MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

February 27, 2012
5:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Chris Pryor, Alan Zelenka.

COUNCILORS ABSENT: Mike Clark.

Her Honor Mayor Kitty Piercy called the February 27, 2012, work session of the Eugene City Council to order.

A. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER

Mr. Brown reported he had attended the Valentine Day's Party at First Place. The event recognized all the facility's volunteers for their work.

Mr. Poling reported that Phase 1 of the Willakenzie Crossing affordable housing development was occupied and applications were being taken for Phase 2. Phase 3 was currently under construction. He believed the development would be a good addition to the community and neighborhood.

Ms. Taylor had received a constituent complaint about wild turkeys and questioned if there was something the City could do. Mayor Piercy shared her own encounter with wild turkeys earlier that day on Blair Boulevard. Mr. Zelenka also had turkeys in his ward and reported that United States Fish and Wildlife personnel warned against feeding turkeys as a way to keep them out of residential neighborhoods. Ms. Taylor said her constituent recommended the City pass a law banning the feeding of wild turkeys.

Mr. Zelenka noted upcoming meetings of the Fairmount Neighbors and the West University Neighbors.

Ms. Ortiz reported on the most recent meeting of the Joint Elected Officials Ambulance Task Force, during which members had seen examples of emergency responses. Ms. Ortiz, Mr. Farr, and Mayor Piercy attended the recent National Association for the Advancement of Colored People (NAACP) dinner. Ms. Ortiz commended the youth performers from ACT-SO who performed at the dinner and noted that Deputy City Recorder Sandra Stubbs delivered the benediction and opening prayers. She had lunched with Mayor Piercy and the mayor of Littleton, Colorado to discuss immigration, and came away with the need to focus on citizenship and English language learning. Ms. Ortiz reported that the Opportunity Eugene Task Force had completed its work and its recommendations would soon be coming to the council.

Mr. Farr noted that the Bethel Education Foundation was recently honored with an Outstanding Service Award by the Lane Council of Governments (LCOG). He reported that the foundation recently held its

first Trivia Night at Willamette High School as a fund raiser. The event was well-attended. He congratulated the foundation for the work it did.

Mayor Piercy noted the recent presentation regarding Connecting Communities. She added to Ms. Ortiz's remarks about the Opportunity Eugene Task Force by saying she believed the members of the task force were dedicated to finding a solution.

B. WORK SESSION: Urban Goat Keeping

City Manager Jon Ruiz introduced the item, a work session on urban goat keeping requested by Mr. Brown. Mike McKerrow of the Planning and Development Department presented on the City's current regulations for the keeping of livestock. City Attorney Emily Jerome was also present for the item. Mr. McKerrow reported that if certain conditions were met, goats were allowed on R-1 (low-density residential) lots of 20,000 square feet or more. Each goat required 5,000 square feet, so an individual with a 20,000 square foot site could keep up to four goats. He acknowledged such lots were much larger than average and were becoming fewer in number over time. Mr. McKerrow noted that Springfield's regulations were similar to Eugene's. He shared information about the regulations of Seattle, Portland, and Berkley, which allowed goats on residential lots. Councilors asked questions clarifying the details of the presentation.

Mr. McKerrow noted that the Climate & Energy Action Plan and Food Security Scoping and Resource Plan spoke to the topic of urban agricultural and called for revisions to Eugene's code to facilitate additional urban agricultural opportunities. The draft Envision Eugene proposal also called for the removal of barriers in the permitting policy to allow for urban agriculture. He believed the City's policy direction supported further exploration of the topic. He suggested the code could be amended to facilitate urban livestock as part of the code amendments required to implement the recommendations coming from Envision Eugene.

Mayor Piercy solicited council questions and comments.

Mr. Brown reviewed the statements of purpose from the Seattle, Washington and Lacey, Washington codes governing goats, which were the most cogent of those he researched.

Mr. Poling supported going forward with changes to the code that enabled urban goat keeping. He had some concerns about enforcement given the challenge the City faced funding animal control. He asked how other communities enforced their ordinances.

Ms. Taylor believed if the code was changed that individual goats should be licensed. She observed that many people ate goats and asked if the slaughter of goats would be allowed inside the city limits. Mr. McKerrow said the codes he had examined did not speak to that issue. Ms. Taylor recommended staff look into the topic.

Mr. Zelenka suggested the council place miniature goats in their own category without a property size restriction and cap the number allowed in a manner similar to dogs. He recommended that the City also consider regulating pot belly pigs. City Manager Ruiz anticipated that could be addressed during the Envision Eugene code amendment process.

Ms. Ortiz supported a reduction in the minimum lot size for keeping goats as well as differentiating between full-size and miniature goats in the code. Speaking to the question of goat slaughter, Ms. Ortiz recommended that the council not attempt to dictate what people did with their animals. She did not think people would irresponsibly leave carcasses lying around.

Mayor Piercy suggested that anyone employing goats for food would have to meet minimum health and sanitation standards. She hoped staff would consider both the regulatory aspect of the issue and what the City was trying to encourage. If it City was trying to encourage food production, it should approach it more holistically to ensure it produced the best results. She believed that might include incentives and assistance to help people meet the standards the City established.

Mr. Pryor believed the council needed to keep in mind all possible outcomes. Some residents would keep livestock as pets and treat them accordingly but others might wish to engage in animal husbandry. He questioned to what extent the City wished to encourage full-scale farming on residential property, particularly in a neighborhood context.

Mr. Brown shared the names of some other communities that allowed urban goats. He continued to review the ordinances that seemed pertinent to Eugene and some of their commonalities.

Mr. Farr supported moving forward with changes to the code because he believed in the future it would be critical for food production to occur close to those who consumed it.

Mr. Brown asked how many complaints the City had received about chickens since relaxing the ordinance governing their keeping. He was not supportive of moving forward through the Envision Eugene code amendments process because those advocating for changes to the code wanted to see action before people began their spring preparations.

Mayor Piercy acknowledged that people were eager to move forward with more opportunities for goat keeping. She wondered if there was some limited short-term action that the City Council could take to address that desire. Mayor Piercy suggested that some smaller scale commercial uses might be allowed. She did not want to close that door entirely.

Mr. Pryor wanted to hear more from staff about how the City would manage enforcement of the code if revised to accommodate more opportunities for urban goat keeping. He also asked about enforcement mechanisms and if fees or permits would be sufficient to underwrite those costs. He suggested that good regulations made good neighbors.

> Mr. Brown, seconded by Ms. Ortiz, moved to direct the City Manager to have staff research an ordinance in the very near future that would allow up to three goats [pygmy, dwarf, or miniature] in no less than 400 square feet of permeable surface.

Mr. Brown believed the existing regulations worked for larger animals but not for miniature goats. He said if the council moved forward with such an ordinance, people could begin to plan for spring. He believed that those who advocated for goats were responsible people who would not enter into a decision to purchase a goat casually and would be responsible for their care and upkeep. He did not want to wait until next year.

Ms. Ortiz determined from Mr. Brown that his motion was specific to miniature goats such as pygmy goats and Nubian dwarf goats. Ms. Ortiz favored language that limited the number of livestock animals that residents could keep, such as two goats, or two rabbits, or two chickens. She was concerned about

the potential a household could have many animals, adding "it's not Noah's Ark." Mr. Brown declined to accept a friendly amendment from Ms. Ortiz to limit the number to two, pointing out the number could be adjusted later.

City Manager Ruiz did not anticipate that staff would be able to return with a proposal before May or June because of the existing work load. He also anticipated the neighborhood associations would want to provide input. He said staff could return with a proposal after the summer recess.

Mr. Poling could not support the motion because of his concerns regarding enforcement in the light of proposed reductions to Lane County Animal Control. He was not opposed to urban goat keeping but it was his perception staff was already working on the issue and he did not want to rush something through.

Councilors had no objection to the timeline outlined by City Manager Ruiz.

Ms. Ortiz asked City Manager Ruiz to direct staff to think about how urban goat keeping integrated with Envision Eugene and to let staff know that the subject was a priority for the council. City Manager Ruiz anticipated staff would provide some information about sequencing and how the topic could be integrated into the planning process.

The motion passed 6:1; Mr. Poling voting no.

C. WORK SESSION: Plastic Bag Ban

The council was joined by Waste Management and Green Building Manager Ethan Nelson of the Planning and Development Department for the item, who led the council through a PowerPoint presentation regarding *Plastic Bag Bans*. The presentation provided information about local and state attempts to regulate plastic bags through recycling and taxation as well as information about the regulations governing plastic bags adopted by the cities of Portland and Seattle; described some of the environmental, economic, and social equity impacts of a plastic bag ban; and highlighted the council goals and statutes most relevant to a plastic bag ban. Mr. Nelson recommended that staff conduct further analysis and outreach to impacted businesses to develop a program recommendation, including scope, budget, and timeline, by fall 2012.

Mr. Zelenka said he had been working with the Northwest Grocers Association, Oregon League of Conservation Voters, Environmental Oregon, and Surf Rider to develop a model ordinance promoting the use of reusable bags at retail ordinances by banning single-use bags and allowing stores to charge for recyclable paper bags. He believed the environmental benefits of such a ban were clear. Few plastic bags were recycled and most bags became litter, lasted forever, and did harm to the environment and wildlife. He said such a ban was consistent with the council's goals and the Climate & Energy Action Plan (CEAP). He pointed out the cost of the ban was easily avoided by the use of reusable bags, which many residents already did. He noted that Market of Choice had stopped offering its customers plastic bags. Mr. Zelenka further noted that Oregon produced paper bags but no plastic bags. He suggested social equity concerns were mitigated by the exemption for low-income residents on WIC. Mr. Zelenka said Portland worked with manufacturers to get low-cost bags to its residents. He commended the model ordinance in the meeting packet to the council.

Mayor Piercy noted that the City had already taken positions in support of such a ban at the State legislature.

Ms. Taylor asked if there were biodegradable grocery bags. Mr. Nelson said yes, but he did not think Eugene would want to encourage their use at this time because of the potential for additional contamination in the commercial composting program. He said that composters do not currently accept biodegradable bags.

Mr. Poling looked forward to moving on to the next step in the process. He said grocers in his ward indicated that the shift was occurring on an industry wide basis.

Mr. Brown opposed the use of plastic bags and supported the staff-proposed motion to move a plastic bag ban forward. He did object to the proposed cost pass-through, which forced vendors to charge customers for a service that they previously received for free. He did not think the City should try to tell vendors what they could and could not charge customers. Mr. Brown wondered if there was value to adding wholesalers to the list of vendors.

Ms. Ortiz agreed with Mr. Brown about the cost pass-through. She hoped stores would incentivize people to bring their own bags such as several local stores already did with a bag rebate.

Mr. Pryor suggested the council proceed thoughtfully, pointing out that the production of paper bags required more energy, water, trees, and C02 than plastic bags did. He did not think the goal was to replace plastic bags with paper bags but rather to replace them both with reusable bags. He believed a ban would not solve the problem but would begin to move the community toward that goal in the same manner as returnable bottles had reduced the waste stream. While he wanted to keep the needs of the low-income in mind, he asked how they would be identified as low-income for the purposes of exempting them from a bag charge.

Mr. Farr had no objection to retailers charging for bags, and suggested some retailers might try to gain a competitive advantage by offering free bags. He noted that Jerry's Home Improvement Center had discontinued the use of plastic bags some years ago.

Speaking to Ms. Taylor's earlier question, Mr. Zelenka said he understood that biodegradable bags did not break down without high temperatures. He suggested the concerns expressed by Mr. Brown and MS. Ortiz about the cost pass-through could be addressed by changing the word "shall" to "may" in Section 6.860.

Speaking to Mr. Pryor's remarks, Mr. Zelenka said that paper bag manufacturers maintained that paper bags produced 59 percent less greenhouse gases than plastic bags. For the benefit of the audience, Mr. Zelenka reviewed the definition of a carryout bag.

Mr. Brown endorsed Mr. Zelenka's suggested change to Section 6.860. He believed local retailers had been anticipating the change for some time and did not envision much opposition. He agreed with Ms. Ortiz that vendors could incentivize the use of reusable bags in a positive way through a small rebate. He noted that his own downtown grocery store, The Kiva, sold bags for a nickel above cost and had given away hundreds of bags to customers during special promotions. He believed the proposal would give stores time to use up their supply of plastic bags. Stores could also use that time to educate their customers about the benefits of bringing their own bags.

Mayor Piercy wanted to know more about the other cities' experience with retailers distributing bags to customers and if there were any safety issues. She suggested that Intergovernmental Relations Director

Brenda Wilson be present for future discussions of the topic because Ms. Wilson was familiar with the State Legislature's debate on the subject.

> Mr. Zelenka, seconded by Ms. Taylor, moved to proceed with a variation on Option #3: direct staff to develop an ordinance to promote the use of reusable bags and ban plastic bags, similar to the model ordinance included in the packet, and schedule this item and conduct the research identified in Option 2 in the packet to be brought back to the council for final action before the December 2012 break. The motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 7:03 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)