



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 8, 2019

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of April 8, 2019;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Betty Taylor, President
Greg Evans
Mike Clark
Jennifer Yeh

Emily Semple, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

1. PUBLIC FORUM

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- February 19, 2019, Joint Work Session
- February 19, 2019, Public Hearing
- February 20, 2019, Work Session
- February 23, 2019, Workshop
- March 6, 2019, Work Session

B. Approval of Tentative Working Agenda

C. Adoption of a Resolution Annexing Land (Assessor's Map 17-04-11-22, Tax Lot 00320; Located South of Blackfoot Avenue, West of Crocker Road) and a Portion of Blackfoot Avenue Right-Of-Way to the City of Eugene (City File: Osuna, Morgan and Hannah; A 19-1)

3. ACTION: An Ordinance Concerning Imposition of a Construction Excise Tax on Commercial and Residential Improvements and Adding Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 to the Eugene Code, 1971.

April 8, 2019, Meeting

4. ACTION: An Ordinance Concerning Nuisances, Amending Sections 6.005 and 6.010 of the Eugene Code, 1971, and adding section 6.116 to that code.

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



Public Forum

Meeting Date: April 8, 2019
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
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



Approval of City Council Minutes

Meeting Date: April 8, 2019
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
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 sessions on February 19 and 20, 2019, the public hearing on February 19, 2019, the workshop on February 23, 2019, and the work session on March 6, 2019.

ATTACHMENTS

- A. February 19, 2019, Joint Work Session
- B. February 19, 2019, Public Hearing
- C. February 20, 2019, Work Session
- D. February 23, 2019, Workshop
- E. March 6, 2019, Work Session

FOR MORE INFORMATION

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

MINUTES

**Joint Meeting of the
Eugene City Council and Lane Transit District Board of Directors
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**February 19, 2019
5:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Chris Pryor, Mike Clark

Councilors Absent: Claire Syrett, Greg Evans

LTD Board Members Present: Carl Yeh, Don Nordin, Kate Reid, Joshua Skov, Emily Secord, Steven Yett, Caitlin Vargas

Mayor Vinis and Board Chair Carl Yeh opened the February 19, 2019, Joint Meeting of the Eugene City Council and Lane Transit District Board of Directors.

1. JOINT WORK SESSION: MovingAhead Project Update

City Engineer Chris Henry, Principal Planner Terri Harding, and LTD staff Andrew Martin presented information about the proposed corridor investment packages in the MovingAhead Project.

(Councilor Zelenka arrived at 5:45 p.m.)

Discussion

- Councilor Clark – acknowledged and appreciated the efforts made by many and the investment on this initiative; encouraged consideration of technological changes that may occur in the 10-year timeframe that could impact assumptions and strategies.
- Ms. Reid – asked when LCOG funding and implementation information would be available and whether it would look at each package; supported developing general funding strategies.
- Councilor Yeh – supported strategies that address all modes of transportation and show a nexus with other livability issues; asked why there was not a higher level of investment planned for Martin Luther King Jr. Boulevard, noting the importance of keeping open the option to more fully develop infrastructure for this very high density area; asked why there were no bike improvements planned along Coburg Road and MLK Boulevard.
- Mr. Yeh – stated that MovingAhead has the potential to address a number of important community issues such as housing and climate recovery; said it is important to be ready with projects when funding becomes available.
- Councilor Pryor – said there is a need to start planning now for the 10-year goal of a safe, reliable transportation system that addresses the shared community goal to reduce single-use vehicles; said new technology should be considered, but it won't replace other needs.
- Mr. Nordin – asked whether attention was being given to exurbs in the planning process; anticipated a huge influx of people to the region which will significantly impact the transportation system.
- Councilor Taylor – requested information about LTD's plans for service on weekends, holidays, and other traditionally off-peak times.

- Ms. Reid – noted that House Bill 2017 looks specifically at intercity transportation links and options; reminded everyone that public comment is still being accepted on the Transit Tomorrow webpage.
- Councilor Semple – Asked about plans to accommodate dogs and bicycles on buses; reported receiving many complaints about bus schedules and lack of service.
- Mr. Skov – acknowledged the feedback LTD receives about increasing weekend and evening service; said new technology may make alternative modes more useful and feasible.
- Councilor Zelenka – supported prudent investment now in multi-modal infrastructure, noting that responding after-the-fact to traffic impacts is always more expensive; MovingAhead is a huge project with huge impacts that will be worth it in the long run and necessary regardless of culture changes.
- Ms. Reid – cited the West 11th EmX service as an example of a long-term project that resulted in usable transit with many peripheral benefits; noted that Transit Tomorrow is a shorter-term project but iterative and very informative for long-term planning.
- Councilor Clark – ascertained that approximately eight percent of the population are regular bus riders; suggested that if the goal is to get more people to use alternate modes, the same money allocated for this project could be spent making electric vehicles available to everyone.
- Mr. Nordin – noted that any strategy that adds more vehicles to local streets will have a negative effect.
- Councilor Yeh – reiterated that the value of the MovingAhead project is that includes improvements for all modes of transportation and all types of users; voiced concern that a “no build” plan for Coburg Road is untenable.
- Ms. Secord – stated that MovingAhead does not ignore the potential for new technology.
- Mayor Vinis – appreciated the connections made between MovingAhead and Transit Tomorrow.

MOTION AND VOTE: Councilor Taylor, seconded by Councilor Semple, moved to direct staff to take the MovingAhead Proposed Investment Packages described in Attachments C and D out for public review. **PASSED 6:0.**

MOTION AND VOTE: Board Chair Yeh, seconded by Board Member Skov, moved to direct staff to take the MovingAhead Proposed Investment Packages described in Attachments C and D out for public review. **PASSED 7:0**

Board Chair Yeh adjourned the meeting of the Lane Transit District Board of Directors.

Mayor Vinis adjourned the meeting of the Eugene City Council and convened a meeting of the Eugene Urban Renewal Agency.

2. URA WORK SESSION: Downtown Riverfront Development

Community Development Director Mike Kinnison, City Engineer Matt Rodrigues, and Principal Landscape Architect Emily Proudfoot provided an update on the Downtown Riverfront project, including next steps for council and public input.

Council Discussion

- Councilor Zelenka – asked how plans for development of affordable housing using a Multiple Unit Property Tax Exemption would work with the proposed phased approach for the riverfront redevelopment.

- Councilor Semple – asked what the viaduct open space as noted next to Townhouse #4 would be used for; encouraged consideration of using that space for a dog park in response to growing need for dog-friendly areas as infill occurs.
- Councilor Taylor – asked questions about the potential for a MUPTE request by the developer and the proposal to include street furniture in the development.
- Mayor Vinis – expressed appreciation for plans to incorporate historical features into the landscape; asked whether there are plans to incorporate elements salvaged from the decommissioned AgriPac building into the project.
- Councilor Zelenka – requested clarification on plans to use a ground lease for some commercial and restaurant space rather than purchase.

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES

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

**February 19, 2019
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Vinis opened the February 19, 2019, meeting of the Eugene City Council.

1. PUBLIC HEARING: An Ordinance Providing For Withdrawal of Annexed Properties From the Following Special Districts: The Santa Clara Rural Fire Protection District; Santa Clara Water District; Willakenzie Rural Fire Protection District; Lane Fire Authority; River Road Park & Recreation District; And River Road Water District

City Manager Jon Ruiz introduced the public hearing topic.

Mayor Vinis opened and closed the public hearing. No testimony was given on this ordinance.

2. PUBLIC HEARING: An Ordinance Concerning Nuisances, Amending Sections 6.005 and 6.010 of the Eugene Code, 1971, and Adding Section 6.116 to that Code

City Manager Jon Ruiz introduced the public hearing topic.

Mayor Vinis opened the public hearing.

1. Shaun Winter – opposed the nuisance ordinance; it would impose an undue burden on renters.
2. John Thielking – opposed the nuisance ordinance; it is unfair for renters and property owners.
3. Misha Seymour – opposed the nuisance ordinance; noted there are other types of nuisances.

Mayor Vinis closed the public hearing.

3. PUBLIC HEARING: An Ordinance Concerning Imposition of a Construction Excise Tax on Commercial and Residential Improvements and Adding Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 to the Eugene Code, 1971

City Manager Jon Ruiz introduced the public hearing topic.

Mayor Vinis opened the public hearing.

1. RS Self – said that the criteria to obtain affordable housing is insurmountable for many.
2. Tiffany Edwards – announced the Chamber of Commerce’s support for the proposed ordinance.
3. Daniel Hill – outlined barriers to developing affordable housing; opposed any tax on housing.
4. Thomas Walter – noted the challenges faced by home builders in the community.
5. Ed McMahon – supported efforts to lower the barriers and costs of building affordable housing.
6. Carolyn Jacobs – opposed the proposed ordinance; said it is fully funded by property taxes.
7. Kaarin Knudson – said Better Housing Together supports the proposed resolution.
8. Bill Aspegren – opposed the proposed ordinance; said it does not raise new revenue.

9. David Monk – supported efforts to find new revenue to address housing crisis; opposed ordinance.
10. Phyllis Hockley – said Churchwomen United supports the CET to fund affordable housing.
11. Seda Collier – said the CET presents an opportunity to give the City’s Green Building Program teeth.
12. Michael Gannon – urged council to look more aggressively at strategies for needed housing.
13. Celine Harris – said the Democratic Party of Lane County supports a one percent CET.
14. Kim Arscott – supported a CET that makes the construction of missing middle housing affordable.
15. John VanLandingham – encouraged adoption of the CET rate supported by Better Housing Together.
16. Kevin Cronin – spoke as a renter and tenant advocate; supported phased-in CET.
17. Anna Peña – supported a one percent CET to benefit construction of affordable housing.
18. Emily Mooney – supported a one percent CET to benefit construction of affordable housing.
19. Chris Wig – supported immediate passage of a one percent CET to benefit affordable housing.
20. Matthew Katz – supported adoption of a CET to benefit construction of affordable housing.
21. Stephen Carson – asked why the CET would be offset by systems development charge funds.
22. Kevin Orr – supported the CET ordinance; will make affordable student housing accessible.
23. Carmel Perez Snyder – said AARP supports the proposal for a phased CET.
24. Josephine Ruff – supported a one percent CET to benefit construction of affordable housing.
25. Hannah Argento-McCurdy – supported a one percent CET for construction of affordable housing.
26. Sutter Munizich – supported a one percent CET to benefit construction of affordable housing.
27. Tristan Waits – supported a CET to benefit construction of affordable housing.
28. Joshua Caraco – supported a CET as a means to benefit construction of affordable housing.
29. Mary Brorby – urged creativity, giving developers of low-income housing a tax break.
30. Jan Fillinger – supported a CET, but with related changes to the code around lot size, ADUs, etc.
31. Erin Barnhart – supported a CET to benefit construction of affordable housing; social justice issue.
32. Mysti Frost – supported a one percent CET to benefit construction of affordable housing.
33. Steve Coatsworth – spoke about his experience with no-cause evictions; supported CET.
34. John Thielking – opposed current CET proposal, noting effect of 3-D printing technology on housing.

Mayor Vinis closed the public hearing.

Council Discussion

- Councilor Taylor – agreed with those who expressed opposition to a CET on the grounds that it does not generate new revenue.
 - Councilor Zelenka – noted that the proposed General Fund offset would be temporary; other Oregon communities adopted CETs with a one percent rate; council is committed to taking other steps to address the lack of affordable housing.
 - Councilor Clark – encouraged everyone to respect the opinions of others; appreciated work done to develop CET proposal; said that larger-scale developers should be included in the conversation about the impacts of a CET.
 - Mayor Vinis – said there has been a significant amount of public input and public outreach throughout the process of developing the CET proposal; announced that the ordinance was scheduled for action in early April.
- 4. PUBLIC HEARING: An Ordinance Concerning Unlawful Transfer on Vehicular Portion of Right-of-Way, Adding Section 5.170 to the Eugene Code, 1971, and Amending Section 5.990 of that Code**

City Manager Jon Ruiz introduced the public hearing topic.

Mayor Vinis opened the public hearing.

1. Janet Sims – spoke in opposition to the proposed ordinance; people rely on money they collect.
2. Cliff Gray – proposed ordinance would violate the Constitution; has unintended consequences.
3. Charmaine Rehg – supported the ordinance, noting that it will improve public safety.
4. Donna Riddle – said there is no evidence to support the need for the proposed ordinance.
5. Gina – supported the ordinance; said it will reduce incidents of distracted driving.
6. Dave Piccioni – opposed the proposed ordinance; related his experience donating to others.
7. Bob Cassidy – said the proposed ordinance won't help the homeless and will be unenforceable.
8. David Strahan – said there is no evidence to support the need for the proposed ordinance.
9. Jennifer Frenzer – opposed restrictions to panhandling; supported efforts to help the homeless.
10. Leslie Robnett – encouraged the council to take action and help the homeless.
11. Michael Carrigan – spoke in opposition to the ordinance; people have legal right to ask for help.
12. Wayne Martin – said it is natural to ask for help; reasonable to allow exchanges.
13. Darcy Martin – supported passage of the ordinance; many other resources are available for help.
14. Lainy Davis – expressed concern about the safety of drivers and panhandlers during exchange.
15. Jerry Glass – said proposed ordinance is one more assault on the homeless.
16. Pamela Krause – said that destitution in Eugene is increasing; opposed ordinance.
17. Michael Gannon – expressed frustration about the obstacles to helping those in need.
18. John Thielking – opposed the ordinance as it violates the Constitution; suggested amendments.
19. Misha Seymour – opposed passage of the ordinance; City has created an unwelcoming atmosphere.
20. Susan Matthews – opposed ordinance; said it is an important means of supporting those in need.
21. Liana Leung – described the unsafe behavior she has witnessed during exchanges.
22. Jack Radey – said there is no evidence that panhandling creates a safety hazard.
23. Ben Clark – appreciated the opportunity for community conversation; opposed ordinance.
24. Sarah George – opposed ordinance for criminalizing acts of kindness.
25. Stephen Carson – said the main intent of the ordinance is to hide the problem of homelessness.
26. Kathy Cooks – recommended that council postpone action on the ordinance; do more to help.
27. Jenny Ulum – said ordinance focuses on the driver, not the person receiving; supported passage.
28. Stefan Strek – spoke about his enlightenment; opposed ordinance as being hypocritical.
29. Joe Williams – said that panhandling creates a safety issue; find common ground for problem.
30. Rose Padgett – opposed proposed ordinance; represents class war between rich and poor.
31. Chavon Wright – supported efforts to stop criminalizing homelessness and start helping homeless.
32. John Abbe – spoke about the hypocrisy of the proposed ordinance versus inundation of marketing.
33. Eric Jackson – supported amending the ordinance; acknowledged those who are homeless by choice.
34. Kris McAlister – encouraged council to consider unintended consequences of ordinance.
35. Leonard Stoehr – said there is no evidence to support the need for the proposed ordinance.
36. Mel Hite – said acts of kindness result in other acts of kindness; opposed ordinance.
37. Tracy Joscelyn – spoke against the ordinance; panhandling is a lifeline for many in the community.

Mayor Vinis closed the public hearing.

Council Discussion

- Councilor Clark – asked for information about the cessation of the “Fill the Boot” campaign for safety reasons.
- Councilor Syrett – stated that she will not support the proposed ordinance; it will be challenged in court if enforced only in panhandling situations; proposal is a pretext to achieve an unconstitutional purpose.
- Councilor Semple – noted that while she will oppose the ordinance, she supported providing an open forum for community to air its opinion on this issue; encouraged civil behavior to accomplish goals.
- Councilor Taylor – reported that many of her constituents support this ordinance; there are many other ways to help those in need; supported passage of the ordinance.
- Mayor Vinis – thanked those in attendance for their input and stressed the need for and value in maintaining a respectful meeting environment.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

M I N U T E S

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

**February 20, 2019
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Vinis opened the February 20, 2019, work session of the Eugene City Council.

1. WORK SESSION: Regulation of Secondary (Accessory) Dwelling Units and Consideration of Remand Issues (Ordinance Nos. 20594 and 20595)

Deputy City Attorney Emily Jerome gave an overview of the topic and its history, and explained that the purpose of the meeting was to obtain council's guidance for drafting a new ordinance that would be reviewed by the public at a future public hearing.

Council Discussion:

- Councilor Clark – expressed concerns about the process outlined by Mayor Vinis.
- Councilor Zelenka – requested clarification on whether the ADU provisions needed to be applied to all other zones or simply R1.
- Councilor Clark – asked whether the Jefferson Westside Special Area Zone preamble on additional single family dwellings could be used in R2, R3 and R4.
- Mayor Vinis – requested that council begin making their way through each siting and design standard raised in the LUBA appeals outlined in the agenda item summary (Attachment A). She outlined the process for reviewing each siting and design standard.
- Councilor Syrett – requested requirements 4 and 7 (Outdoor Storage/Trash and Prohibition on Alley Access Lots) be pulled from the green list for discussion.
- Councilor Clark – commented that although he had hoped to work with everyone, he regretted that he would have to return with his own motions.
- Councilor Zelenka – asked why all siting and design rules aren't applied to all zones.
- Mayor Vinis – affirmed that council chose to leave in requirements 1, 2, 3, 5 and 6 from the green section, pulling requirements 4 and 7 to move to the yellow category.
- Councilor Syrett – asked Mayor Vinis whether the meeting process allows questions to staff regarding why they placed requirements in the various categories (green, yellow or red). She then asked staff to explain reasoning on requirements 4 and 7.
- Councilor Zelenka – asked whether requirement 7 would apply to the recent Measure 49 claim by Elise Moore.
- Councilor Clark – said reductions in minimum lot size would change the nature of R1 zones, and asked whether it would be more accurate to have findings to justify the relationship to SB 1051.
- Councilor Semple – asked whether retained requirements can be revised later; asked how the requirements work together (e.g. concrete coverage and parking).
- Councilor Zelenka – asked about Attachment C regarding minimum lot sizes in each zone. He also suggested all yellow items be moved to green.

- Councilor Clark – said he would like to see every item moved to the green section.
- Mayor Vinis – asked the councilors to state whether they would like to keep or drop each yellow- and green-category requirement.

Green Requirements

#4 (Outdoor Storage and Trash)

Keep: Councilors Taylor, Clark, Pryor, Zelenka

Remove: Councilors Yeh, Syrett, and Semple

#7 (Prohibition on Alley Access Lots)

Keep: Councilors Taylor, Clark, Yeh and Zelenka

Remove: Councilors Pryor, Syrett, and Semple

Yellow Requirements

#1 (Minimum Lot Size)

Keep: Councilors Taylor, Clark, Pryor, Yeh, Zelenka, and Semple

Remove: Councilor Syrett

#2 (Maximum Density)

Keep: All councilors opted to keep this requirement.

#3 (Lot Dimensions)

Keep: Councilors Taylor, Clark, Pryor, Yeh and Zelenka

Remove: Councilors Syrett and Semple

#4 (Parking Requirement)

Keep: Councilors Taylor, Clark, Pryor, Yeh and Zelenka

Remove: Councilors Syrett and Semple

#5 (Alley Access Parking/Driveway)

Keep: Councilors Taylor, Clark, Pryor, Yeh and Zelenka

Remove: Councilors Syrett and Semple opted to remove.

#6 (Building Height/Sloped Setback)

Keep: Councilors Taylor, Clark, Pryor, Yeh, Zelenka, Syrett and Semple

Remove: Councilor Yeh preferred its removal.

Council Comments

- Councilor Semple - asked about the number of dogs allowed per lot, commenting that the number of dogs was not a siting or design requirement. She also asked whether the prohibition against more than five unrelated individuals living in a single home applies would extend to all homes (i.e., accessory dwellings).
- Councilor Zelenka – asked where the rule about no more than five unrelated people living in a single dwelling is in the City Code. He also asked whether there were parking requirements in addition to those in the red category.
- Councilor Clark – said he would like testimony from the public before making a decision.

Red Requirements

#1 (Prohibition on New Flag Lots)

Keep: Councilors Taylor, Clark, and Zelenka

Remove: Councilors Pryor, Yeh, Syrett, and Semple

#2 (Vehicle Use Area)

Keep: Councilors Taylor, Clark, Pryor, Yeh, Zelenka and Semple

Remove: Councilor Syrett

#3 (Owner Occupancy)

Keep: Councilors Taylor, Clark, and Zelenka

Remove: Councilors Pryor, Yeh, Syrett, Semple

#4 (Maximum Bedroom)

Keep: Councilors Taylor, Clark, and Zelenka

Remove: Councilors Pryor, Yeh, Syrett, Semple

#5 (Maximum Occupancy)

Keep: Councilors Taylor, Clark, and Zelenka

Remove: Councilors Pryor, Yeh, Syrett, Semple

#6 (Dog Keeping)

Keep: Councilors Taylor and Clark

Remove: Councilors Pryor, Yeh, Zelenka, Syrett and Semple

Council Comments

- Councilor Pryor – asked whether the red items would still be included in the draft ordinance.
- Councilor Taylor – asked for clarification on whether the residence requirement would be included in the ordinance for public comment.
- Councilor Semple – asked why council wasn't asked to discuss putting the special area zone standards into the requirements to prevent legal action during the process.
- Councilor Clark – asked for clarification about whether the draft ordinance would include findings for the owner occupancy requirement. He also asked whether inserting the preamble from the special area zones to the ordinance would prevent further appeals. He stated he would prefer no action because secondary dwellings are already allowed in R2, R3 and R4.
- Councilor Taylor – asked whether not taking action would allow the City to keep the residency requirement. She also asked if council would have another opportunity to discuss whether they would like to have findings for the residency requirement.
- Councilor Zelenka – requested language in the draft ordinance detailing why council struck each requirement they did, so the community had a clear rationale.

The meeting adjourned at 1:28 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

(Recorded by Cas Casados)

M I N U T E S

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

**February 23, 2019
9:00 a.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Executive Staff Present: Jon Ruiz, Kristie Hammitt, Kathryn Brotherton, Mia Cariaga, Chief Joe Zaludek, Chief Chris Skinner, Renee Grube, Denny Braud, Sarah Medary

Mayor Vinis opened the February 23, 2019, workshop of the Eugene City Council.

1. 2018 Year in Review

City Manager's Office Division Manager Becky DeWitt led the group in an exercise to reflect on past accomplishments and hopes for the upcoming year.

Discussion:

- Mayor Vinis – shared her appreciation for the involvement and passion of people who provide testimony at public forums and public hearings; identified community safety, homelessness and housing as issues needing further effort, noting that progress is possible with good collaboration and commitment.
- Councilor Taylor – identified the restoration of dogs' rights downtown and the annual Symphony in the Park as successes in 2018; appreciated her weekly meetings with the Mayor and encouraged more canvassing activity in neighborhoods.
- Jon Ruiz – said he was gratified by having a complete executive team in place, and the work to create an effective and productive organizational culture that successfully adapts to internal and external changes.
- Councilor Clark – expressed concern about the direction council has taken on some of the issues it faced in 2018; was optimistic initially about progress on housing and homelessness but council decisions have made those issue worse.
- Chief Skinner – reported that there is more enthusiasm and hope for the future in the Police Department; appreciated the focus on available resources when building capacity.
- Councilor Pryor – said felt the council has a good handle on listening/learning and thinking/deliberation, but needs to work more on taking action; felt that good decisions were made in 2018 that will lead to continued progress in 2019.
- Kathryn Brotherton – identified the addition of transportation options (PPVs) and the improved relationship with County partners on issues such as homelessness and the land swap as successes in 2018; hoped that these relationships would continue to strengthen in 2019.
- Councilor Yeh – expressed appreciation for the work of the council to lay the groundwork for and engage the community in important issues such as homelessness and housing.
- Kristie Hammitt – appreciated the engagement and diversity of participants at public forums and hearings and hoped to continue to find ways to increase that engagement; supported ongoing efforts to build and strengthen partnerships and innovate.

- Mia Cariaga – appreciated the hard work of elected officials; expressed gratitude for the services now available at the Library due to passage of the library levy.
- Denny Braud – said his expectations for 2018 were exceeded with progress made on projects such as the downtown riverfront, Knight Campus, Hayward Field, town square/land swap, Obie development, housing tools and strategies conversation, Ya-Po-Ah Terrace, and Uber/Lyft.
- Councilor Zelenka – said he felt much of 2018 was spent laying the groundwork and strategic planning for important initiatives, including work on the Climate Recovery Ordinance, Riverfront project, TAC Report, affordable housing and community safety bridge funding.
- Sarah Medary – said that the organization achieved a great deal in 2018, and 2019 was an opportunity to continue those efforts; noting the town square project as an example, expressed confidence that Public Works and Planning Development would continue to find ways to work together strategically and physically.
- Councilor Syrett – listed the partnership with the County on the TAC Report, Williams and dame contract, landswap, planning efforts in River Road/Santa Clara, parks bond and levy and immigration status protections as successes in 2018; expressed pride in the gender-diversity of the City Council.
- Renee Grube – acknowledged the challenge of serving as an elected official; said executive staff and the community are feeling very optimistic and energized; looked forward to ambassador opportunities, implementation of Parks and Rec System Plan, and welcoming a new Library Director; thanked Mia Cariaga for her service as interim Library Director.
- Chief Zaludek – recounted his department's efforts to resolve the gap in service delivery by gathering data and change the application of increased resource allocations, resulting in improved resuscitation rates; supported a continued commitment to prevention and community risk reduction initiatives.
- Councilor Semple – expressed appreciation for progress on public safety bridge funding, prevention work with youth and homelessness, and increased downtown event programming; said more work is needed on providing shelter, the single-use plastics ban, and creation of a downtown day center.

2. Community Safety Revenue

Assistant City Manager Kristie Hammitt, Finance Director Twylla Miller and Senior Financial Analyst Maurizio Bottalico gave a presentation on the work and findings of the Community Safety Revenue Team.

Discussion

- Councilor Semple – noted that if a structure is set up to collect the payroll tax, it could be used again for other City collection needs.
- Councilor Syrett – said it is important to be clear that, as proposed, the payroll tax is not regressive; everyone pays proportionally into a system that everyone benefits from; noted that the *Register-Guard* reported conflicting information on projected tax amounts.
- Councilor Clark – requested clarification about public employers' contribution; noted that a similarly structured tax previously proposed met with community resistance; supported a focus on creating more taxpayers rather than taxing existing taxpayers.
- Councilor Zelenka – stated that flat tax fees are regressive; asked whether non-profits would be included.
- Councilor Taylor – said that even a minimal amount is significant to low wage earners; supported lobbying the State for changes to the lodging tax, consideration of a marijuana tax, income tax or business license fee.
- Councilor Pryor – said the revenue committee did initial research and analysis to identify what can be done; acknowledged that not every possible option was explored but the resulting proposal was thought to be feasible.

- Councilor Clark – asked what level of analysis was done on the possible negative repercussions of a payroll tax; expressed concern that implementing the proposed tax could damage Eugene’s relationship with Springfield since it will affect non-residents who work in Eugene.
- Mayor Vinis – asked about the preliminary reaction of non-profits to the proposed tax.
- Councilor Zelenka – said it was counterproductive to reduce the discussion to only one recommended option; supported further consideration of its effect on workers who don’t live in the city, ways to make the tax more progressive, possible exemptions of reductions for non-profits and low-income workers, and tying the tax to economic prosperity.
- Councilor Semple – asked for information about the impact on the revenue generated if non-profits are exempted; said that everyone should contribute at some level to the costs of improved public safety.
- Councilor Syrett – spoke to the regressive vs progressive issue, noting that a flat fee is regressive; said public safety improvements will benefit everyone, including Springfield residents.
- Mayor Vinis – cautioned that many of the area’s largest employers are non-profits; said Eugene is the hub of the region and carries a larger burden in terms of social service and public safety needs; said the process for arriving at the committee recommendation was faithful to council direction.
- Councilor Clark – noted that residents of unincorporated River Road/Santa Clara don’t currently support public safety through taxes; encouraged further consideration of annexation as a potential revenue source; supported an increase to the transient room tax.
- Councilor Semple – agreed that there is a direct benefit to Springfield residents of improved public safety services, particularly Eugene Springfield Fire service; supported an increase in the room tax.
- Councilor Pryor – said the process included conversations with representatives from other communities; expressed concern about the ease of the mechanism for reporting and collecting; noted that if more people are brought into the population through annexation, the need for service will increase.
- Councilor Syrett – suggested that more analysis would be needed if the council is interested in pursuing annexations as means to generate public safety revenue.
- Councilor Taylor – said that annexation of River Road/Santa Clara properties wouldn’t require infrastructure tax dollars, noting that money is currently being spent on public safety in that area.
- Mayor Vinis – reminded council that their goal for any new revenue source is to provide a seamless transition from the bridge funding.

Revenue Requirement

- Councilor Clark – suggested consideration of a revenue source that starts small and increases as need grows.
- Councilor Zelenka – asked for more information about the components of the five percent inflation rate.

Payroll Tax Assumptions

- Councilor Zelenka – asked for information about the data on the percentage of agencies and the non-compliance collection rate.
- Councilor Clark – noted that many who live in Eugene are part of the gig economy, consultants, or self-employed; asked what their impact would be on the tax assumptions.

Same Rate

- Councilor Taylor – asked if consideration was given to exempting those who make under a certain amount.
- Councilor Syrett – asked questions about the presentation of the data.

Employee Fixed/Employer Variable

- Councilor Clark – asked if the number of small-scale employers was considered; expressed concern about those who can do business elsewhere will relocate to avoid the tax.
- Councilor Syrett – asked if minimum wage increase were factored in.

Variable Rates – Employee/Employer

- Jon Ruiz – asked council for feedback on the concepts to help with further analysis.
- Councilor Semple – supported an equal rate.
- Councilor Yeh – supported an equal rate, noting the idea that the rate would be fixed after FY26.
- Councilor Zelenka – said that “fair and equitable” should be the priority; list of tradeoffs would be helpful.
- Councilor Clark – supported an equal rate, noting that this council can’t bind future councils to the decision.
- Councilor Syrett – said she leans toward an equal rate but would be open to modulation for minimum wage earners.
- Mayor Vinis – supported a fixed rate with a maximum amount of .29 percent.
- Councilor Semple – clarified the impact of the tax on a person making \$12 per hour.
- Councilor Zelenka – requested additional modeling on the impacts on non-profits.

Considerations

- Councilor Clark – supported council referral of the tax proposal rather than passage by ordinance.
- Councilor Pryor – acknowledged that there would be opposition to any proposal but the council should exercise its authority to make the decision.
- Councilor Taylor – expressed concern that a lot time and resources have already been spent on this initiative.
- Councilor Syrett – said she was leaning toward an ordinance; requested information on the cost and process for a council or citizen referral.
- Councilor Clark – said the council shouldn’t limit its options; the success of the road bonds is a good example of making the case to the public for the need and mechanism.
- Mayor Vinis – noted that one benefit of the gap funding is to demonstrate to the public the value of additional public safety dollars.
- Councilor Pryor – pointed to the unique situation the council faced in attempting to address an issue with such public safety serious implications.
- Councilor Semple – agreed that the community is facing a public safety crisis; said the council is elected to make difficult decisions; this is a livability issue that affects everyone.
- Councilor Zelenka – said that if the council believes in the value of the proposal, its importance should be easily conveyed to the voters.
- Councilor Semple – asked if there was a strategy for addressing the additional gap that would occur in implementation if the tax proposal is referred to the voters.

3. Communications

Community Relations Manager Laura Hammond provided an overview of current communications programs and introduced the concept of a Community Survey.

Discussion

- Councilor Clark - encouraged exploration of other types of analytics for measuring success and appeal of outreach efforts, which are often more reliable than surveys; provided the example of indexing and hash-tagging agenda materials for greater transparency and historical context.

- Councilor Syrett – offered that there is no real replacement for direct engagement with the public; efforts should be directed to increasing participation and engagement in public forums, neighborhood meetings and opportunities for personal outreach.
- Mayor Vinis – stated that the City’s website is the organization’s institutional voice; encouraged development of tools for the council to use to communicate with and gain input from constituents.
- Councilor Zelenka – said he felt the City does not do an adequate job of telling its story, using progress on the Climate Recovery Ordinance as an example; supported efforts such as more marketing, reporting on council activities at neighborhood meetings, community survey and direct councilor-to-constituent communication, noting that the volume of emails the council receives makes it challenging to respond.
- Councilor Pryor – said it is not enough to simply push out information or follow minimum notice requirements; more personal dialogue is needed to engage people and increase the level of commitment on the council; survey needs to measure “why” in addition to “what.”
- Councilor Yeh – noted that engagement is a big part of communication; supported efforts to increase engagement, using existing resources before creating new systems.
- Councilor Syrett – requested information about what past community surveys looked like to provide context for newer councilors.
- Councilor Clark – acknowledged that information generated by a community survey might be useful but questioned whether it is useful; encouraged consideration of alternatives that personalize issues when they are communicated.
- Councilor Taylor – appreciated the opportunity to respond to Public Forum testimony; said that neighborhood newsletters need to be re-invented and more frequent, and suggested that they include a regular submission from the councilor(s) representing the neighborhood.
- Mayor Vinis – suggested the possible expansion of the existing online newsletter to include councilor submission, and making the City Council more prevalent on the main webpage.
- Councilor Zelenka – supported the concept of City Council contributions to neighborhood newsletters.
- Councilor Pryor – supported incorporating an element of “why you should care” into communications; figure out a way to convey to the public the stakes involved in issues the council is addressing.
- Councilor Semple – expressed concern that the City website is its biggest communication tool and it is inadequate; should be fun, compelling and easy-to-use; supported dedicating money to web improvements in advance of 2021.
- Councilor Zelenka – stated that the South Willamette project is an example of the potential consequences of required notice vs effective communication.
- Councilor Taylor – supported efforts to inform residents about the implications and complications of council proposals and decisions, using Amazon Park as an example.
- Councilor Clark – acknowledged that contextualizing issues can be very difficult.
- Councilor Zelenka – encouraged consideration of what the council intends to do with any input received through surveys or other communication modes.
- Mayor Vinis – thanked everyone for their participation.

The meeting adjourned at 1:28 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES

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

**March 6, 2019
12:00 p.m.**

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

Mayor Vinis opened the March 6, 2019, work session of the Eugene City Council.

1. WORK SESSION: Oregon HB 2001 (2019 Regular Session)

Principal Planner Alissa Hansen and Assistant City Attorney Lauren Sommers gave a staff presentation about HB 2001, current projects related to the bill, and the City's legislative agenda.

Council Discussion:

- Mayor Vinis brought council up-to-date about the Intergovernmental Relations Committee discussion and recommendation about the bill.
- Councilor Taylor said she would like to oppose the bill, doesn't think it will contribute to affordable housing and prefers the State not tell the City how to legislate.
- Councilor Evans said this is a Portland solution—not a solution for Eugene. Would like to oppose it, but it would leave Eugene without a seat at the table to influence its design.
- Councilor Pryor proposed opposition unless it's amended so Eugene could continue to have a seat at the table to influence the design of a bill that has a good chance of passage. Would like to see amendments that would allow more local control.
- Councilor Clark said the legislature should care what Eugene thinks of the bill—it would be sad if they do not. Would like Eugene to oppose it outright.
- Councilor Syrett asked a question about the City's rules about subdivisions in R1 not permitting a subdivision to be entirely comprised of middle housing. Would like to oppose even if she supports some of the bill's goals because it preempts local authority.
- Councilor Semple did not like the preemption or lack of citizen involvement in the process. Asked staff for clarification about what direct opposition of the bill will mean for Eugene's ability to impact the drafting process. Expressed concern for whether the City will still be able to set rules about density, and asked a question about parking requirements. Opposed the preemption of home rule.
- Councilor Yeh said she does not like the bill, but would like the City's legislative staff to be empowered to influence the bill.
- Councilor Zelenka expressed concerns about the IGR process and the ability for all councilors to be kept abreast of developments with the State legislature. Voiced

concerns about people purchasing small single-family homes, tearing them down and building fourplexes. Asked a question about lot size requirements and whether they relate to siting and design. Strongly opposed to this bill, but would like to continue to be a part of the conversation considering it has a good chance of passage. Proposed council oppose with substantial amendments.

- Mayor Vinis said walking away from the table is a potentially risky path for maintaining relationships that could serve the City in the future.
- Councilor Evans agreed that maintaining relationships is important—especially with a bill such as this one that has a high likelihood of passage. Would like the City to express strong opposition and stay at the table, perhaps proposing its own bill language. Had concerns about displacement of low-income residents as well as rising housing prices.
- Councilor Taylor said she thought it was unlikely that legislators wouldn't communicate with the City if it opposed the bill. Strongly opposed any impediments to home rule.
- Councilor Clark said he hoped the area's State legislators were watching the council's conversation and acknowledged there are no amendments that would make the bill palatable. Would like the City's legislative staff to oppose the bill firmly.
- Councilor Syrett supported sending a clear message that the City doesn't want these regulations decided on the state level; the State could support the City in reaching the same goals in a different manner.
- Councilor Semple share her personal experience with living in a home that was converted to a fourplex and expressed concern that such changes would happen throughout Eugene. Would like the City to oppose the bill.
- Councilor Zelenka said he would like to focus on tactics; opposition from the council is clear.

MOTION: Councilor Zelenka, seconded by Councilor Pryor, moved to strongly oppose HB 2001 and have staff work to kill the bill or to substantially amend.

- Councilor Zelenka explained that his motion is aimed at giving staff strategic direction.
- Councilor Clark offered a friendly amendment to “oppose unless it applies to cities over 300,000 residents.” He then made a motion to substitute.

MOTION TO SUBSTITUTE: Councilor Clark, seconded by Councilor Evans, moved to oppose unless amended to apply to cities over 300,000 people.

- Councilor Taylor did not like the idea of supporting a bill that would apply to Portland if Eugene disagreed with it.
- Councilor Syrett said she would like the City to oppose the bill in any form and believed there are ways to influence the outcome even if it passes.
- Councilor Pryor said he could support the substitute motion.

- Councilor Semple noted that Eugene may reach 300,000 residents soon. Expressed unwillingness to support a bill that would preempt Portland's home rule.
- Councilor Clark withdrew his motion.

MOTION TO SUBSTITUTE: Councilor Evan, seconded by Councilor Clark, moved to substitute to oppose HB 2001.

- Mayor Vinis reiterated that she was concerned about the high likelihood of passage of the bill and the impact of the City's position on its relationships.
- Councilor Evans said negotiation isn't always a good path to take. Would like to strongly oppose.
- Councilor Zelenka said he would like staff to be empowered to work with people to amend the bill to make it more palatable. Urged council to support his original motion.
- Councilor Pryor said he would prefer the City's legislative staff to be empowered to influence the outcome.
- Councilor Clark suggested the City could strongly oppose as part of a sophisticated strategy.
- Councilor Evans did not think that opposing the bill would result in the City not continuing to be part of the conversation.
- Mayor Vinis clarified that the purpose of the vote from her perspective was to direct staff, particularly as council goes into its spring break and will not be able to give staff additional direction during that time.

VOTE ON MOTION TO SUBSTITUTE: PASSED 5:3, councilors Pryor, Yeh and Zelenka opposed.

VOTE MAIN MOTION AS SUBSTITUTED: PASSED 7:1, Councilor Pryor opposed.

The meeting adjourned at 1:37 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: April 8, 2019
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve 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.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

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 March 28, 2019

Meeting Location: Harris Hall, 125 East 8th Avenue, unless otherwise noted

Council Break: March 14 – April 8

April 2019						
Date	Day	Time	Title		Length	Dept. Contact
8-Apr	Monday	5:30 pm	 Committee Reports and Items of Interest	90 mins	Kristie Hammitt, CS	
			 Community Safety Initiative (Work Session)			
		7:30 pm	 Public Forum		Nick Gioello, PDD	
			 Resolution Annexing Land on Blackfoot Ave west of Crocker Rd (Osuna, Morgan & Hannah A 19-1) (Consent Calendar)			
 Ord. on Construction Excise Tax (Action)						
 Ord. Revising Nuisance Codes (Action)		Stephanie Jennings, PDD				
					Rachelle Nicholas, PDD	
Expected absences for 4/8: none						
10-Apr	Wednesday	12 pm	 Vision Zero Update (Work Session)	45 mins	Matt Rodrigues, PW	
			 URA-Riverfront Urban Renewal (Work Session)	45 mins	Michael Kinnison, PDD	
Expected absences for 4/10: none						
15-Apr	Monday	5:30 pm	 Highway 99/Bethel Urban Renewal District (Work Session)	90 mins	Michael Kinnison, PDD	
		7:30 pm	 Items of Interest		Becky DeWitt, CS	
			 Ordinance on Presiding Judge (Public Hearing)			
			 Ordinance Concerning Hazardous Substance User Fees (Public Hearing and Possible Action)			
 Ord. on Unlawful Transfer on Vehicular Portion of Right-of-Way (Action)		Lt. Jen Bills, EPD				
Expected absences for 4/15: none						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters

April 8, 2019 Pledge of Allegiance

17-Apr	Wednesday	12 pm	 Presiding Judge (Work Session)	45 mins	Becky DeWitt, CS
			 Inclusionary Zoning (Work Session)	45 mins	Stephanie Jennings, PDD
Expected absences for 4/17: none					
22-Apr	Monday	5:30 pm	 Boards and Commissions Interviews	90 mins	CS
		7:30 pm	 Public Forum  Expanded Hours at Autzen Stadium (Work Session)		Becky DeWitt, CMO
Expected absences for 4/22: Vinis					
24-Apr	Wednesday	12 pm	 Riverfront Steam Plant Proposal (Work Session)	45 mins	Amanda D'Souza, PDD
			 Boards and Commissions Interviews	45 mins	
Expected absences for 4/24: Vinis					
24-Apr	Wednesday	5:30 pm	 Budget Committee City Manager's Budget Presentation		Twylla Miller, CS
Expected absences for 4/24: Vinis				Location: Bascom/Tykeson Room, Library	

May 2019						
Date	Day	Time	Title		Length	Dept. Contact
8-May	Wednesday	12 pm		River Road-Santa Clara Neighborhood Plan (Work Session)	45 mins	Eric Brown, PDD
				Franklin Boulevard Transformation Project (Work Session)	45 mins	Larisa Varela, PW
Expected absences for 5/8: none						
8-May	Wednesday	5:30 pm		Budget Committee Meeting		Twylla Miller, CS
Expected absences for 5/8:						Location: Bascom/Tykeson Room, Library
13-May	Monday	5:30 pm		Committee Reports and Items of Interest	90 mins	Jason Dedrick, CS
				Joint Mtg. w/County Commissioners Homeless Services Systems Analysis Report Implementation (Work Session)		

13-May	Monday	7:30 pm	 Public Forum  MVMC Budget Ratification (Consent Calendar)  Ordinance on Vacation of Public Right-of-Way for Obie Co/5 th St. Market Expansion (Public Hearing)		John Huberd, PW Nick Gioello, PDD
Expected absences for 5/13: none					
15-May	Wednesday	12 pm	 Urban 3 Mapping Value (Work Session)  Rest Stop Program (Update)	60 mins 30 mins	Chad Cramer, PDD Jason Dedrick, CS
Expected absences for 5/15: none					
15-May	Wednesday	5:30 pm	 Budget Committee Meeting		Twylla Miller, CS
Expected absences for 5/15: Location: Bascom/Tykeson Room, Library					
20-May	Monday	5:30 pm	 Clear & Objective Housing Approval Criteria (Work Session)	90 mins	Jenessa Dragovich, PDD
		7:30 pm	 Ordinance Concerning Accessory Dwelling Units (LUBA Remand) (Public Hearing)		Alissa Hansen, PDD
Expected absences for 5/20: none					
22-May	Wednesday	12 pm	 Presentation from Northwest Natural Gas (Work Session)	45 mins	Ethan Nelson, CS
			 Zone of Benefit/Reimbursement District (Work Session)	45 mins	Matt Rodrigues, PW
Expected absences for 5/22: Pryor					
22-May	Wednesday	5:30 pm	 Budget Committee Meeting		Twylla Miller, CS
Expected absences for 5/22: Pryor Location: Bascom/Tykeson Room, Library					
28-May	Tuesday	5:30 pm	 Committee Reports and Items of Interest  Town Square Update (Work Session)  Parks and Recreation SDC Methodology (Work Session)	45 mins 45 mins	Will Dowdy, PDD Carolyn Burke, PW
		7:30 pm	 Public Forum  Ordinance on Vacation of Public Right-of-Way for Obie Co/5 th St. Market Expansion (Action)		Nick Gioello, PDD
Expected absences for 5/28: Pryor Location: Bascom-Tykeson Room, Library					

April 8, 2018, Meeting - Item 2B

29-May	Wednesday	12 pm	 Executive Session pursuant to ORS 192.660(2)(e) and ORS 192.660(2)(f)	45 mins	Jen Van Der Haeghen, CS
			 Data Collection Policy/Protection of Individuals and Groups (Work Session)	45 mins	
Expected absences for 5/29: Pryor					
29-May	Wednesday	5:30 pm	 Budget Committee Meeting		Twylla Miller, CS
Expected absences for 5/29: Pryor				Location: Bascom/Tykeson Room, Library	

June 2019						
Date	Day	Time	Title		Length	Dept. Contact
10-Jun	Monday	5:30 pm	 Committee Reports and Items of Interest	90 mins	Alissa Hansen, PDD	
			 Ordinance Concerning Accessory Dwelling Units (LUBA Remand) (Work Session)			
		7:30 pm	 Public Forum  Appointments to Boards and Commissions (Action)		Cas Casados, CS	
Expected absences for 6/10: none						
12-Jun	Wednesday	12 pm	 Urban Reserves Update/Next Steps (Work Session)	60 mins	Rebecca Gershow, PDD	
			 TBD (Work Session)	30 mins		
Expected absences for 6/12: none						
17-Jun	Monday	5:30 pm	 Alley Access Rules (Work Session)	45 mins	Robin Hostick, PDD	
			 Downtown Update (Work Session)	45 mins	Jeff Perry, CS	
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 6/17: none						
19-Jun	Wednesday	12 pm	 Bond Measure to Fix Streets/2019 Pavement Management Report (Work Session)	45 mins	Matt Rodrigues, PW	
			 Commercial Setbacks (Work Session)	45 mins	Denny Braud, PDD	
Expected absences for 6/19: none						

24-Jun	Monday	5:30 pm	 Committee Reports and Items of Interest  Ordinance Concerning Accessory Dwelling Units (LUBA Remand) (Work Session & Possible Action)  TBD (Work Session)	45 mins 45 mins	Alissa Hansen, PDD
		7:30 pm	 Public Forum  Supplemental Budget 2 (Public Hearing and Action)  URA Supplemental Budget 2 (Public Hearing and Action)  FY20 Proposed Budget (Public Hearing and Action)  URA - FY20 Proposed Budget (Public Hearing and Action)  Ordinance on Downtown Riverfront Land Use Package (Public Hearing)		Jamie Garner, CS Jamie Garner, CS Jamie Garner, CS Jamie Garner, CS Michael, Kinnison, PDD

Expected absences for 6/24: none

26-Jun	Wednesday	12 pm	 Parks and Recreation SDC Methodology (Work Session)  TBD (Work Session)	45 mins 45 mins	Carolyn Burke, PW

Expected absences for 6/26: none

July 2019					
Date	Day	Time	Title	Length	Dept. Contact
8-Jul	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	
			 TBD (Work Session)		
		 TBD (Work Session)	45 mins		
		7:30 pm	 Public Forum		
Expected absences for 7/8: none					
10-Jul	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 7/10: none					

15-Jul	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 7/15: none					
17-Jul	Wednesday	12 pm	 Downtown Riverfront Land Use Package (Work Session)	45 mins	Michael, Kinnison, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 7/17: none					
22-Jul	Monday	5:30 pm	 Committee Reports and Items of Interest		Michael, Kinnison, PDD
			 Downtown Riverfront Land Use Package (Work Session and Action)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Public Forum		
Expected absences for 7/22: none					
24-Jul	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 7/24: none					

Council Break: July 25 – September 9

 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
Hwy 99/Bethel Urban Renewal District – <i>scheduled 4/15/19</i>	Evans	11/9/17
Data Collection Policy/Protection of Individuals and Groups – <i>scheduled 5/29/19</i>	Syrett	7/19/18
Revisit City Code Regarding Alley Access Rules – <i>scheduled 6/17/19</i>	Semple	10/11/18
Update Eugene Sign Code to Accommodate Digital Display Technology	Pryor	02/14/19
Follow-Up Work Sessions to be Scheduled		
TAC Report (\$1 Million Shelter) – <i>scheduled 5/13/19</i>		
Commercial Setbacks – <i>scheduled 5/8/19</i>		
Inclusionary Zoning – <i>scheduled 4/17/19</i>		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land (Assessor's Map 17-04-11-22, Tax Lot 00320; Located South of Blackfoot Avenue, West of Crocker Road) and a Portion of Blackfoot Avenue Right-Of-Way to the City of Eugene
(City File: Osuna, Morgan and Hannah; A 19-1)

Meeting Date: April 8, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Nick R. Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

This item is a request to annex approximately 0.34 acre (15,246 square feet) of vacant land located on Blackfoot Avenue. The proposal also includes the annexation of approximately 255 feet of Blackfoot Avenue. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low-Density Residential with /WR Water Resources Conservation and /UL Urbanizable Land overlays. Both the Metro Plan and the applicable refinement plan, the River Road - Santa Clara Urban Facilities Plan, designate the subject property for Low Density Residential use. The property is located within the Urban Growth Boundary and will be contiguous to the City limits with the annexation of the portion of Blackfoot Avenue. Annexation will allow for future development consistent with the property's 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 are based on the criteria at Eugene Code (EC) 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 (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 (Santa Clara Community Organization), consistent with Eugene Code requirements. No testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works, Lane County Transportation Planning and Eugene Water & Electric Board. These referral comments confirm there are no concerns with the proposed annexation and the property can be provided with the minimum level of key urban services consistent with the approval criteria.

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.

PREVIOUS COUNCIL DIRECTION

None.

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 draft 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 to approve 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: Nicholas R. Gioello
Telephone: 541-682-5453
Staff E-Mail: NGioello@eugene-or.gov



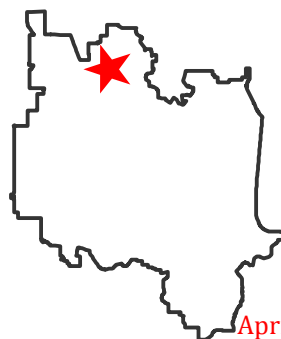
Osuna, Morgan and Hannah (A 19-1)

Map/Tax Lot 17-04-11-22 00320 and a portion of Blackfoot Avenue

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 3/19/2019
by City of Eugene Planning Division

April 8, 2019, Meeting Item 2C

0 25 50 100



RESOLUTION NO. _____

RESOLUTION ANNEXING LAND (ASSESSOR'S MAP 17-04-11-22, TAX LOT 320, LOCATED SOUTH OF BLACKFOOT AVENUE, WEST OF CROCKER ROAD) AND A PORTION OF BLACKFOOT AVENUE RIGHT-OF-WAY TO THE CITY OF EUGENE.

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on January 16, 2019, by Morgan Osuna, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex to the City of Eugene property identified as Assessor's Map 17-04-11-22, Tax Lot 320, and a portion of the Blackfoot Avenue right-of-way adjacent to the subject property and extending to, but not including, the intersection of Blackfoot Avenue and Crocker Road.

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 is attached as Exhibit C.

D. On March 8, 2019, a notice containing a geographical reference to the property, 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 property within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on April 8, 2019.

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 17-04-11-22, Tax Lot 320, and the portion of the Blackfoot Avenue right-of-way adjacent to the subject property and extending to, but not including, the intersection of Blackfoot Avenue and Crocker Road, which are depicted on the map

attached as Exhibit A, and more particularly described in the attached Exhibit B, are 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 R-1 Low-Density Residential with /UL Urbanizable Land and /WR Water Resources Conservation Overlays, to R-1 Low-Density Residential with /WR Water Resources Conservation Overlay shall become effective in accordance with State law.

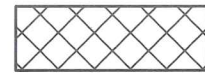
The foregoing Resolution adopted the ____ day of April, 2019.

City Recorder

LEGEND



CITY LIMITS



LANDS TO BE ANNEXED

AFFECTED TERRITORY
TO BE ANNEXED
31,334 SQUARE FEET

S 89°56' 00" E 254.72'

N 00°04' 00" E
60.00'

BLACKFOOT AVENUE

EXISTING
CITY LIMITS

POINT OF
BEGINNING

TL#321
LOT 26

TL#320
LOT 25

TL#323
LOT 24

TL#322
LOT 27

60' WIDE
DRAINAGE
EASEMENT

FIRST ADDITION TO
ALYNDAL PLAT

TL#319

TL#318
LOT 23

TL#1202

TL#1205

TL#1203

TL#1206

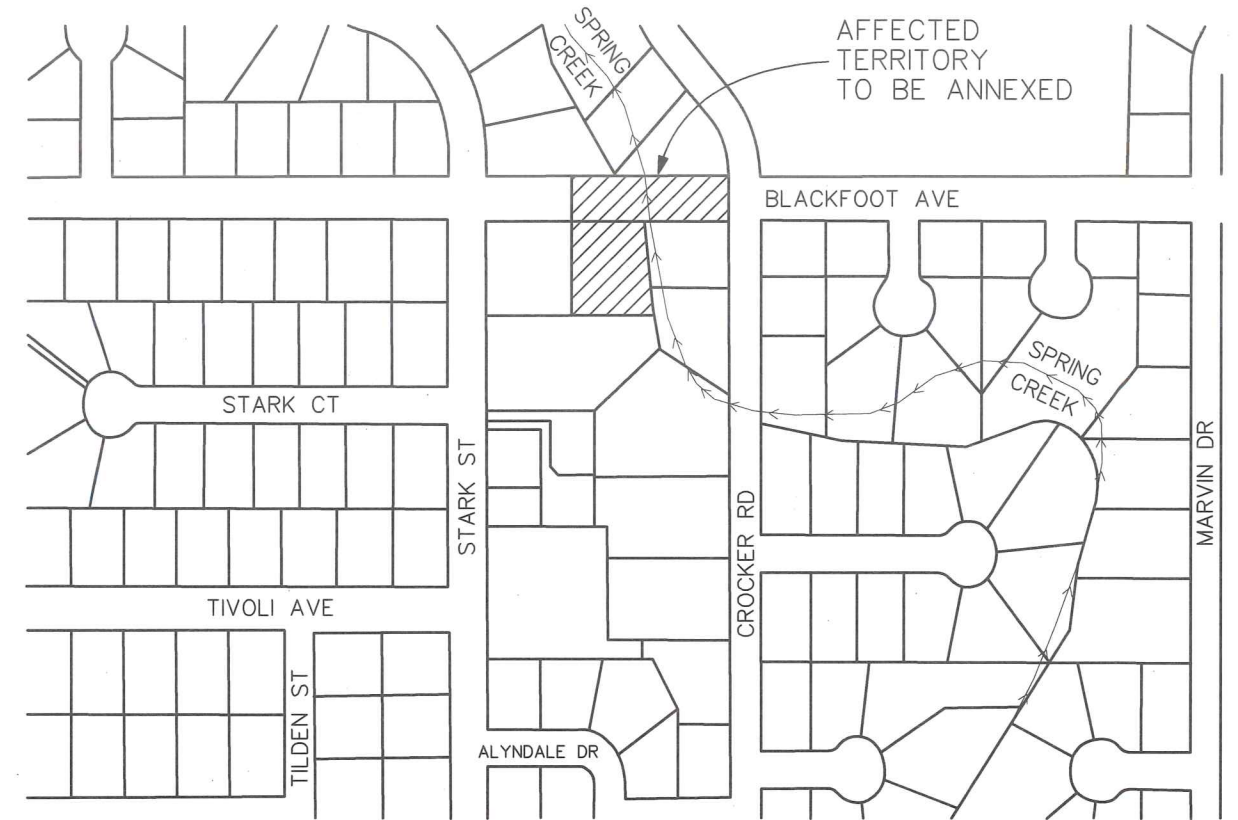
TL#317
LOT 22

EXISTING
CITY LIMITS

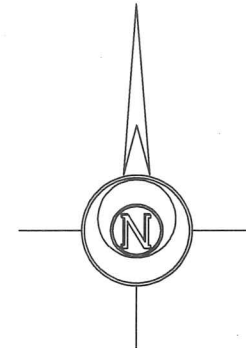
STARK STREET

CROCKER ROAD

Exhibit A



VICINITY MAP (NOT TO SCALE)



80 40 0 80
SCALE: 1 INCH = 80 FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2019

SITE PLAN FOR PROPOSED ANNEXATION OF
TAX LOT #320 LANE COUNTY ASSESSOR'S
MAP 17-04-11-22

CLIENT: MORGAN & HANNAH OSUNA

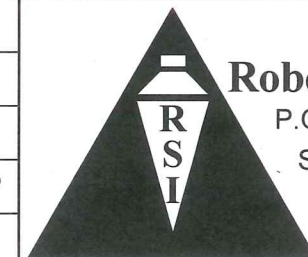
DRAWN BY: KB

DATE: DEC. 21, 2018

REVISION DATE:

JOB NO. 2018-SURVEY-039

SHEET 1 OF 1



Roberts Surveying, Inc.

P.O. Box 7155

Springfield, Oregon 97475

Bus. (541) 345-1112

THIS MAP DOES NOT CONSTITUTE
A BOUNDARY SURVEY.

Legal Description of Affected Territory to be Annexed

(Tax Lot #320)

A unit of land being situated in the Northwest 1/4 Section 11, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land being Lot 25, FIRST ADDITION TO ALYNDAL PLAT, as platted and recorded in Book 40, Page 3, Lane County Plat Records, in Lane County, Oregon and a portion of Blackfoot Avenue, and said unit of land being more particularly described as follows:

Beginning at the northeast corner of Lot 24, FIRST ADDITION TO ALYNDAL PLAT, said northeast corner being the intersection of the southerly right-of-way line of Blackfoot Avenue with the westerly right-of-way line of Crocker Road;

Thence along the southerly right-of-way line of Blackfoot Avenue, North 89°56'00" West 135.00 feet to the northeast corner of Lot 25, FIRST ADDITION TO ALYNDAL PLAT;

Thence along the easterly boundary of said Lot 25, South 05°46'52" East 127.77 feet to the southeast corner of said Lot 25;

Thence along the southerly boundary of said Lot 25, North 89°56'00" West 132.43 feet to the southwest corner of said Lot 25;

Thence along the westerly boundary of said Lot 25, North 00°12'00" West 127.11 feet to the northwest corner of said Lot 25;

Thence North 00°04'00" West 60.00 feet to the northerly right-of-way line of Blackfoot Avenue;

Thence along the northerly right-of-way line of Blackfoot Avenue, South 89°56'00" East 254.72 feet to the intersection of the northerly right-of-way line of Blackfoot Avenue with the westerly right-of-way line of Crocker Road;

Thence South 00°12'00" East 60.00 feet to the point of beginning, all in Lane County, Oregon and containing 31,334 square feet (.72 acres) of land, more or less.





**Planning Director's Findings and Recommendation
Annexation Request for Osuna, Morgan and Hannah
(City File: A 19-1)**

Application Submitted: January 16, 2019
Applicant: Osuna, Morgan and Hannah
Property Included in Annexation Request: Tax Lot 00320 of Assessor's Map 17-04-11-22 and a portion of Blackfoot Avenue
Zoning: R-1 Low-Density Residential with /WR Water Resources Conservation Overlay and /UL Urbanizable Land Overlay
Location: Blackfoot Avenue west of Crocker Road
Representative: Morgan and Hannah Osuna
Lead City Staff: Nicholas Gioello, City of Eugene Planning Division, 541-682-5453

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 the City limits consistent with subsection (a). As shown in the application materials and confirmed by City staff, the City limits are contiguous with the subject area of land given the inclusion of Blackfoot Avenue public right of way from the subject area of land to Crocker Road.
☒ 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>
☒ YES	☐ NO	

		<p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i></p> <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 Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The Metro Plan designates the property to be annexed as appropriate for low-density residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject property and designates the area for residential uses. The property is zoned R-1 Low-Density Residential with /WR Water Resources Conservation and /UL Urbanizable Land overlays. The /UL overlay will be automatically removed from the property following annexation approval.</p> <p>With regard to applicable policies of the RR/SC UFP, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the RR/SC UFP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan 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>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and RR/SC UFP 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.
Complies ☒ YES	☐ NO	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:

Wastewater

There is an 8-inch public wastewater line within Blackfoot Avenue that the applicant can connect to. As an informational item, there is a waste water assessment for this tax lot which will need to be paid prior to any additional development on this tax lot.

Stormwater

The nearest public stormwater system is within Blackfoot Avenue, which is a Lane County Road. The subject parcel is on the Goal 5 inventory and there is an open channel (Spring Creek) that runs directly through this vacant property which has an easement and protected setback for the riparian area of 20 feet and a protected setback of 25 feet for the wetlands. Soils appear to be type "C" indicating poor infiltration rates. Future development proposals must demonstrate consistency with flood control standards. The use of the existing stormwater system for run off associated with future development will need to be verified with Lane County Public Works.

Transportation

The property is located on Blackfoot Avenue, west of Crocker Road, which are both paved streets identified as neighborhood collectors owned by Lane County and maintained by Lane County Public Works. Blackfoot Avenue has curb and gutters, and street lights but is lacking sidewalks and street trees. Compliance with applicable street standards will be ensured at the time of development. City of Eugene Public Works confirms support for annexation of the portion of Blackfoot Avenue from the property to Crocker Road.

Comments from Lane County Transportation Planning indicate no concerns with the proposed annexation request and support for the inclusion of the adjacent portion of Blackfoot Avenue as part of the annexation request to help facilitate the possibility of transferring Blackfoot Avenue to the City of Eugene. Any redevelopment or new development of the property must demonstrate compliance with the requirements of Lane Code Chapter 15. A review for compliance with Lane County road requirements will apply at the time the property is developed.

Solid Waste

Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric

EWEB Water staff state no objection to the annexation. EWEB Electric staff also state no objection to the annexation. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

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 by the cities of Eugene and Springfield to central Lane County and will continue in the same manner

	<p>upon annexation.</p> <p><u>Parks and Recreation</u> 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> 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> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Spring Creek Elementary School, Madison Middle School, and North Eugene High School. 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>
--	---

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 is set in accordance with State law.

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-11-22	320	R1/UL	0.35
See Attachment "A"			

Property Address: N/A -- Vacant

Plans for Future Development & Permit Number (if applicable): N/A -- TBD

Public Service Districts:

Name			
Parks:	City of Eugene		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	City of Eugene		
Fire:	Santa Clara RFPD		
Schools:	Elementary: Spring Creek	Middle: Madison	High: North Eugene
Other:			

Filing Fee



A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)



Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:

- ☒ Show the date & north arrow on site plan.
- ☒ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☒ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☒ Show city limits & UGB (if applicable)
- ☒ Clearly label the affected territory and any public right of ways to be annexed.
- ☒ Show all adjacent streets, alleys, and accessways.
- ☒ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☒ Show the location of all existing structures.

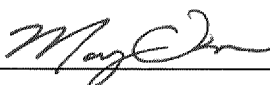
Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)

- ☒ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☒ Notarized Consent to Annexation form.
- ☒ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☒ Summary of Urban Service Provision form.
- ☒ Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: _____

Name (print): Morgan T. Osuna
Address: 1083 Kaylee Ave Email: morgan@kipcollc.com
City/State/Zip: Junction City, OR 97448 Phone: 541-556-1380 Fax: 541-689-9351
Signature:  Date: 1/14/19

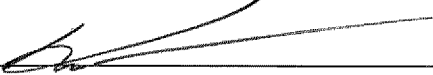
PROPERTY OWNER OF TAX LOT: _____

Name (print): Hannah L. Osuna
Address: 1083 Kaylee Ave Email: h.m.osuna@hotmail.com
City/State/Zip: Junction City, OR 97448 Phone: 541-790-9688 Fax: _____
Signature:  Date: 1/14/19

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____
Address: _____ Email: _____
City/State/Zip: _____ Phone: _____ Fax: _____
Signature: _____ Date: _____

SURVEYOR:

Name (print): Kent Baker
Company/Organization: Roberts Surveying, Inc.
Address: P.O. Box 7155
City/State/Zip: Springfield, OR 97475 Phone: 541-345-1112
E-mail: Kent@robertssurvey.com
Signature:  Date: 12/21/18

REPRESENTATIVE (If different from Surveyor):

Name (print):

Company/Organization:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Signature:

Date:

****Attached additional sheets if necessary.**

Annexation Request

Map 17-04-11-22 Tax Lot 320

Portion of Blackfoot Ave

See Attachment "A" Legal Description and Site Plan

This request is consistent with all applicable criteria in section 9.7825 of the Eugene Code.

The land proposed to be annexed:

- Is within the city's urban growth boundary.
- Is contiguous to the city limits. City of Eugene public works would support the annexation of Blackfoot Ave to be contiguous with the current urban growth boundary. The Blackfoot Ave and Crocker Rd intersection is already annexed, and is adjacent to the proposed land to be annexed.
- Already has a wastewater service, readily available connection points for electrical/phone/cable services within the lot frontage right of way, readily available connection point for new water service within the lot frontage right of way, an existing stormwater system within the lot frontage right of way, fire and emergency services, and is near several City of Eugene public parks and 4J elementary schools.

The request is consistent with the Metro Plan policies:

- The proposed property is designated R1/UL low density residential usable land.
- Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.
- Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.
- Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services.
- Annexation to a city through normal processes shall continue to be the highest priority.

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: 17-04-11-22 TL 320 Address: TBD -- Vacant

Legal Description: Lot 25, FIRST ADDITION TO ALYNDALE PLAT, as platted and recorded in Book 40, Page 3, Lane County Plat Records, in Lane County, Oregon. See Attachment "A"

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

DATED this 3rd day of January, 2019.

Morgan T. Osuna
M.T. Osuna
Hannah L. Osuna

STATE OF OREGON)

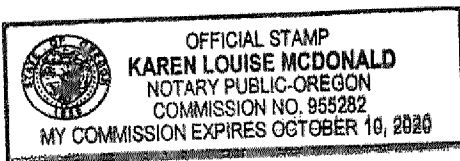
County of Lane)ss
)

On this 3rd day of January, 2019, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named,

Morgan T. OSUNA

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

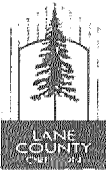
Seal:



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

Karen Louise McDonald

Notary Public for Oregon
My Commission Expires Oct. 10, 2020



LANE COUNTY

Property Account Summary

As Of 1/16/2019 Status: Active

Account No.: 0360618 **Alternate Property Number:** 1704112200320
Account Type: Real Property
TCA: 00417
Situs Address: ADDRESS UNKNOWN
OR
Legal: Township 17 Range 04 Section 11 Quarter 22 TL 00320

Parties:

Role	Name & Address
Owner	OSUNA MORGAN T & HANNAH L 1083 KAYLEE AVE JUNCTION CITY OR 97448
Taxpayer	OSUNA MORGAN T & HANNAH L 1083 KAYLEE AVE JUNCTION CITY OR 97448

Property Values:

Value Name	2018	2017	2016	2015	2014
MKTTL	\$84,133	\$86,113	\$83,143	\$83,143	\$77,204
AVR	\$13,108	\$12,726	\$12,355	\$11,995	\$11,646
TVR	\$13,108	\$12,726	\$12,355	\$11,995	\$11,646

Property Characteristics:

Tax Year	Characteristic	Value
2018	Property Class	100 Res conforming vac
	Change Property Ratio	1XX Residential
	Size	0.35
	Code Split	N
	Neighborhood	431300

Exemptions:

(End of Report)

RECEIVED

JAN 16 2019

Lane County
Assessment & Taxation

* 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. <i>Morgan Osuna</i>	1/14/19	Morgan Osuna	Vacant	17-04-11-22-00320	✓	✓	0.35
2. <i>Hannah Osuna</i>	1-14-19	Hannah Osuna	Vacant	17-04-11-22-00320	✓	✓	0.35
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, Karen McDonald (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X Hannah Osuna (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 0 (qty). I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

A. Stubbins
Lane County Department of Assessment and Taxation

1-16-19
Date Certified

Hannah Osuna
Lane County Clerk or Deputy Signature

1/16/19
Date Certified

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

Morgan T. Osuna & Hannah L. Osuna

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

Map 17-04-11-22, Tax Lot 320

See Attachment "A"

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

✓ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" wastewater main within Blackfoot, with 4" or 6" lateral to property line; app. 220 LF west of WWMH 13670.

N/A will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

N/A -- Existing wastewater service lateral at property line

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

No

If yes,
location? N/A

If no, how will stormwater be handled after development? -

An existing stormwater system is located within the adjacent Blackfoot right of way. Future stormwater collection and discharge will be as approved by City of Eugene at the time of building permit issuance.

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline

Highway. Blackfoot Ave from River Rd; Irvington to Crocker to Blackfoot, from NW Expressway or River Rd; River Rd to Blackfoot, from Beltline.

Will dedication for additional street right-of-way be required upon further development of this site?

 Yes X No Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

 Yes X No Unknown

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Arrowhead Park, Filbert Meadows Park, Bobolink Park,
Ferndale Park

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

✓ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

 River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property. _____

8" water main in adjacent Blackfoot Ave. right of way

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

Legal Description of Affected Territory to be Annexed

(Tax Lot #320)

A unit of land being situated in the Northwest 1/4 Section 11, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land being Lot 25, FIRST ADDITION TO ALYNDALE PLAT, as platted and recorded in Book 40, Page 3, Lane County Plat Records, in Lane County, Oregon and a portion of Blackfoot Avenue, and said unit of land being more particularly described as follows:

Beginning at the northeast corner of Lot 24, FIRST ADDITION TO ALYNDALE PLAT, said northeast corner being the intersection of the southerly right-of-way line of Blackfoot Avenue with the westerly right-of-way line of Crocker Road;

Thence along the southerly right-of-way line of Blackfoot Avenue, North 89°56'00" West 135.00 feet to the northeast corner of Lot 25, FIRST ADDITION TO ALYNDALE PLAT;

Thence along the easterly boundary of said Lot 25, South 05°46'52" East 127.77 feet to the southeast corner of said Lot 25;

Thence along the southerly boundary of said Lot 25, North 89°56'00" West 132.43 feet to the southwest corner of said Lot 25;

Thence along the westerly boundary of said Lot 25, North 00°12'00" West 127.11 feet to the northwest corner of said Lot 25;

Thence North 00°04'00" West 60.00 feet to the northerly right-of-way line of Blackfoot Avenue;

Thence along the northerly right-of-way line of Blackfoot Avenue, South 89°56'00" East 254.72 feet to the intersection of the northerly right-of-way line of Blackfoot Avenue with the westerly right-of-way line of Crocker Road;

Thence South 00°12'00" East 60.00 feet to the point of beginning, all in Lane County, Oregon and containing 31,334 square feet (.72 acres) of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2019

Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

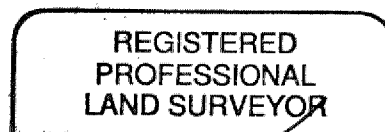
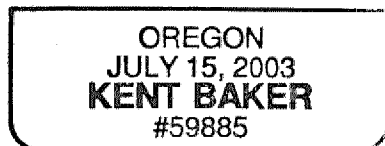
Signature: _____

Registered Land Surveyor

Print Name: Kent Baker

Date: December 21, 2018

Seal:



RENEWS: 12-31-2019

JANISCH Amy C

To: DOYLE Victoria M; EGGLESTON Audie D; FASSBENDER Tim H; GORDON Gilbert; KLEMP Michele; SVETAL Christina; CLINGMAN Bill W; EWEB Annexation Team; KLINKO Eric E; PRENDERGAST Laura
Subject: PROPOSED ANNEXATION

The City of Eugene has received the following annexation request:

Application Name: OSUNA, MORGAN AND HANNAH

File #: A 19-1

Location: BLACKFOOT AVENUE AND CROCKER ROAD

Tax Lot/s: 17-04-11-22-00320

Proposal: ANNEX 0.35 ACRES

Project documents related to this annexation can be viewed at:

<http://www.eugene-or.gov/luappstracking>

Please send comments to Amy Janisch, amy.c.janisch@ci.eugene.or.us by JANUARY 30, 2019.

Amy Janisch | Land Use Planning Specialist
City of Eugene | Planning & Development
99 West 10th Avenue | Eugene OR 97401
Phone 541.682.5699 | Fax 541.682.5572



January 17, 2019

Santa Clara Water District
PO Box 10086
Eugene, OR 97440

Santa Clara Fire District
2600 River Road
Eugene, OR 97404

RE: Annexation Proposal

This notice is being sent to inform you that the City of Eugene has received the following application for an annexation of property which is located within the Santa Clara Water District and Santa Clara Fire District.

Application Name:	OSUNA, MORGAN AND HANNAH
File #:	A 19-1
Location:	BLACKFOOT AND CROCKER
Taxlot/s:	17-04-11-22-00320
Proposal:	Annex .35 acres

Project documents related to this annexation can be viewed at:

<http://www.eugene-or.gov/luappstracking>.

If you have questions regarding this application, please contact Amy Janisch, Land Use Planning Specialist at 541-682-5699 or by e-mail at amy.c.janisch@ci.eugene.or.us.

Sincerely,

A handwritten signature in black ink, appearing to be "Amy Janisch", written over a horizontal line.

Amy Janisch
Land Use Planning Specialist

Tax Code Area & Taxing Districts

Lane County Assessment & Taxation Billing Rate Document ** See below

Tax Code Area (Levy Code) for current tax year	00417
Taxing Districts for TCA 00417	Eugene School District 4J Lane Community College Lane County Lane Education Service District Santa Clara Rural Fire Protection Dist SANTA CLARA WATER DISTRICT

**NOTE Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The Billing Rate Document may still refer

00417	200250	NONE			
15	EUGENE SCHOOL DISTRICT 4J	10178 Eugene School District Local Option	1.5000		
15	EUGENE SCHOOL DISTRICT 4J	10470 U Eugene School District	4.7485		
40	LANE COMMUNITY COLLEGE	10478 U Lane Community College	0.6191		
38	LANE EDUCATION SERVICE DISTRICT	10483 U Lane Education Service Dist	0.2232		
		Total Education		7.0908	
95	LANE COUNTY	10177 Lane County 4-H /Extension LO	0.0150		
95	LANE COUNTY	10181 Lane County Public Safety LO	0.3500		
70	SANTA CLARA RURAL FIRE PROTECTION DIST	10071 Santa Clara RFPD	1.0439		
70	SANTA CLARA RURAL FIRE PROTECTION DIST	10172 Santa Clara RFPD LO	0.4500		
153	SANTA CLARA WATER DISTRICT	10117 Santa Clara Water District	0.0000		
95	LANE COUNTY	10439 U Lane County	1.2793		
		Total General Government		3.1682	
15	EUGENE SCHOOL DISTRICT 4J	10497 U Eugene School District Bond II	1.5827		
40	LANE COMMUNITY COLLEGE	10450 U Lane Community College Bond II	0.2273		
		Total Bonds - Other		1.8100	
		Total 00417			12.0690
		Consolidated Rate:			12.0690



City of Eugene Planning

PLANNING RECEIPT

DATE 1/16/2019

Method of Payment

- ☐ Cash
☒ Check
☐ Visa/MC

Customer Information

Name Morgan Osuna
Address 1083 Kaylee Ave
Junction City, Or 97448
Project 17-04-11-22-00320

Amount Received

\$5,155.70

☐ City/Government Agency

Qty	Application Type	Modification	Concurrent	Qty	Base Fee	Discount	Total
1	Annexation			1	\$ 4,730.00		\$ 4,730.00
2							
3							
4							
5							
6							
7							
8							
9							
	Other						
	Other						
	Appeal			1			\$ -
	Appeal						

Subtotal App Fees \$ 4,730.00

Subtotal Other Fees \$ -

Admin Fee (not included on appeals or other fees) 9% \$ 425.70

Total \$ 5,155.70

Staff Receiving Application

MvB

=====

CITY OF EUGENE
BUILDING & PERMIT SERVICE
99 WEST 10TH AVE 682-5086
REG-RECEIPT:1-0000286 Jan 16 2019
CASHIER: CMS

=====

Annexation Fee \$4,730.00
17-04-11-22 / 00320
Admin Fee-Auto Calc \$425.70

TOTAL DUE: \$5,155.70
RECEIVED FROM:
MORGAN OSUNA

Check: \$5,155.70

Total tendered: \$5,155.70

Change due: \$.00

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www.eugene-or.gov/bldgpermittracking

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Please take our customer survey at:
www.surveymonkey.com/s/COEPermitSurvey

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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Imposition of a Construction Excise Tax on Commercial and Residential Improvements and Adding Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 to the Eugene Code, 1971.

Meeting Date: April 8, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Denny Braud
Contact Telephone Number: 541-682-8817

ISSUE STATEMENT

Housing affordability and availability is a long-standing and growing problem in Eugene. In response to multiple work sessions on the topic, council directed staff in May 2018 to implement a six-month process to identify potential tools and strategies available to the City to address housing affordability, availability, and diversity for all income levels. A key tenet of the direction was to include broad stakeholder engagement in the process. Staff summarized the community engagement process, the outcomes from that process, and recommended next steps for council during work sessions in December 2018 and January 2019.

On January 14, 2019, council passed a motion directing the city manager to hold a public hearing on an ordinance that establishes a Construction Excise Tax as follows:

- i. 0.33 percent tax rate effective July 1, 2019.
- ii. 0.50 percent tax rate effective July 1, 2020.
- iii. 1 percent tax rate effective July 1, 2021.
- iv. CET rate would apply to residential and commercial types of construction, consistent with state statute.
- v. In addition to state-mandated exemptions, the following would be exempted from the CET: Affordable housing projects, projects receiving a Multi-Unit Property Tax Exemption, and houses priced at less than \$250,000.
- vi. Establish an advisory committee to recommend CET allocations.
- vii. The total CET imposed on any single or multi-phase project would be capped at \$1,000,000.
- viii. During the first two years (July 2019 – June 30, 2021), the City will offset the cost of the CET paid by an applicant by an equivalent reduction in Systems Development Charges.

- ix. During the first two years (July 2019 – June 30, 2021), designate City funds, equivalent to the reduction in SDCs, to the appropriate SDC fund.
- x. Designate \$500,000 per year of City funds to the Affordable Housing Fund.
- xi. Council review of program every two years beginning in 2021.

On February 19, 2019, council held a public hearing on an ordinance containing the eleven items listed above. To more accurately reflect the intent that the CET would be entirely offset during the first two years of the CET's implementation, Section 2 of the February 19 ordinance has been revised as follows: "If the amount of the construction excise tax the person paid pursuant to Section 3.732 exceeds the total amount of City-imposed SDCs owed, ~~the person will not be refunded the excess construction excise tax paid~~ **the excess construction excise tax paid will be subtracted from a permit fee the person owes.**" Also, to be consistent with how SDC funds are proposed to be kept whole, Section 3 of the February 19 ordinance has been revised to add a second sentence that states: "Similarly, if any amount is subtracted from a permit fee, the City intends to make the permit fund whole by paying with other City funds the permit fee not paid pursuant to Section 2 of this Ordinance." The ordinance attached as Attachment A to this AIS reflects these two changes to the February 19 ordinance.

Regarding implementation of Sections 2 and 3 of the ordinance, it is anticipated that the system development charge for each system (i.e., parks, stormwater, transportation and wastewater, excluding the regional portion of wastewater SDC) will be reduced by a pro-rata share of the CET. For example, if the CET paid by a person amounts to 80 percent of the total city-imposed SDCs owed by that person, for the period of July 1, 2019, through June 30, 2021, the SDC owed for each system will be reduced by 80 percent.

BACKGROUND

In 2016, the State of Oregon passed SB 1533, which enabled local jurisdictions to adopt a CET to support the development of affordable housing (see Attachment B). A CET is a one-time tax imposed on new construction, where an established tax rate (percentage) is multiplied by the permit valuation of the construction permit. The CET is assessed at the time building permits are issued.

SB 1533 allows up to a 1 percent tax for residential construction but sets no limit on a tax rate for commercial construction. To date, at least nine jurisdictions in Oregon have adopted a CET ranging from .33 percent (Bend and Medford) to 1.5 percent (Corvallis, commercial only). A CET would apply to the costs of improvements to residential property that result in a new residential structure or a remodel that adds living space and on improvements to commercial and industrial real property that results in a new structure or additional square footage.

Based on Eugene residential and commercial construction activity over the two year period from April 2016-2018, it was estimated that a 0.33 percent CET would generate almost \$1.0 million per year, a 0.5 percent CET would generate roughly \$1.5 million per year, and a 1 percent CET nearly \$3 million per year.

PREVIOUS COUNCIL DIRECTION

[April 12, 2017 Work Session](#) – City Council received an introductory presentation on SB 1533 and directed staff to pursue development of policy options for a CET in collaboration with the Housing Policy Board.

[December 13, 2017 Work Session](#) – City Council reviewed a set of recommendations from the Housing Policy Board for implementation of a CET. Council directed staff to continue engaging community stakeholders on implementation of a CET.

[April 9, 2018 Work Session](#) – City Council continued discussion of options for a CET and directed staff to return with a process for council consideration that would identify existing barriers to housing affordability, availability and diversity of type.

[January 14, 2019 Council Meeting](#) – City Council directed City staff to create a draft CET ordinance and to schedule a public hearing.

[February 19, 2019 Public Hearing](#) – Thirty four people testified at the public hearing on an ordinance imposing a construction excise tax on residential and commercial improvements.

COUNCIL OPTIONS

1. Adopt the ordinance as proposed.
2. Adopt the ordinance with modifications as determined by the City Council.
3. Take no action on the ordinance.

CITY MANAGER'S RECOMMENDATION

City Manager has no recommendation at this time.

MOTION

Move to adopt Council Bill 5202, an ordinance concerning imposition of a construction excise tax on commercial and residential improvements.

ATTACHMENTS

- A. An Ordinance Concerning Imposition of a Construction Excise Tax on Commercial and Residential Improvements and Adding Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 to the Eugene Code, 1971.
- B. SB 1533

FOR MORE INFORMATION

Staff Contact: Denny Braud, Community Development Division
Telephone: 541-682-8817
Staff E-Mail: DBraud@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING IMPOSITION OF A CONSTRUCTION EXCISE TAX ON COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND ADDING SECTIONS 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 AND 3.748 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 of the Eugene Code, 1971, are added to provide as follows:

Construction Excise Tax

3.730 Construction Excise Tax - Definitions. The following words and phrases as used in 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 and 3.748 of this code shall have the following meanings:

Area median income. Lane County median household income by household size as defined by the United States Department of Housing and Urban Development and published periodically.

City Manager. The city manager or the city manager's designee.

Commercial. Designed or intended to be used, or actually used, for other than residential purposes.

Construct or construction. Erecting, constructing, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required by Oregon law.

Improvement. A permanent addition to, or modification of, real property resulting in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure.

Net revenue. Revenues remaining after the administrative fees described in section 3.738 of this code are deducted from the total construction excise tax collected.

Residential. Designed or intended to be used, or actually used, for residential purposes including any residential structure, dwelling, or dwelling unit.

Structure. Something constructed or built and having a fixed base on, or fixed to, the ground or to another structure.

Value of improvement. The total value of the improvement as determined in the process of issuance of the building permit.

3.732 Construction Excise Tax – Tax Imposed.

- (1) Each person who applies to construct a commercial improvement in the city shall pay a commercial construction excise tax in the following amounts:
 - (a) From July 1, 2019 through June 30, 2020: 0.33 percent of the value of the improvement.
 - (b) From July 1, 2020 through June 30, 2021: 0.50 percent of the value of the improvement.
 - (c) Beginning July 1, 2021: 1 percent of the value of the improvement.
- (2) Each person who applies to construct a residential improvement in the city shall pay a residential construction excise tax in the following amounts:
 - (a) From July 1, 2019 through June 30, 2020: 0.33 percent of the value of the improvement.
 - (b) From July 1, 2020 through June 30, 2021: 0.50 percent of the value of the improvement.
 - (c) Beginning July 1, 2021: 1 percent of the value of the improvement.
- (3) The total construction excise tax imposed by subsection (1) and (2) of this section shall not exceed \$1,000,000 for any single or multi-phased development project.
- (4) The construction excise tax shall be due and payable prior to the issuance of any building permit.

3.734 **Construction Excise Tax - Exemptions.**

- (1) The construction excise tax shall not apply to any of the following improvements:
 - (a) Private school improvements;
 - (b) Public improvements as defined in ORS 279A.010;
 - (c) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the city of Eugene, for a period of at least 60 years following the date of construction of the residential housing;
 - (d) Public or private hospital improvements;
 - (e) Improvements to religious facilities primarily used for worship or education associated with worship;
 - (f) Agricultural buildings, as defined in ORS 455.315(2)(a);
 - (g) Facilities that are operated by a not-for-profit corporation and that are:
 1. Long term care facilities, as defined in ORS 442.015;
 2. Residential care facilities, as defined in ORS 443.400; or
 3. Continuing care retirement communities, as defined in ORS 101.020.
 - (h) Residential dwellings sold for \$250,000 or less;
 - (i) Housing for low-income persons that is exempt from systems development charges pursuant to section 7.725(c) of this code; and,
 - (j) Projects granted a multi-unit property tax exemption (MUPTe) by the city.
- (2) Any person seeking an exemption may be required to demonstrate that the improvements are eligible for an exemption and to establish all facts necessary to support the exemption.

3.736 **Construction Excise Tax – Refunds.**

- (1) A construction excise tax may be refunded to a person that:
 - (a) Establishes that the tax was paid for improvements that were otherwise eligible for an exemption under section 3.734 of this code; or
 - (b) Establishes that construction of the improvements was not commenced and the associated building permit has been cancelled by the city; or

- (c) Establishes that the tax had been erroneously collected.
- (2) A request for a refund shall be made within three years from the date of payment of the construction excise tax on forms provided by the city manager. Denial of a request for a refund may be appealed as provided for in section 3.744 of this code.

3.738 Construction Excise Tax – Allocation.

- (1) Revenues from the construction excise tax will be allocated to fund programs, incentives, and services related to the housing of households earning 100 percent of area medium income and below, and in accordance with state law.
- (2) Up to 4 percent of the taxes collected may be retained by the city for payment toward the city's administrative expenses related to collection and distribution of the construction excise tax.

3.740 Construction Excise Tax – Interest and Penalties. In addition to assessing any civil penalties, if the city manager determines that a person has failed to pay to the city all or any part of the construction excise tax due under section 3.732 of this code, interest shall be due on the entire unpaid amount, assessed at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the tax.

3.742 Construction Excise Tax – Implementing Rules. The city manager may adopt administrative rules pursuant to section 2.019 of this code for implementation of sections 3.732, 3.734, 3.736, 3.738, 3.740, 3.744, 3.746 and 3.748 of this code, the billing and collection of the construction excise tax due thereunder, and enforcement of those provisions.

3.744 Construction Excise Tax – Appeal. Any person aggrieved by any decision under this code may appeal the decision in the manner provided in section 2.021 of this code. The appeal shall be heard and determined as provided in section 2.021 of this code.

3.746 Construction Excise Tax – Violations. No person required to pay a construction excise tax under section 3.732 of this code may fail to state or to misstate the full value of the improvement.

3.748 Construction Excise Tax – Program Review. Beginning in 2021, and every two years thereafter, the city council shall review the overall management and outcomes of the construction excise tax program.

Section 2. The System Development Charges (SDCs) of persons required to pay the construction excise tax pursuant to Section 3.732 will be calculated in accordance with City Code and the City's adopted SDC Methodology. However, for the period of July 1, 2019 through June 30, 2021, the amount of the construction excise tax the person paid pursuant to Section 3.732 will be subtracted from the total amount of City-imposed SDCs the person owes. The person will owe the total City-imposed SDC amount remaining after the construction excise tax is subtracted.

Also, the person will owe in its entirety the Regional Wastewater SDC. If the amount of the construction excise tax the person paid pursuant to Section 3.732 exceeds the total amount of City-imposed SDCs owed, the excess construction excise tax paid will be subtracted from a permit fee the person owes.

Section 3. In order to ensure that the City's SDC fund is able to pay for the infrastructure upon which the City's SDC Methodology is based, the City intends to make the SDC fund whole by paying with other City funds the City SDCs not paid pursuant to Section 2 of this Ordinance. Similarly, if any amount is subtracted from a permit fee, the City intends to make the permit fund whole by paying with other City funds the permit fee not paid pursuant to Section 2 of this Ordinance.

Section 4. The City intends to designate \$500,000 per year of City funds to the City's Affordable Housing Trust Fund.

Section 5. The City intends to convene a citizen advisory committee to make recommendations regarding how construction excise tax revenues should be allocated in accordance with Section 3.732.

Section 6. 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 _____, 2019.

City Recorder

Approved by the Mayor this

_____ day of _____, 2019.

Mayor

78th OREGON LEGISLATIVE ASSEMBLY--2016 Regular Session

Enrolled Senate Bill 1533

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Workforce and General Government)

CHAPTER

AN ACT

Relating to affordable housing; creating new provisions; amending ORS 197.309, 320.170, 320.176 and 320.186 and section 1, chapter 829, Oregon Laws 2007; repealing section 9, chapter 829, Oregon Laws 2007; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.309 is amended to read:

197.309. (1) **As used in this section:**

(a) **"Affordable housing" means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.**

(b) **"Multifamily structure" means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.**

[(1)] (2) Except as provided in subsection [(2)] (3) of this section, a [city, county or] metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178[,] a requirement, that has the effect of establishing the sales **or rental** price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale **or rent** to [any] a particular class or group of purchasers **or renters**.

[(2)] (3) [This] **The provisions of subsection (2) of this section** [does] **do** not limit the authority of a [city, county or] metropolitan service district to:

(a) Adopt or enforce a [land] use regulation, [functional plan] provision or [condition of approval] **requirement** creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or [condition] **requirement** designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

(4) **Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.**

(5) **A regulation, provision or requirement adopted or imposed under subsection (4) of this section:**

(a) May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing;

(b) May apply only to multifamily structures containing at least 20 housing units;

(c) Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates; and

(d) Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:

(A) Whole or partial fee waivers or reductions.

(B) Whole or partial waivers of system development charges or impact fees set by the city or county.

(C) Finance-based incentives.

(D) Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of "low income" to mean income at or below 60 percent of the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of "low income" to mean income at or below 80 percent of the area median income.

(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

(a) Density adjustments.

(b) Expedited service for local permitting processes.

(c) Modification of height, floor area or other site-specific requirements.

(d) Other incentives as determined by the city or county.

(7) Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

(a) Increase the number of affordable housing units in a development.

(b) Decrease the sale or rental price of affordable housing units in a development.

(c) Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

(b) If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

(b) Paragraph (a) of this subsection does not apply to:

(A) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(B) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(c) In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;

(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units.

SECTION 2. ORS 320.170 is amended to read:

320.170. (1) [*Construction taxes may be imposed by*] A school district, as defined in ORS 330.005, **may impose a construction tax only** in accordance with ORS 320.170 to 320.189.

(2) Construction taxes imposed by a school district must be collected, subject to ORS 320.179, by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code.

SECTION 3. Section 1, chapter 829, Oregon Laws 2007, is added to and made a part of ORS 320.170 to 320.189.

SECTION 4. Section 1, chapter 829, Oregon Laws 2007, is amended to read:

Sec. 1. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189.**

(2) Subsection (1) of this section does not apply to:

(a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;

(b) A tax on which a public hearing was held before May 1, 2007; or

(c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.

(3) For purposes of [*this section and sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189**, construction taxes are limited to privilege taxes imposed under [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189** and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income.

SECTION 5. ORS 320.176 is amended to read:

320.176. (1) Construction taxes imposed [*under ORS 320.170 to 320.189*] **by a school district pursuant to ORS 320.170** may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

(a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and

(b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, "construction cost index" means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by the department by rule.

SECTION 6. ORS 320.186 is amended to read:

320.186. A school district may pledge construction taxes **imposed pursuant to ORS 320.170** to the payment of obligations issued to finance or refinance capital improvements as defined in ORS 320.183.

SECTION 7. Sections 8 and 9 of this 2016 Act are added to and made a part of ORS 320.170 to 320.189.

SECTION 8. (1) The governing body of a city or county may impose a construction tax by adoption of an ordinance or resolution that conforms to the requirements of this section and section 9 of this 2016 Act.

(2)(a) A tax may be imposed on improvements to residential real property that result in a new residential structure or additional square footage in an existing residential structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate of the tax. The tax may not exceed one percent of the permit valuation for residential construction permits issued by the city or county either directly or through the Building Codes Division of the Department of Consumer and Business Services.

(3)(a) A tax may be imposed on improvements to commercial and industrial real property, including the commercial and industrial portions of mixed-use property, that result in a new structure or additional square footage in an existing structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate and base of the tax.

(4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to the city or county that imposed the tax.

(5)(a) This section and section 9 of this 2016 Act do not apply to a tax described in section 1 (2), chapter 829, Oregon Laws 2007.

(b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements of this section and section 9 of this 2016 Act shall be determined without regard to any tax described in section 1 (2), chapter 829, Oregon Laws 2007, that is imposed by the city or county.

SECTION 9. (1) As soon as practicable after the end of each fiscal quarter, a city or county that imposes a construction tax pursuant to section 8 of this 2016 Act shall deposit the construction tax revenues collected in the fiscal quarter just ended in the general fund of the city or county.

(2) Of the revenues deposited pursuant to subsection (1) of this section, the city or county may retain an amount not to exceed four percent as an administrative fee to recoup the expenses of the city or county incurred in complying with this section.

(3) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use the remaining revenues received under section 8 (2) of this 2016 Act as follows:

(a) Fifty percent to fund developer incentives allowed or offered pursuant to ORS 197.309 (5)(c) and (d) and (7);

(b) Fifteen percent to be distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

(c) Thirty-five percent for programs and incentives of the city or county related to affordable housing as defined by the city or county, respectively, for purposes of this section and section 8 of this 2016 Act.

(4) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use 50 percent of the remaining revenues received under section 8 (3) of this 2016 Act to fund programs of the city or county related to housing.

SECTION 10. Section 9, chapter 829, Oregon Laws 2007, is repealed.

SECTION 11. A city or county may not adopt a regulation, provision or requirement under ORS 197.309, as amended by section 1 of this 2016 Act, until the 180th day after the effective date of this 2016 Act.

SECTION 12. This 2016 Act takes effect on the 91st day after the date on which the 2016 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by Senate February 26, 2016

Received by Governor:

.....M.,....., 2016

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Lori L. Brocker, Secretary of Senate

Approved:

.....M.,....., 2016

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House March 3, 2016

Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

.....M.,....., 2016

.....
Jeanne P. Atkins, Secretary of State

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Nuisances, Amending Sections 6.005 and 6.010 of the Eugene Code, 1971, and adding section 6.116 to that code.

Meeting Date: April 8, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Rachelle Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

The City Council is scheduled to take action on proposed changes to the City's nuisance code, amending 6.005 and 6.010 and adding section 6.116. The proposed code language would address the impacts to neighborhoods caused by abandoned and derelict properties as well as nuisance odors related to the growing and processing of marijuana, especially in residential neighborhoods.

BACKGROUND

The purpose of the City's nuisance code compliance program is to ensure the public's safety, health, welfare and environment by enforcing regulations that preserve, protect and improve neighborhoods.

The City's nuisance codes have not been updated since the late 1980s. The City's existing codes may be deficient, in some areas, to address the livability issues that have emerged in the last 20 years. Eugene's population continues to grow and has resulted in an increase in density and a change in the character of properties, many of which have become mixed use.

At the July 23, 2018, work session staff provided an overview of the code compliance program which included:

- An overview of the City's nuisance, zoning and building codes already in place
- Tools used to achieve code compliance
- Impacts of vacant, abandoned and dangerous buildings
- Impacts related to odor as a result of marijuana processing

At the direction of City Council, staff returned to a later work session on November 28, 2018, and provided an overview of proposed ordinance language similar to the cities of Corvallis, Portland, Gresham and Salem to address negative effects on neighborhoods caused by vacant buildings, dangerous conditions caused by hoarding, and nuisance odors related to the processing of marijuana in residential zones.

PREVIOUS COUNCIL DIRECTION

[July 23, 2018, Work Session](#)

Move to direct the City Manager to 1) bring back ordinance language similar to the cities of Corvallis, Portland, Gresham and Salem to address negative effects on neighborhoods caused by vacant buildings, dangerous conditions caused by hoarding, and nuisance odors related to the processing of marijuana in residential zones; and 2) conduct a comprehensive review of the existing nuisance code for additional revisions that may address other modern livability issues, which may include adding a property maintenance code similar to the cities of Corvallis, Portland, Gresham and Salem. *(Motion Passed)*

[November 28, 2018, Work Session](#)

Move to direct the City Manager to schedule a public hearing on the draft code amendments set forth in Attachment A. *(Motion Passed)*

[February 19, 2019, Public Hearing](#)

COUNCIL OPTIONS

1. Approve the code changes and adopt the ordinance as attached
2. Modify the code changes and adopt a modified ordinance
3. Take no action

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1: the Eugene City Council approve the changes to the City's Nuisance Code and adopt the ordinance as attached.

SUGGESTED MOTION

Move to adopt Council Bill 5200, an ordinance updating the City's Nuisance Code.

ATTACHMENTS

- A. Draft Ordinance Concerning Nuisances, Amending Sections 6.005 and 6.010 of the Eugene Code, 1971, and Adding Section 6.116 to that Code.

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rnicholas@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING NUISANCES, AMENDING SECTIONS 6.005 AND 6.010 OF THE EUGENE CODE, 1971, AND ADDING SECTION 6.116 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.005 of the Eugene Code, 1971, is amended by adding the following definitions to that Section:

6.005 **Definitions.** For purposes of sections 6.005 to 6.845, the following words and phrases mean:

Abandoned structure. A vacant structure that is an attractive nuisance.

Attractive nuisance. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition, including but not limited to:

- (a) Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children.***
- (b) Lumber, logs, or pilings placed or stored in a manner so as to be attractive, dangerous, and accessible to children.***
- (c) An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.***
- (d) An open, vacant structure which is attractive, dangerous and accessible to children or which is used for habitation by trespassers.***

Attractive nuisance does not mean authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

Derelict structure. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- (a) Is unoccupied and unsecured;***
- (b) Is partially constructed;***
- (c) Is an abandoned structure or attractive nuisance;***
- (d) Is in condition of deterioration;***
- (e) Has an infestation of pests;***
- (f) Has doors or windows boarded over; or***

- (g) *Other condition that in the opinion of the health officer is detrimental to public health, safety or welfare.*

Unfit for human habitation. A building or structure that, as found by the enforcing officer, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination; lack of required ventilation, illumination, or sanitary or heating facilities; or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

Unoccupied. Not legally occupied.

Unsecured. Unlocked or otherwise open to entry.

Section 2. Subsections (b) and (f) of Section 6.010 of the Eugene Code, 1971, are amended and subsections (q) and (r) are added to that Section to provide as follows:

6.010 **Nuisances Affecting the Public.** The following are nuisances which may be abated as provided in this code:

- (b) Attractive nuisances. No owner or person in charge of property shall permit ***an attractive nuisance*** thereon.[:

- ~~1. Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children.~~
- ~~2. Lumber, logs, or pilings placed or stored in a manner so as to be attractive, dangerous, and accessible to children.~~
- ~~3. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.~~
- ~~4. An open, vacant structure which is attractive, dangerous and accessible to children or which is used for habitation by trespassers.~~

~~This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.]~~

- (f) Odors. [~~Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.~~] ***Causing or permitting any persistent odors, which are offensive to individuals of normal sensitivity and which adversely impact or unreasonably interfere with the use and enjoyment of property, to emanate across any parcel or property line. In determining whether an odor is offensive to individuals of normal sensitivity, the enforcing officer may consider factors including, but not limited to, the following:***

- 1. Frequency of the odor;***
- 2. Duration of the odor;***
- 3. Strength or intensity of the odor;***

4. *Number of people impacted;*
 5. *The suitability of each party's use to the character of the locality in which it is conducted;*
 6. *Extent and character of the harm to complainants;*
 7. *The source's ability to prevent or avoid harm.*
- (q) **Derelict structures.** *Causing or allowing a derelict structure to exist on any premises.*
- (r) **Building interiors.** *Failing to maintain the interior of a dwelling in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensives gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.*

Section 3. Section 6.116 of the Eugene Code, 1971, is added to provide as follows:

6.116 **Receivership authority.** *In addition to, and not in lieu of, any other provision in this chapter, when the enforcing officer finds residential property in violation of section 6.010(q) of this chapter or in violation of Eugene Code Chapter 8, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the enforcing officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.*

Section 4. 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 _____, 2019

Approved by the Mayor this

____ day of _____, 2019

City Recorder

Mayor