



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 5, 2023

12:00 p.m. CITY COUNCIL SPECIAL MEETING

City Council meetings will continue to be held in virtual format using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of April 5, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President

Mike Clark

Lyndsie Leech

Jennifer Yeh

Matt Keating, Vice President

Greg Evans

Emily Semple

Alan Zelenka

12:00 p.m. CITY COUNCIL SPECIAL MEETING

1. SPECIAL MEETING: Presentation of Referendum Petition 2023-1 to Council

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



Special Meeting: Presentation of Referendum Petition 2023-1 to Council

Meeting Date: April 5, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Katie LaSala
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

The purpose of this item is to present the certified referendum petition 2023-1 to Council for consideration pursuant to Eugene Code 2.980. Council may choose to take action at or after this special meeting.

BACKGROUND

A prospective referendum petition was filed with the City Recorder's Office on February 9, 2023, regarding Ordinance Number 20681, An Ordinance Prohibiting Fossil Fuel Infrastructure In New Low-Rise Residential Buildings; And Adding Sections 6.695 And 6.696 To The Eugene Code, 1971. (Ordinance 20681 is included as Attachment A, and the Notice of Ballot Title is included as Attachment B.)

On March 9, 2023, the Chief Petitioners submitted the petition signature sheets to the City Recorder's Office to be validated, meeting the initial deadline for a referendum filing as defined by E.C. 2.974(d) (requiring that a completed referendum petition be submitted to the City Recorder by the effective date of the legislation sought to be referred). The effective date of the ordinance was March 10, 2023.

On March 15, 2023, the City Recorder's Office received certification from Lane County Elections, stating that the results of the statistical sample of signatures showed that the petition contained the required 6,460 valid signatures to refer the measure to the ballot (8,192 valid signatures estimated via sampling, see Attachment C).

On March 16, 2023 the City Recorder certified the completed referendum petition. Due to the timing of certification the next available regular election date is November 7, 2023. Ordinance 20681 is stayed until the results of the election are certified, or Council takes further action. If the measure is approved by the voters, the measure/ordinance provides that it will have a retroactive effect on permit applications filed on or after June 30, 2023.

Per E.C. 2.980, no later than 20 days after the City Recorder's certification the City Manager must present the referendum petition to Council for consideration. The City Recorder certified the referendum petition on March 16, 2023; therefore, the City Manager must present the petition to

April 5, 2023 Special Meeting – Item 1

the Council no later than April 5, 2023. During this meeting, Council will be presented with the following options for discussion:

- Repeal the ordinance referred by referendum petition;
- Vote to urge adoption or defeat of the referred measure; or
- Order submission of an alternative measure or measures to be voted upon at the same election as the referred measure.

Next Steps

Council may choose to do nothing or may choose to take one of the actions listed above; either during the meeting or sometime thereafter. The next regular available election date for the referendum measure is November 7, 2023. Unless Council calls a special election in accordance with E.C. 2.981(2)(b) and ORS 221.230, the City Recorder will submit the referendum measure to Lane County Elections for the November 7, 2023, election. If Council does want to explore calling a special election before or after the November election, the City Recorder will need to return to Council at a later date with the requirements and parameters for doing so.

COUNCIL OPTIONS

- 1) The Council may take no action, in which case the referred measure will appear on the ballot in November of 2023.

OR

- 2) The Council may direct staff to schedule another work session to discuss options.

OR

- 3) The Council may repeal the ordinance referred by referendum petition 2023-1.

OR

- 4) The Council may vote to urge adoption or defeat of the referred measure.

OR

- 5) The Council may order submission of an alternative measure or measures to be voted upon at the same election as the referred measure.

POSSIBLE MOTIONS

- 1) [No action/motion; referred measure will appear on the ballot in November of 2023]

OR

- 2) Move to direct City Manager to schedule an additional work session for Council to discuss options.

OR

- 3) Move to repeal Ordinance 20681, An Ordinance Prohibiting Fossil Fuel Infrastructure In New Low-Rise Residential Buildings; And Adding Sections 6.695 And 6.696 To The Eugene Code, 1971.

OR

- 4) Move to urge [adoption *OR* defeat] of the referred measure.

OR

- 5) Move to direct City Manager to schedule an additional work session to develop an alternative measure for referral to the November 2023 ballot.

ATTACHMENTS

- A) Ordinance 20681 - An Ordinance Prohibiting Fossil Fuel Infrastructure In New Low-Rise Residential Buildings; And Adding Sections 6.695 And 6.696 To The Eugene Code, 1971.
- B) Notice of Ballot Title for Petition 2023-1
- C) Lane County Elections Certified Results of Petition 2023-1 and worksheet

FOR MORE INFORMATION

Staff Contact: Katie LaSala, City Recorder

Telephone: 541-682-5882

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

COUNCIL ORDINANCE NO. 20681

**AN ORDINANCE PROHIBITING FOSSIL FUEL INFRASTRUCTURE IN NEW
LOW-RISE RESIDENTIAL BUILDINGS; AND ADDING SECTIONS 6.695 AND
6.696 TO THE EUGENE CODE, 1971.**

ADOPTED: February 6, 2023

SIGNED: February 7, 2023

PASSED: 5:3

REJECTED:

OPPOSED: Clark, Evans, Groves

ABSENT:

EFFECTIVE: March 10, 2023



ORDINANCE NO. 20681

AN ORDINANCE PROHIBITING FOSSIL FUEL INFRASTRUCTURE IN NEW LOW-RISE RESIDENTIAL BUILDINGS; AND ADDING SECTIONS 6.695 AND 6.696 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following heading and Section 6.695 of the Eugene Code, 1971, are added to provide as follows:

Prohibition on Fossil Fuel Infrastructure

6.695 Prohibition on Fossil Fuel Infrastructure – Definitions.

For purposes of EC 6.696, the following words and phrases shall mean:

Fossil fuel. Any of a class of hydrocarbon-containing materials of biological origin occurring within Earth's crust that can be used as a source of energy. This includes coal, petroleum or petroleum products, and natural gas.

Fossil fuel Infrastructure. Natural gas piping, fuel oil piping, or other fossil fuel piping or conveyance system within a building, that connects a source of supply to a fossil-fuel-burning appliance.

Low-rise Residential Building. Any building that has a height of three stories above grade or less, that includes one or more dwelling units, and where occupants are primarily permanent in nature (30 days or more) including but not limited to detached one- and two-family dwellings, attached single family dwellings (townhouses), manufactured dwellings, and multi-family residential buildings. This does not include a mixed occupancy building, as defined by Oregon building code, that includes a commercial use.

Natural Gas. A natural gas, liquified petroleum gas or mixture of these.

Section 2. Section 6.696 of the Eugene Code, 1971, is added to provide as follows:

6.696 Prohibition on Fossil Fuel Infrastructure – Prohibition and Applicability

- (1) Fossil fuel infrastructure is prohibited in a low-rise residential building that has never before been used or occupied for any purpose.
- (2) The City shall deny an application for a permit, or suspend or revoke an issued permit, that does not comply with this section.
- (3) This section applies to building permit applications, including those necessary to install a new manufactured dwelling, submitted on or after June 30, 2023.

(4) This section shall in no way be construed as amending the state building code, as defined in ORS 455.010.

Section 3. 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

6th day of February, 2023.



City Recorder

Approved by the Mayor this

7 day of February, 2023.



Mayor



NOTICE OF BALLOT TITLE

NOTICE is hereby given that a prospective referendum petition was filed with the Eugene City Recorder on February 9, 2023. After determining that the prospective petition was legally sufficient, the City Attorney prepared and delivered the following ballot title to the City Recorder on February 14, 2023:

- Caption:** Prohibiting Fossil Fuel Infrastructure in New Low-Rise Residential Buildings
- Question:** Shall City prohibit fossil fuel infrastructure in new low-rise residential buildings starting June 30, 2023?
- Summary:** If approved, measure would prohibit fossil fuel infrastructure in new low-rise residential buildings. "New low-rise residential buildings" are buildings never before used or occupied for any purpose, with a height of no more than three stories above grade, that include one or more dwelling units, and where occupants are primarily permanent in nature (30 days or more), including but not limited to detached one- and two-family dwellings, townhouses, manufactured dwellings, and multi-family residential buildings. Fossil fuel infrastructure that would be prohibited if measure is approved includes natural gas piping, fuel oil piping, and other fossil fuel piping or conveyance system within a building, that connects a source of supply to a fossil-fuel-burning appliance. Measure would not prohibit fossil fuel infrastructure in new mixed occupancy buildings that include a commercial use. If approved, measure's prohibition on fossil fuel infrastructure in new low-rise residential buildings would apply to building permit applications, including those necessary to install a new manufactured dwelling, submitted on or after June 30, 2023.

No later than 5 p.m. on Friday, February 24, 2023, any elector may petition the Lane County Circuit Court requesting a different ballot title and stating why the ballot title prepared by the City Attorney is unsatisfactory. A copy of the full ballot title is available at the City Manager's Office, 101 W. 10th Avenue, Eugene, Oregon 97401, and on the City's website at www.eugene-or.gov/elections.

County: LANE	Petition Processing Statistics Report	Date : 3/15/2023 12:03:09 PM Report No. : PM-003
Number :20-2023-1 Title :Ordinance #20681, Adopted February 7, 2023 Types : Referendum-County		

Petition Information

Petition Name : Ordinance #20681, Adopted February 7, 2023

Petition Date : 02/09/2023

Date Filed : 02/09/2023

End Circulation Date :

Minimum Signatures Required : 6460

Accepted Of Minimum : (13.30%)

Total Signatures Processed : 1234

Processing Summary Sample: All

Total Accepted Signatures : 859 (70%) **Of Those Processed**

Total Rejected Signatures : 375 (30%) **Of Those Processed**

Accepted Reason	Total	(% Rejected)
Valid Signature	859	(100%)

Rejected Reason	Total	(% Rejected)
Out of County	31	(8.2%)
Not Registered	60	(16%)
Out of District	168	(44.8%)
Rejected - Duplicate	1	(.2%)
Signatures Do Not Match	71	(18.9%)
Illegible Signer Information	9	(2.4%)
Inactive Other or Reason Not Known	31	(8.2%)
Underage - not eligible to sign petitions	3	(.8%)
Signed Before Date Registered to Vote (Too Late)	1	(.2%)



[Handwritten Signature]
3/15/2023

Submission F

2				
4	Required Number	R	6,460	
5	Stage 1: Verify First Sample from Submission F			
6	Date		3/9/2023	
7	Description	Notation	Number	% of Sub F
8	Submission F size	N_F	12,337	100.00%
9	Sample F1			
10	Sample size	n_F	1,234	10.00%
11	# valid signatures	y_{F1}	859	
12	Electors with multiple signatures			
13	# pairs	FF_1	1	
14	# triplicates	FFF_1	0	
16	Equations			
17	Expansion factor	$F_{F1} = N_{F1}/n_{F1}$	9.9976	
18	# valid signatures	$Y_{F1} = F_{F1} * y_{F1}$	8,587.91	69.61%
19	# multiple signatures	$D_{F1} = \text{See Equations}$	99.95	0.81%
20	# valid signatures in Sample F1	$M_{F1} = Y_{F1} - D_{F1}$	8,487.96	68.80%
21	Margin of Error (95% confidence level)	$MOE = \text{See Equations}$	295.55	2.40%
23	Lower confidence limit for M	$M_L = M_{F1} - MOE$	8,192.41	66.41%
24	Is $M_L \geq$ required number:	6,460	Yes	1,732.41
26	Stage 2: Verify Second Sample from Submission F			
27	Date			
28	Description	Notation	Number	% of Sub F
29	Sample F2			
30	Sample size	n_{F2}		0.00%
31	# valid signatures	y_{F2}		
32	Electors with multiple signatures			
33	# pairs	FF_2		
34	# triplicates	FFF_2		
36	Sample F (combined sample)			
37	Sample size	$n_F = n_{F1} + n_{F2}$		#VALUE!
38	# valid signatures	$y_F = y_{F1} + y_{F2}$		
39	Electors with multiple signatures			
40	#pairs	$e_{F2} = FF_1 + FF_2$		
41	#triplicates	$e_{F3} = FFF_1 + FFF_2$		
43	Equations			
44	Expansion factor	$F_F = N_F/n_F$		
45	# valid signatures	$Y_F = F_F * y_F$		
46	# multiple signatures in Submission F	$D_F = \text{See Equations}$		
47	# electors signing Submission F	$M_F = Y_F - D_F$		
48	Is $M_F \geq$ required number:			