



Eugene City Council

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AMENDED AGENDA EUGENE CITY COUNCIL

September 18, 2019

**12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**Meeting of September 18, 2019;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Betty Taylor, President
Mike Clark
Chris Pryor
Jennifer Yeh

Emily Semple, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

**Note: This agenda has been amended to reflect
the addition of Item 1.**

12:00 p.m. EUGENE CITY COUNCIL WORK SESSION

- 1. WORK SESSION: Digital Signs**
- 2. WORK SESSION: Alley Access Lots**

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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.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Digital Signs

Meeting Date: September 18, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Jenessa Dragovich
Contact Telephone Number: 541-682-8385

ISSUE STATEMENT

At this work session, City Council will be provided with an overview of Eugene sign code regulations pertaining to digital signs. This work session is in response to Councilor Pryor's request and was initiated through a poll, provided as Attachment A. This is an informational item and no council action is requested.

BACKGROUND

Eugene's sign code (which is part of the Eugene land use code) was originally adopted in 1968. Minor amendments to the sign code were passed in 2001 and 2013, however, the last major change occurred in the late 1980s. Electronic sign technology has changed significantly in that period. Digital signs use an electronic display system, such as an LED screen, to deliver multiple signs at a single location. Images are often static and held for a specified amount of time; however, the technology is capable of slide presentation effects, including frame transitions, scrolling, animation and videos. With a push to convert traditional billboards to digital, many communities are being asked to allow electronic signage.

At this work session, council will be presented with an overview of:

- Eugene's existing sign code pertaining to digital signs
- Digital sign information
- Common concerns related to digital signs
- Examples of how other communities regulate digital signage

Eugene's current sign code prohibits flashing signs, except electronic message centers (which are considered digital signs). However, because electronic message centers are limited to three square feet in area and five display characters, they are effectively prohibited with the exception of small displays that show time and temperature. A 2007 Land Use Board of Appeals decision affirmed the City's interpretation that LED displays meet the City's definition of electronic message centers and are subject to the size, character and message interval limits prescribed by the sign code. To allow digital signage in Eugene, the sign code would need to be amended to remove prohibitive language and add specific regulations to address common concerns associated with digital signage. Excerpts from the sign code are provided as Attachment B.

There are only a few existing examples of digital signs in Eugene—the Lane County Fairgrounds, the Hult Center, Matthew Knight Arena, and The Shedd. The Eugene land use code generally does not allow digital signs. The examples listed were allowed because two are public signs that are exempt from sign standards and two, Matthew Knight Arena and The Shedd’s electronic message centers, received a variance to the sign code standards.

Proponents of digital signage assert several benefits from the technology, including reduced waste compared with traditional copy materials, lower energy consumption, the ability to serve the advertising needs of more businesses, and usage by law enforcement agencies to push public warnings such as Amber alerts.

Concerns over the use of digital signage are primarily focused on driver distraction and visual pollution. Several factors that contribute to these concerns include: flashing effects, moving images, or videos; frequency of image changes; size and location; and brightness/glare.

Digital sign technology has been operating in Portland, Salem, and Springfield for several years. At the work session, staff will provide some examples of how these cities and others regulate such signage.

Allowing digital signs in Eugene would require an amendment to Eugene’s land use code. Such changes would require the City Council to initiate the process. The formal adoption process for an amendment to the land use code includes notice to the state and interested parties, a public hearing before the Planning Commission who provides a recommendation to City Council, a public hearing before the City Council, and action by the City Council. In some cases, notice must also be sent to affected property owners. Prior to the formal adoption process, the Building Permit Services Division would engage stakeholders in a public process to identify key issues and possible solutions, and to review draft code language.

In addition to the work session request regarding digital signs, there have been two other questions asked by councilors related to sign standards. One question was about signs that advertise off-premise businesses and whether the City can require that signs be for on-premise, or “proximate” businesses, or limited to businesses located within the city. The City cannot require that signs only advertise proximate businesses or businesses located in the city. Such a requirement would violate the Oregon Constitution because it would prohibit certain speech based on the content of that speech. See *Outdoor Media Dimensions, Inc. v. Department of Transportation*, 340 Or 275 (2006).

The second question is related to mobile advertising signs (e.g., a sign on the flat bed of a truck that is driven around town). The current sign code already prohibits any sign placed on a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards. See land use code section 9.6615(2) on page 1 of Attachment B.

PREVIOUS COUNCIL DIRECTION

This is the first work session on this topic.

COUNCIL OPTIONS

Informational item. No action requested.

CITY MANAGER'S RECOMMENDATION

No recommended action.

SUGGESTED MOTION

No recommended action.

ATTACHMENTS

- A. Work Session Request
- B. Eugene Sign Standards Excerpts

FOR MORE INFORMATION

Staff Contact: Jenessa Dragovich
Telephone: 541-682-8685
Staff E-Mail: JDragovich@eugene-or.gov



Work Session Request Form

Councillor: Chris PryorDate: 1-31-19**WORK SESSION TOPIC**

Update the Eugene Sign Code to accommodate new digital display technologies.

ISSUES AND QUESTIONS TO BE ADDRESSED

The Eugene Sign Code has not been updated for over 15 years and the pace of electronic sign technology has changed significantly in that period. Digital billboards now offer better capability to reduce energy consumption over traditionally illuminated signs, save overhead and labor costs, and reduce “upstream” carbon impacts by eliminating the need to manufacture and ship petroleum-based vinyl fabric signs which might be replaced every month. Digital signage can also aid local agencies with emergency messages, warnings, Amber Alerts, and other public interest content. Digital sign technology has already been operating in Portland, Salem, and Springfield for years.

OUTCOMES

Review and update the Eugene Sign Code to allow for the regulated use of electronic and digital sign and billboard technology.

POLL

I want to hold a work session to discuss the issue outlined above.

Yes	No		Yes	No	
		Ward 1: Emily Semple			Ward 5: Mike Clark
		Ward 2: Betty Taylor			Ward 6: Greg Evans
		Ward 3: Alan Zelenka			Ward 7: Claire Syrett
		Ward 4: Jennifer Yeh			Ward 8: Chris Pryor

RESPONSE DUE BY: February 14, 2019**Please indicate your preference for timing of work session**☐

Prioritize over other items.

☐

Time-sensitive; schedule as soon as possible.

☒

Not time-sensitive; schedule when time permits.

COMMENTS

A few years back Churchill High School had a problem using its digital reader board because of conflicts with the sign code. While a makeshift administrative solution was found, it pointed out the need to make updates to the sign code.

Excerpts from the Eugene Land Use Code

Definitions

Billboard. Any sign with a sign face of 200 square feet or greater in surface area.

Electronic Message Center. A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center.

Flashing Sign. A sign or sign structure where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.

Sign. Any device, fixture, placard, or structure that is not entirely within an enclosed building, when its message is visible from a public or private way or another development site, and which uses any word, letter, or logo to advertise or to communicate information of any kind. For purposes of the Eugene sign regulations, searchlights, beacons, strings of lights, banners, flags, pennants, and inflated devices shall be considered signs.

Sign Standards

9.6610 Exemptions to Sign Standards.

* * *

Public Signs. 1) Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; 2) Signs owned or constructed under the direction or authorization of the city, including, but not limited to, signs installed within parks and at natural resource areas within the NR Natural Resource Zone and PRO Parks, Recreation and Open Space Zone to account for entrances, trail signs, and markers; and 3) Signs placed by a public utility for the purpose of providing information concerning a pole, line, pipe or other facility belonging to the public utility.

9.6615 Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

* * *

(2) Any sign written or placed upon or within a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards.

* * *

(5) Decorative laser signs, search lights, and flashing signs, except electronic message centers;

9.6640 General Provisions.

* * *

(6) Illumination Standards.

- (a) Maximum Exposed Illumination. No single light source element which exceeds 15 watts shall be used in connection with a sign or to illuminate a sign in a way which exposes the face of the bulb, light or lamp when viewed from a public street.
- (b) Glare Reduction. No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof. Exterior illumination shall be top mounted and shielded to aim light downward only.
- (c) Illumination From Signs on Nonresidential Property. Illumination resulting from all signs and lighting on any property in a non-residential zone shall not exceed 2 foot candles at a height of 5 feet when measured at any point on property in a residential zone. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.
- (d) Illumination From Signs on Residentially Zoned Property. No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at the closest street or property line.

* * *

- (9) **Electronic Message Centers.** Except electronic message centers operated as public signs by governmental agencies, no electronic message center, or portion of a sign used as an electronic message center, shall be larger than 3 square feet in area, display a message containing more than 5 characters, or change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBA at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

If you would like to see all of Eugene's Sign Standards (beginning at section 9.6600), the entire land use code is available online at: <https://www.eugene-or.gov/chapter9>.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Alley Access Lots

Meeting Date: September 18, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Alissa Hansen
Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

At this work session, City Council will be provided with an overview of the development standards for alley access lots in the R-1 Low Density Residential zone. Requested by City Council through a poll initiated by Councilor Semple, this work session is intended to provide answers to Councilor Semple's questions. This is an informational item and no council action is requested.

BACKGROUND

Alley access lots are lots that front or abut an alley but do not front a street, and typically are created from the rear portion of an existing lot. In the R-1 Low Density Residential zone, there are approximately 66 existing alley access lots in Eugene (approximately 20 of which are vacant). The creation of new alley access lots in R-1 has been prohibited since the adoption of the land use code update of 2001.

The following questions were posed in advance of the work session.

What are the current rules for alley access lots?

What are reasonable changes to make the land use code fair for all property owners?

How could it affect infill/density/livable small lots to help our need for more housing?

What other areas of the land use code (flag lots) should we consider in response to our recent Claim 49 discussions?

Answers to several of these questions are provided below. Staff will walk through these topics in more detail at the work session.

Current Development Standards for Alley Access Lots in R-1

The standards that apply to existing alley access lots were changed in 2014 as part of the Single-Family Code Amendments. As part of Envision Eugene, the City Council initiated land use code amendments to promote accessory dwellings and allow for the creation of new alley access lots. As initiated, these amendments were intended to create additional capacity within the urban growth boundary and implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes. Ultimately, the ordinance that was adopted did not allow for the creation of new

alley access lots, and included new, more restrictive development standards to limit the size, heights and setbacks of new homes on existing alley access lots in the R-1 zone. A matrix showing the development standards that are applicable to alley access lots in R-1 zone is provided in Attachment A.

Three special area zones allow for the creation of new alley access lots, including S-C Chambers Special Area Zone (in the R-2 Subarea), S-DW Downtown Westside, and S-JW Jefferson Westside Special Area Zone. However, none of these zones implement a low-density residential plan comprehensive designation, meaning they are not comparable to the R-1 zone.

Measure 49 Claim

In 2007, Oregon voters approved Measure 49 (codified as ORS 195.300-336), which grants a property owner of residentially zoned land located within an urban growth boundary the right to compensation or waiver of a regulation (at the option of the government) if five substantive requirements are met. In 2018, a Measure 49 claim was submitted by Elise Moore for the alleged reduction in fair market value to her property located at 70 West 24th Place, Eugene, Oregon. The Measure 49 claim seeks waiver of a land use regulation, adopted in 2014, that limits building size on alley access lots to 10 percent of the total lot size, not to exceed 800 square feet. The property owner asserted that the land use regulation restricted the residential use of her property because it limits the size of a dwelling on the property to a maximum of 462 square feet.

City Council denied the claim in July 2018. The applicant filed a writ of review in the Lane County Circuit Court, who affirmed the City Council's decision to deny the Moore Measure 49 claim in May 2019. The applicant subsequently filed an appeal to the Court of Appeals, which is still pending.

PREVIOUS COUNCIL DIRECTION

[May 14, 2014, Work Session](#)

[July 14, 2014, Work Session](#)

[July 28, 2014, Work Session](#)

COUNCIL OPTIONS

Informational item. No action requested.

CITY MANAGER'S RECOMMENDATION

No recommended action.

SUGGESTED MOTION

No recommended action.

ATTACHMENTS

A. Development Standards for Alley Access Lots in R-1

FOR MORE INFORMATION

Staff Contact: Alissa Hansen

Telephone: 541-682-5508

Staff E-Mail: AHansen@eugene-or.gov

Alley Access Lot Development Standards

Standard	Pre-2014 Standards for Alley Access Lots ¹	Current Standards for Alley Access Lots
Building Size	Limited through lot coverage, setback and building height.	<i>University Area:</i> 1,000 square feet <i>Outside of University Area:</i> 10% of lot area or 800 square feet, whichever is less
Lot Coverage	50%	50%, except that all roofed areas shall be included as part of the calculation of lot coverage.
Building Height/ Interior Setback	<i>Minimum Setbacks:</i> 5 feet <i>Maximum Building Height:</i> 30 feet plus an additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper.	Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.
Windows, Dormers & Balconies	No limitations on windows, dormers and balconies	<ul style="list-style-type: none"> Any window on the upper story must be located a minimum of 10 feet from any property line. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley. Notwithstanding the second and third bullets above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.
Bedrooms	No bedroom limitations	The dwelling shall contain no more than 3 bedrooms.
Primary Entrance	No entrance requirements	The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
Pedestrian Access	No pedestrian access requirements	The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.

¹ These standards currently apply to regular lots (non-alley access or flag lots) in the R-1 zone.

Parking Spaces	Minimum of 1 space No maximum	There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
Parking and Driveway	No parking/driveway limitations	<ul style="list-style-type: none"> • Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces. • The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet. • The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space. • The maximum width for a driveway accessing a garage or carport shall be 12 feet. • The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth. • The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth. • The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth. • Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley. • The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet. • No parking shall occur outside of the vehicle use area.
Distance from Street/Fire Safety	No applicable	If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
Trash and Recycling	No screening requirements.	Outdoor storage and garbage areas must be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent

		site obscuring fence or enclosure on at least three sides.
Accessory Building	<p>No limitations</p> <p>Post 2014 Standards: <i>University Area:</i> Maximum square footage limited to 400 square feet. <i>Outside of University Area:</i> Maximum square footage of all accessory buildings limited to 10% of lot area</p>	The total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
Use Limitations	Accessory dwellings allowed	Accessory dwellings not allowed