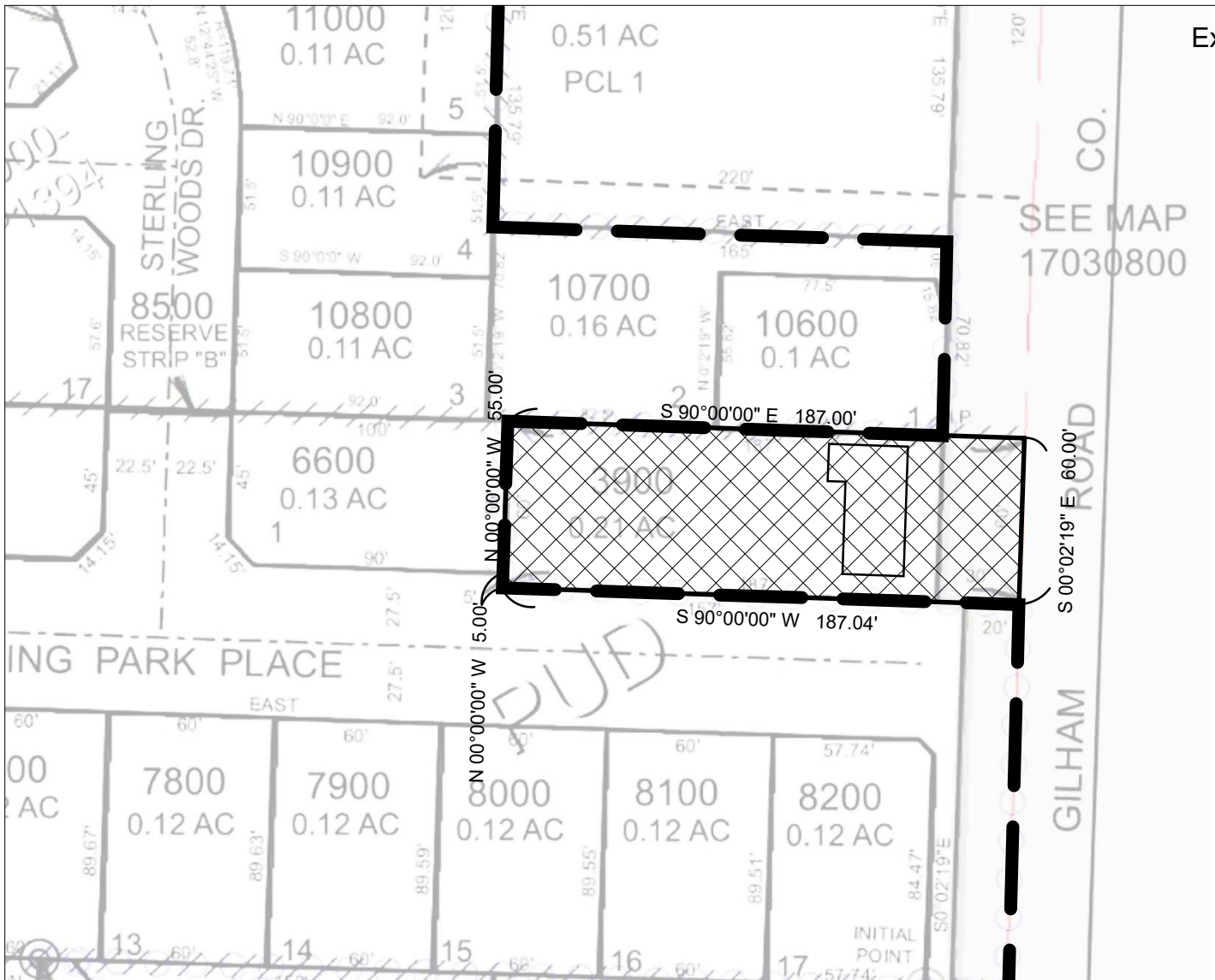
Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-08-23, Tax Lot 3900, which is depicted on the map attached as Exhibit A, and more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from AG

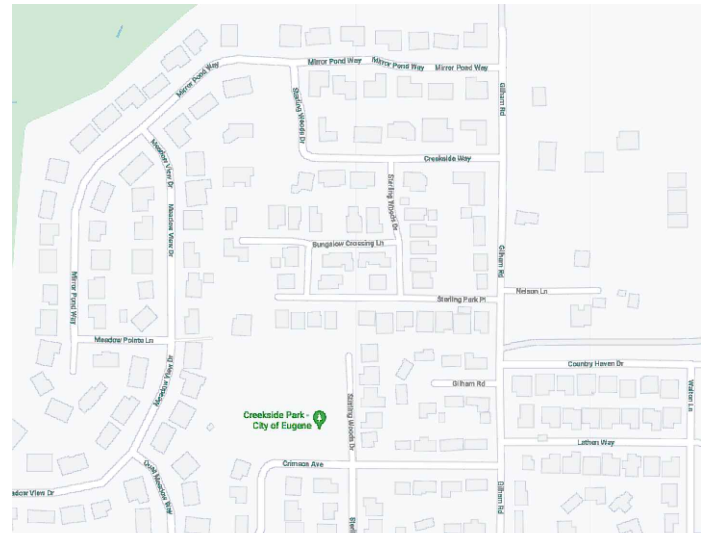
Agricultural with /UL Urbanizable Land Overlay to AG Agricultural shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of November, 2021.

City Recorder



VICINITY MAP



nts

MAP: 17 03 08 23 Tax Lot 3900



LAND TO BE ANNEXED



CITY LIMITS



EXISTING BUILDINGS



SCHIRMER CONSULTING, LLC
Landscape Architecture + Land Use Planning
PO Box 10424
Eugene, Oregon 97440
Phone: 541.234.5108

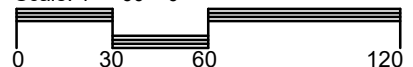
ANNEXATION MAP
Muller Annexation

CC Agenda - Page 36

Gilham Road, Eugene, OR

Date: July 9, 2021
Revised: August 20, 2021

Scale: 1" = 60' - 0"



Nov. 8, 2021 Meeting - Item 5A



**Legal Description of Affected Territory to be Annexed
(Tax Lot #3900)**

A unit of land being situated in the Northwest 1/4 of Section 8, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Northeast corner of the A.B. Stevens Donation Land Claim No. 40 in Township 17 South, Range 3 West of the Willamette Meridian;

Thence along the east line of the A.B. Stevens Donation Land Claim No. 40, South 00°02'19" East a distance of 796.60 feet to the **POINT OF BEGINNING** of this land to be annexed;

Thence continuing along the east line of the A.B. Stevens Donation Land Claim No. 40, South 00°02'19" East a distance of 60.00 feet;

Thence along the easterly projection of the northerly right-of-way line of Sterling Park Place and the northerly right-of-way line of Sterling Park Place, South 90°00'00" West a distance of 187.04 feet;

Thence North 00°00'00" West a distance of 5.00 feet to the southeast corner of Lot 1, ALDER WOODS PUD, as recorded August 27, 2014, Reception No. 2014-033783, Lane County Deeds and Records, in Lane County, Oregon;

Thence along the east line of said Lot 1, North 00°00'00" West a distance of 55.00 feet to the northeast corner thereof, said northeast corner also lies on the south line of Lot 2, BRIDGE WAY, as recorded March 31, 2017, Reception No. 2017-015817, Lane County Deeds and Records;

Thence along the south line of said Lot 2 and Lot 1, BRIDGE WAY, and the easterly projection of the south line of said lot 1, South 90°00'00" East a distance of 187.00 feet to the point of beginning, all in Lane County, Oregon and containing 11,221 square feet (0.26 acres) of land, more or less.





**Planning Director's Findings and Recommendation:
Annexation Request for MULLER, JOSEPH
(City File: A 21-10)**

Application Submitted: July 9, 2021
Applicant: Joseph William Muller Jr.
Property Included in Annexation Request: Tax Lot 03900 of Assessor's Map 17-03-08-23
Zoning: AG Agricultural Land with an /UL Urbanizable Land Overlay
Location: 3840 Gilham Road
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is: (a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.		
Complies		Findings: The annexation area is within the City’s urban growth boundary (UGB) and is contiguous to City limits along the property’s north, west, and south boundaries, consistent with subsection (a).
☒ YES	☐ NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the <u>Metro Plan</u> provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic text</i>): <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i> <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i>
☒ YES	☐ NO	

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>Willakenzie Area Plan, (WAP)</u>, is the adopted refinement plan for the subject property, which also designates the area for low-density residential use. The property is zoned AG Agricultural with an /UL Urbanizable Land overlay. Policy A.2 noted above, indicates that re-zoning of the property for consistency with the <u>Metro Plan</u> and <u>WAP</u> plans should occur. Changing the base zone of a property requires a separate process from annexation, and a change in the zoning of the property from AG Agricultural will be required prior to any future development. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>Willakenzie Area Plan</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
<div>Complies</div> <div> ☒ YES ☐ NO </div>		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u></p> <p>Wastewater service is available via an 8-inch public main located adjacent to the site in Sterling Park Place. Additionally, a 6-inch lateral is stubbed to the subject property. Based on the existing service, and stub, wastewater service is available to the subject property.</p>

		<p><u>Stormwater</u></p> <p>A 10-inch stormwater service and catch basins are located at the intersection of Sterling Woods Drive and Sterling park place, near the subject property. At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.</p> <p><u>Transportation</u></p> <p>The property has frontage on Gilham road and Sterling Park Place which connect to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.</p> <p><u>Solid Waste</u></p> <p>Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u></p> <p>Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u></p> <p>Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u></p> <p>Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p> <p><u>Planning and Development Services</u></p> <p>Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u></p> <p>A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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		<p><u>Public Schools</u></p> <p>The subject property is within the boundaries of the Eugene 4J School District. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p>
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CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

July 9, 2021
Revised: August 20, 2021

Joseph W. Muller, Jr.
Annexation Application
Map 17 03 08 23, Tax Lot 03900

WRITTEN STATEMENT

In accordance with EC 9.7800, Annexation Application Procedures and Criteria, the applicant, Joseph W. Muller, Jr., is requesting that the City of Eugene review this annexation request and determine that the proposal complies with criteria contained in EC 9.7825 and that the requested annexation can be approved.

I. Description of Proposal

A. Overview

Joseph W. Muller, Jr. (applicant) requests annexation approval to increase opportunities for future use of the property. The property is located inside the City of Eugene Urban Growth Boundary and is zoned Agricultural (AG) with an Urbanizable Land Overlay (UL).

B. Subject Site

The property is comprised of one tax lot and is located in the Unincorporated sub-area of the Willakenzie Area Plan. The property is bordered by single family homes and a few other unincorporated properties with R-1 zoning.



II. Annexation – Approval Criteria

Annexation Approval Criteria are found in Section 9.7825 of the Eugene Code. Applicable sections of the Code are in plain text, followed by proposed findings of facts in *italics*.

9.7825 Annexation – Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1)** The land proposed to be annexed is within the city's urban growth boundary and is:
 - (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

The property to be annexed within the city's urban growth boundary and contiguous to the city limits.

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

METRO PLAN: *Applicable Metro Plan policies and findings in support of this annexation request are as follows:*

C. Growth Management

- Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum of key urban facilities and services can be provided to the area in an orderly and efficient manner.

Response: Minimum key urban facilities and services as defined in the Metro Plan includes wastewater, stormwater, transportation, solid waste management, water service, fire and emergency medical service, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities and public schools on a district-wide basis (Metro Plan, Chapter V, Glossary, definition 24). As documented elsewhere in this Written Statement these key urban facilities and services exist or can be provided to the subject site in an orderly and efficient manner.

- Policy 10. Annexation to a city through normal processes shall continue to be the highest priority.

Response: Annexation into the corporate limits of the City of Eugene is codified in the Eugene Code (EC) 9.7800-9.7835. Processes and procedures regarding application, annexation, approval criteria, effective date and notice, and withdrawal from special districts are, by submittal and processing of this Annexation Application, being followed.

- Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services.

Response: The subject site is inside the Eugene jurisdiction of the metro area's Urban Growth Boundary. By this Annexation Application lands within the UGB (the subject site) is being annexed and as required by applicable approval criteria, will be provided with the minimum level of urban facilities and services.

- Policy 17. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.

Response: EWEB currently provides service to property adjacent to the subject site and would therefore provide service to the annexed property.

APPLICABLE REFINEMENT PLAN: The applicable refinement plan is Willakenzie Area Plan: Unincorporated Subarea.

- Policy 12. Upon annexation, the City shall apply the /PD Planned Unit Development zoning suffix, or other appropriate zoning designation suited to the creation of residential/mixed use developments, to those areas designated "Opportunity Area" on the Land Use Plan Diagram. The zoning district created to allow for the development of residential/mixed use communities shall be applied only at the request of the property owner or contract purchaser of the property.

Response: *This is a small lot surrounded by single family lots. The only option for this lot is to partition it into 2 lots. The client's intention is to renovate the existing home, partition the property and build another single family house.*

Opportunity areas are identified as locations in which the City will provide a great degree of flexibility for the developer of the residential/mixed use community than would normally be allowed through traditional types of development. Once such aspiration includes provisions for "greater latitude in the mixing of normally segregated land uses". While this area may have been intended to be mixed use when the WAP was adopted the reality is that the Unincorporated Sub Area and Opportunity Zone is primarily if not entirely residential dwellings.

There is no potential for a mixed use development on a small single family lot therefore, this area is not currently nor will it be developed as mixed use, and there would be no purpose in applying either a /PD overlay or other designation on this property. The client/property owner is not requesting that any overlay be applied.

- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

Response: *The proximity of key urban facilities and services to the site show that services can be provided on an orderly, efficient, and timely manner. These services are as follows:*

Wastewater

An 8" public gravity wastewater service is available and adjacent to the site in Sterling Park Place. A 6" lateral line was installed and stubbed out to the property in anticipation of future annexation.

Stormwater

A 10" stormwater service and catch basins are located at the intersection of Sterling Woods Drive and Sterling Park Place.

Any development plans will be required to meet current City of Eugene Stormwater Management criteria and will be evaluated by staff for compliance. Post development stormwater flows will not exceed predevelopment stormwater flows.

Water and Electric Service

Electric service is currently provided to the subject site by EWEB. There is a 6" water main adjacent to the site in Gilham Road. There is electric service to the site as evidenced by the existing home.

Transportation

The property has frontage on Gilham Road and Sterling Park Place. Taking Gilham South to Ayers Road, West to North Delta Road and then south connects directly to Beltline.

Transit – Bus service is currently not available to this area.

Solid Waste Management

Solid waste collection is provided by private firms, whose franchise territory granted by the City of Eugene includes the site.

Fire and Emergency Medical Services

Emergency medical and fire are currently provided on a regional basis by Eugene, Springfield and Lane Rural Fire/Rescue to central Lane County. After annexation, this service will continue to be provided by the current provider.

Police Protection

City of Eugene will provide police protection to this site upon annexation.

City-Wide Parks and Recreation

Per the City of Eugene 2017 'Parks, Open Space & Rec Map'. the following parks are located on the general vicinity of the property: Creekside Park, Gilham Park, Cal Young Sports Park.

Land Use Controls

The subject property is inside the Eugene portion of the Metro Plan Urban Growth Boundary. The city of Eugene provides land use controls for the site.

Communication Facilities

A variety of telecommunications providers offer communication services throughout the Eugene/Springfield Area.

Public Schools on a District-Wide Basis

The property is within the Eugene 4J School District and is within the district boundaries of Gilham Elementary School, Cal Young Middle School and Sheldon High School.

Given the above regarding public and private facility availability, this criterion is met.

III. Attachments

The following attachments are included with this application.

1. Annexation Map (2 pages)
2. Petition for Annexation
3. Consent to Annexation
4. Legal Description of Affected Territory to be Annexed
5. Summary of Urban Service Provision
6. Census Information Sheet

IV. Conclusion

Based on the available information and supporting materials the annexation request is consistent with all applicable approval criteria.

Sincerely,
Schirmer Consulting, LLC



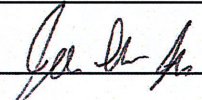
Carol Schirmer
Principal

Application #: C * 2008 - _____
For City Use Only

* CB = Coburg CG = Cottage Grove
CR = Creswell EU = Eugene
FL = Florence JC = Junction City
OA = Oakridge SP = Springfield

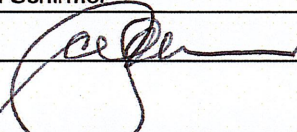
PETITION
Petition Signature Sheet
Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
1. 		Joseph W. Muller, Jr.	3840 Gilham Road	17 03 08 23 03900	x	x	.22
2. 							.21
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Carol Schirmer (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

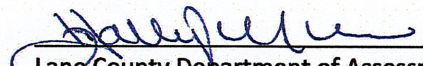
X  (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

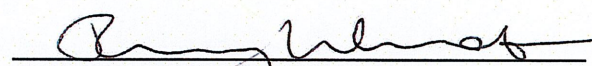
The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 4 ^{0 JW}. I hereby certify that this petition includes 4 ^{0 SW} valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.


Lane County Department of Assessment and Taxation

8/18/21
Date Certified


Lane County Clerk or Deputy Signature

8/17/21
Date Certified

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17 03 08 23 03900 Address: 3840 Gilham Road,
Eugene, OR 97408

Legal Description:

In the corporate limits of said city, which is owned by the undersigned

DATED this 9 day of July, 2021.

Joseph W. Muller, Jr.

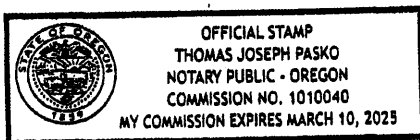
STATE OF OREGON)

County of) ss)

On this 9 day of July, 2021, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named,

who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Thomas Joseph Pasko
Notary Public for Oregon

My Commission Expires March 10, 2025

Thomas Joseph Pasko

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971

Meeting Date: November 8, 2021
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

The purpose of this item is for City Council to consider taking action to adopt amendments to Eugene Code (EC) 2.196, the code section that specifies the process that EWEB must follow when EWEB determines that real property it owns is no longer needed for EWEB purposes. The proposed amendments to EC 2.196 will set additional deadlines that must be met (180 days for the city manager and EWEB's general manager to agree to proposed terms and 365 days for the two governing bodies to approve the terms) and will shorten the deadline to complete the property transfer to 3 years.

BACKGROUND

For a number of years, the City has anticipated reconstructing the railroad crossing that is located just to the south of the Steam Plant at 8th Avenue & Hilyard Street. Reconstruction of that crossing is part of the City's railroad quiet zone project. The plans for that crossing have assumed that it would occur on property that is owned by EWEB which many decades ago had been used as a manufacturing gas plant (MGP).

On December 1, 2020, the EWEB Board adopted a resolution declaring the MGP site as "surplus" property, and authorized EWEB's General Manager to negotiate and sign a purchase and sale agreement (PSA) with the City for that property.

On December 14, 2020, the City Council and the Urban Renewal Agency passed motions directing the City Manager/Agency Director to negotiate and sign a Purchase and Sale Agreement for the Agency's acquisition of the MGP site for \$400,000 using riverfront urban renewal funds and that includes as one of the conditions of closing the City Council's adoption of amendments to EC 2.196. The City Council also passed a motion directing the City Manager to prepare an ordinance and schedule a public hearing on the EC 2.196 amendments. On July 12, 2021, the City Council and Urban Renewal Agency passed motions authorizing the City to acquire the site directly from EWEB using urban renewal funding, rather than the Agency acquiring the site and then transferring the site to the City.

EC 2.196 specifies a process that EWEB must follow when EWEB determines that real property it owns is no longer needed for EWEB purposes. In a nutshell, the code delineated process: (1) requires the EWEB Board to declare the property surplus and then to notify the City Manager that the property has been surplus; and (2) grants to the City 30 days to decide whether the City wants to negotiate with EWEB for the purchase of the property, and if so, then up to 5 years to complete the purchase. If the purchase has not been completed within the 5 years, EWEB can choose to sell the property to another entity. The proposed amendments to EC 2.196 are summarized above and are set forth in Attachment A to this AIS.

On January 19, 2021, the City Council held a public hearing on the EC 2.196 amendments. Two people provided testimony regarding the proposed ordinance, Frank Lawson, EWEB General Manager, spoke in favor of the proposed code amendments, and Zonde Zinke, expressed concerns with the City giving up its right of first refusal of the EWEB Headquarters building.

PREVIOUS COUNCIL DIRECTION

[July 12, 2021, Action, Authorizing the Urban Renewal Agency to Pay for, and the City to Acquire, the MPG Site.](#)

City: Move to authorize the City Manager to sign a purchase and sale agreement for the City's acquisition of the MGP site for \$400,000 using Riverfront Urban Renewal funds and that includes as one of the conditions of closing the City Council's adoptions of amendments to EC 2.196. Passed 8:0

Agency Board: Move to authorize the expenditure of \$400,000 of Riverfront Urban Renewal funds for acquisition of the MGP site. Passed 8:0

[January 19, 2021, Public Hearing](#)

Frank Lawson, EWEB General Manager, spoke in favor of the proposed code amendments, and Zonde Zinke, expressed concerns with the City giving up its right of first refusal of the EWEB Headquarters building.

[December 14, 2020, Work Session, Riverfront Discussion](#)

Move to authorize the City Manager to negotiate and sign a Purchase and Sale Agreement for the Agency's acquisition of the MGP site for \$400,000 using riverfront urban renewal funds and that includes as one of the conditions of closing the City Council's adoption of amendments to EC 2.196. Passed 7:1

Move to direct the City Manager to prepare an ordinance and schedule a public hearing on amendments to EC 2.196, adoption of which will be a condition of closing the Agency's purchase of the MGP site. Passed 6:2

Move to direct the City Manager to notify EWEB, simultaneous with execution of the MGP site Purchase and Sale Agreement, that the City is terminating the negotiations for acquisition of the EWEB Headquarters building, previously requested by the City pursuant to EC 2.196. Passed 6:2

COUNCIL OPTIONS

1. Adopt the ordinance considered at the January 19, 2021, public hearing and set forth in Attachment A.
2. Direct the City Manager to return to Council with additional information or ordinance revisions.

MOTION

Move to adopt Attachment A to the AIS, An Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971.

CITY MANAGER RECOMMENDATION

The City Manager recommends adopting the proposed ordinance. Adoption of amendments to EC 2.196 is a condition of closing in the MGP Site Purchase and Sale Agreement and is one of the few remaining items needing resolution for the City to purchase this property from EWEB.

ATTACHMENTS

- A. Ordinance Concerning Disposition of Eugene Water & Electric Board Real Property and Amending Section 2.196 of the Eugene Code, 1971.

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING DISPOSITION OF EUGENE WATER & ELECTRIC BOARD REAL PROPERTY AND AMENDING SECTION 2.196 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.196 of the Eugene Code, 1971, is amended to provide as follows:

2.196 Eugene Water & Electric Board - Disposition of Real Property.

(1) The board may dispose of real property not needed for utility purposes in accordance with state law.

(2) In the event the board or its designee determines that real property is not needed for utility purposes, it shall afford the city the opportunity to obtain the property for other municipal purposes by ~~notifying~~ **providing** the city manager **written notice** of its availability.

(a) If the city desires to obtain the property, the city manager shall request negotiation within thirty (30) days of the ~~notification~~ **notice of availability**.

(b) ~~As soon as possible after notification,~~ **Within 180 days of the notice of availability**, the city manager and the board's general manager shall negotiate ~~an agreement to compensate the board for the property transferred in accordance with agreed criteria~~ **and agree upon terms for the property transfer to present to the board and the city council for approval.**

(c) **Within 365 days of the notice of availability, the board and the city council shall approve terms for the transfer of the property to the city and compensation to the board for the property.**

(d) Any agreed transfer to the city and compensation to the board shall be completed within ~~five (5)~~ **three (3)** years from the ~~date of notification~~ **notice of availability**.

(e) **Unless the city manager and the board's general manager agree in writing to extend one or more of the deadlines,** ~~the board may dispose of the property by such means and terms as it deems appropriate if:~~

1. Within 30 days of the notice of availability the city manager fails to request negotiations ~~within thirty (30) days of notification of availability; or, if the property transfer is not completed within five (5) years of that notification.; or,~~

2. Within 180 days of the notice of availability the city manager and the board's general manager fail to agree upon terms for the property transfer to present to the board and city council for approval; or,

3. Within 365 days of the notice of availability the board and the city council have not approved terms for the transfer of the property to the city and compensation to the board for the property; or,

4. Within three (3) years of the notice of availability the property transfer is not completed.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

Approved by the Mayor this

___ day of _____, 2021

City Recorder

Mayor