



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 14, 2014

5:30 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

7:30 p.m. CITY COUNCIL MEETING

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of July 14, 2014;
Her Honor Mayor Kitty Piercy Presiding**

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

**5:30 p.m. A. WORK SESSION:
City Hall Rebuild Update**

**6:30 p.m. B. WORK SESSION:
Overnight Sleeping (“Rest Stop”) Pilot Program**

**CITY COUNCIL MEETING
Harris Hall**

- 7:30 p.m. 1. PLEDGE OF ALLEGIANCE TO THE FLAG AND READING OF THE
DECLARATION OF INDEPENDENCE**
- 2. PUBLIC FORUM**
- 3. CONSENT CALENDAR**
*(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30
p.m. work session.)*
- A. Approval of City Council Minutes**
 - B. Approval of Tentative Working Agenda**
 - C. Approval of Presiding Judge Term Extension**
 - D. Adoption of Resolution 5110 Approving a Revised
Methodology for Determining the Contribution in Lieu of Tax
Payment on Electricity Sales from the Eugene Water &
Electric Board**
- 4. WORK SESSION:
Ordinance Concerning Single Family Code Amendments for
Accessory Buildings, Alley Access Lots and Secondary Dwellings**
- 5. COMMITTEE REPORTS AND ITEMS OF INTEREST (time permitting)**

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or 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.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,
Eugene City Council Agenda July 14, 2014

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: City Hall Rebuild Update

Meeting Date: July 14, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Mike Penwell
 Contact Telephone Number: 541-682-5547

ISSUE STATEMENT

The purpose of this work session is to present to the council the final concept design and site framework for the City Hall Rebuild project in order to elicit input for the design team and the staff project team before proceeding with detailed design work.

BACKGROUND

At the February 10, 2014, work session, the council considered design options for City Hall that focused on the feasibility of incorporating the existing Council Chamber into the design concept and how parking should be considered as a valuable resource for the site and its immediate surroundings. Public art was also identified as an important issue in discussions with community members, both with the existing artwork as a means of connecting to history and with new art opportunities as a means of reinforcing community connection and cultural accessibility. The goal was to remake City Hall into a welcoming place that reaches out to the community and honors both the city's history and future.

Subsequently, the City began discussions with Lane County about a possible partnership and land exchange that could provide a permanent site for the Lane County Farmers' Market, secure a close and prominent location for a future County courthouse, provide more clarity for Phase One of Eugene City Hall, and strengthen the connections between downtown and the river along 8th Avenue. At its April 28 work session, the council directed the City Manager to work with the County to develop a proposed process, timeline and deal points that (a) would enable the preservation and future development of the Lane County Farmers' Market on the Butterfly Lot and (b) would identify property for the future courthouse development on the City Hall lot.

The final concept design for City Hall to be presented at the July 14 work session responds to input previously received from the council and from community stakeholder groups, and reflects the results of the design team's exploration of a site framework that would support the option of building a County Courthouse on the eastern half of the City Hall site.

Project Budget

The council established a budget of \$15 million for the project, which includes approximately \$11 million for construction and \$4 million for soft costs such as architectural design work, engineer-

ing, staff project management, permits, furnishings, and other related project costs. The council has appropriated a total of \$15 million for this project consisting of the balance in the Facility Reserve, \$2 million from the Telecom Fund to pay for related project costs, and \$2.44 million that is expected to come from future capital project and budget allocations. The council accepted the funding plan for City Hall at the June 18 work session and approved an appropriation of \$750,000 on supplemental budget in June 2013 and \$14.25 million on supplemental budget in June 2014.

RELATED CITY POLICIES

The City Hall planning process relates to the council goals of an effective, accountable municipal government, a safe community, and sustainable community growth and change.

COUNCIL OPTIONS

The council is asked to provide feedback on the information presented at this work session.

CITY MANAGER'S RECOMMENDATION

There are no specific recommendations at this time.

SUGGESTED MOTION

None at this time.

ATTACHMENTS

There are no attachments to this Agenda Item Summary.

FOR MORE INFORMATION

Staff Contact: Mike Penwell
Telephone: 541-682-5547
Staff E-Mail: michael.j.penwell@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Overnight Sleeping (“Rest Stop”) Pilot Program

Meeting Date: July 14, 2014
 Department: Planning & Development
www.eugene-or.gov

Agenda Item: B
 Staff Contact: Michael Wisth
 Contact Telephone Number: 541-682-5540

ISSUE STATEMENT

The ordinance permitting the overnight sleeping “rest stop” pilot program sunsets on October 1, 2014. At this work session, Staff will present an overview of the rest stop program and a recommendation to extend for an additional year to October 1, 2015.

BACKGROUND

On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that ordinance adopted a rest stop pilot program with a sunset date of March 14, 2014. The opening of the first pilot site occurred on December 1, 2013. In order to have sufficient time to evaluate the pilot program, and then take action to extend, amend, or make permanent the pilot, council adopted an ordinance on February 24, 2014 which extended the sunset date to October 1, 2014.

The rest stops, managed by Community Supported Shelters, are located at the intersection of Garfield & Roosevelt and Chambers & Northwest Expressway. They shelter 15 adult occupants each in both conestoga huts and tents. Tents are elevated from the ground to increase comfort and limit impact to the site.

Each site has a designated resident host in charge of dealing with minor incidents, enforcing site rules and overseeing the operations of the rest stop. All residents have work expectations. In the event a resident is unable to find employment, Community Supported Shelters works in partnership with NextStep Recycling to provide volunteer work opportunities, which assists the resident in building skills to re-enter the workforce. Additional volunteer opportunities have been made available with the City’s Parks & Open space volunteer program. For example, residents have worked to clear invasive weeds from Skinner’s Butte Park.

Through the City’s signed agreement with Community Supported Shelters, the rest stops have required minimal City resources following their establishment. Although the City does not manage the rest stops, the City has received positive feedback related to the operation of the rest stops from surrounding neighborhood groups and residents. Due to the early success of the program and community acceptance, Council is being asked to consider a one-year extension of the rest stop pilot program.

RELATED CITY POLICIES

- Eugene Code 4.815 Prohibited Camping, and Eugene Code 4.816 Permitted Camping.
- Council goal for a safe community: A community where all people are safe, valued and welcome, including desired outcomes for decreased property crime, a greater sense of safety, visible and accessible police presence, and better police/community relations.

COUNCIL OPTIONS

1. Direct the City Manager to schedule a public hearing on an ordinance extending the sunset date for the rest stop pilot program.
2. Take no action and direct the City Manager to return with additional information.
3. Take no action and allow the program to sunset on October 1, 2014.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends scheduling a public hearing on an ordinance extending the rest stop pilot program sunset date to October 1, 2015.

SUGGESTED MOTION

Move to direct the City Manager to schedule a public hearing on an ordinance extending the rest stop pilot program sunset date to October 1, 2015.

ATTACHMENTS

- A. Images of Rest Stops
- B. Draft Ordinance for the extension of the sunset date of the permitted overnight sleeping program.

FOR MORE INFORMATION

Staff Contact: Michael Wisth
Telephone: 541-682-5540
Staff E-Mail: michael.c.wisth@ci.eugene.or.us

Attachment A – Rest Stop Photos
Northwest Expressway & Chambers



Garfield & Roosevelt





Attachment B

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE SUNSET DATE OF THE PERMITTED OVERNIGHT SLEEPING (“REST STOP”) PILOT PROGRAM ADOPTED BY ORDINANCE NO. 20517.

The City Council of the City of Eugene finds as follows:

A. On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that Ordinance adopted a permitted overnight sleeping (“rest stop”) pilot program with a sunset date of March 31, 2014.

B. On February 24, 2014, Ordinance No. 20524 was adopted extending the sunset date to October 1, 2014. The Council has decided to extend the sunset date to October 1, 2015.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN that the rest stop pilot program adopted in Section 3 of Ordinance No. 20517, shall sunset and be repealed on October 1, 2015, unless extended or made permanent by future Council action.

Passed by the City Council this

Approved by the Mayor this

___ day of July, 2014.

___ day of _____, 2014.

City Recorder

Mayor



City of Eugene Rest Stop Program



Community Supported Shelters

Mission

“To develop and educate the public about affordable micro-housing solutions for people in life transition, in economic hardship, or seeking a simpler way of life”



Program

Agreement with City of Eugene:

City provides sites

Up to 15 people per site

Inform surrounding & nearby neighbors

Adequate waste management & toilet facilities

Program

Rest Stop Rules

Daily closure

No alcohol/drugs/weapons/violence/theft

Volunteer/Work Requirement

3 Violations or 3 Consecutive AWOLs

Program

Features

- Conestogas/Tents
- Site Manager
- Site maintenance

By the numbers:

- 55 served
- 8 transitions
- 13 veterans
- 13 evictions



Garfield & Roosevelt

1st Rest Stop

ADA Accessibility

Open 4pm – 10am



Chambers & NW Expressway

2nd Rest Stop

Open 4pm-9am



Volunteer Program

- Coordinated with Parks & Open Space
- Park clean-up & Invasive weed mitigation
- 6 Work parties to date
- 2 work parties a month for each resident



Recommendation

1 year extension to October 1, 2015

Requires Public Hearing

Council Options

- Direct the City Manager to schedule a public hearing on an ordinance extending the sunset date for the rest stop pilot program.
- Take no action and direct the City Manager to return with additional information.
- Take no action and allow the program to sunset on October 1, 2014.

Next Steps

- Potential Rest Stop Public Hearing
- Opportunity Village Work Session
- Winter Strategies

Discussion

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Pledge of Allegiance to the Flag

Meeting Date: July 14, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
 Staff Contact: Kris Bloch
 Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

In honor of Independence Day on July 4, representatives of the League of Women Voters will read the Declaration of Independence and lead the Pledge of Allegiance to the Flag.

BACKGROUND

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

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

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

CITY MANAGER'S RECOMMENDATION

No recommendation is necessary.

SUGGESTED MOTION

No motion is necessary.

ATTACHMENTS

A. The Declaration of Independence

Item 1.

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

THE DECLARATION OF INDEPENDENCE

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

Item 1.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 14, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2
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: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 14, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Kris Bloch
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the June 16, 2014, Public Hearing, June 18, 2014, Work Session, June 23, 2014, Work Session and Meeting, and June 25, Work Session.

ATTACHMENTS

- A. June 16, 2014, Public Hearing
- B. June 18, 2014, Work Session
- C. June 23, 2014, Work Session and Meeting
- D. June 25, 2014, Work Session

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

ATTACHMENT A

MINUTES

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

**June 16, 2014
7:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, Chris Pryor, Claire Syrett, Greg Evans, George Poling, Mike Clark

Mayor Kitty Piercy opened the June 16, 2014, City Council public hearing.

1. **PUBLIC HEARING AND POSSIBLE ACTION: An Ordinance Concerning Deer Fencing; and Amending Sections 9.2750 and 9.2751 of the Eugene Code, 1971, and Section 4.996 of that Code (City File CA 14-1)**
 1. Bradley Cook – Supported the proposed ordinance noting people want to protect their yards.
 2. Sandra Bond – Supported the proposed ordinance and expressed concerns about retaining walls.
2. **PUBLIC HEARING: An Ordinance Concerning Commercial Re-designation and Re-zoning of the Willamette Stationers’ Property (City Files MA 14-1 and Z 14-3)**
 1. Philip Farrington – Supported the proposed ordinance and asked for immediate passage.
 2. Maxine Walton – Supported the ordinance and expressed hope for a speedy resolution.
3. **PUBLIC HEARING: An Ordinance Concerning Unruly Gatherings and Amending Section 4.670 of the Eugene Code**
 1. Leonard Epstein – Supported the ordinance, noting that enforcement should be a priority.
4. **PUBLIC HEARING: An Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of that Code**
 1. Emily Fox – Supported the ordinance and suggested limiting use to designated areas in parks.
 2. Gene Mosher – Supported the ordinance, noting he spends several days terrified.
5. **PUBLIC HEARING: An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings; Amending Sections 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.6775, and 9.8030; and Providing an Effective Date (City File CA 13-3)**
 1. Dean Hale – Said amendments are flawed; totally prohibiting SDUs is an overcorrection.
 2. Lucinda Muñiz-Hale- Said she is not in favor of a citywide flag lot restriction.
 3. Mia Nelson – Expressed disappointment, noting only winners are those against infill.
 4. Carolyn Jacobs –Clarified the origins of several of the proposed amendments.
 5. Bill Aspegren – Urged passage of the ordinance without changes.
 6. Barbara Prentice – Supported a property owner’s right to build secondary dwellings.

7. Sue Prichard – Expressed concern that neighborhood recommendations went too far.
8. Larry Robbins – Opposed the proposed amendments, noting he was confused and conflicted.
9. William Randall – Urged council to return to the recommendations from Planning Commission.
10. Paul Conte – Requested the record be left open for a week and revision of flag lot restrictions.
11. Tim Shinabarger – Asked for consideration for setbacks if SDU changes do occur.
12. Ed McMahon – Said the proposal is very different from Planning Commission recommendation.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Evans, moved to keep the record open for an additional week. **PASSED 8:0**

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Poling, moved to adopt Council Bill 5119, an ordinance concerning commercial re-designation and re-zoning of the Willamette Stationers' property. **PASSED 8:0**

The meeting adjourned at 8:42p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT B

MINUTES

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

**June 18, 2014
12:00p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans (*via phone*), Claire Syrett, Chris Pryor

Mayor Piercy opened the June 18, 2014, City Council work session.

A. ACTION: Eugene Celebration Parade

Council discussion:

- Concerns were expressed about giving public money to support a private enterprise.
- There is widespread disappointment that the parade might be cancelled.
- The parade is an iconic event to celebrate the entire community.
- City should offer same opportunity for funding to other groups who want to organize a parade.

MOTION and VOTE: Councilor Taylor, seconded by Councilor Brown, moved to authorize the City Manager to use up to \$10,000 from council contingency for city costs for police and street closures for the Eugene Celebration parade. **PASSED 6:2**, Councilors Clark and Poling opposed.

B. WORK SESSION: Sick Leave Ordinance

Policy Systems Analyst Jason Dedrick gave a PowerPoint presentation on the process to-date. Sick Leave Task Force Co-Chairs George Rode and Sabrina Parsons provided their perspectives on the work of the committee.

Council discussion:

- Make-up of the committee was weighted in favor of those who support the proposed legislation.
- Task force had balanced, comprehensive representation and the process was effective and appropriate.
- Eugene should not compare itself to Portland, Seattle, San Francisco or Washington.
- More time is needed to consider all of the potential consequences of this action.
- This is a fundamental human rights and public health issue; government involvement is appropriate.
- Challenge will come from lack of certainty with data.
- Data from other jurisdictions with sick leave legislation shows no negative effects.

MOTION: Councilor Syrett, seconded by Councilor Zelenka, moved to direct the City Manager to bring back to Council an ordinance establishing minimum standards for employees to provide earned paid sick time to employees and to ensure that all persons working within the City of Eugene have the right to earn and use paid sick time. The ordinance shall include a preamble describing the public health justification for the ordinance and conditions under which an employee may use the paid sick time as well as the following provisions: establish an accrual rate of 1 hour paid sick time for every 30 hours worked that may be taken in 1 hour increments; allow workers to accrue a minimum of 40 hours in a year with the ability for unused earned time to carry over to the next year, but at no time shall employers be required to allow employees to use paid sick time in excess of 40 hours in a year; accrual to begin upon employment with access to earned sick time starting when employee has been employed 90 calendar days; ordinance shall apply to all employers whose employees work within the City of Eugene. The ordinance shall have an implementation date of July 1, 2015.

MOTION TO AMEND AND VOTE: Councilor Poling, seconded by Councilor Clark, moved to amend the last sentence of the motion to read: The ordinance shall have an implementation date of July 1, 2015, except that the ordinance shall become effective only after it is approved by electors of the City at an election to be held November 2014. **FAILED 3:5**, Councilors Clark, Poling and Pryor in support.

Council discussion:

- This is not an appropriate issue for Council; let the voters decide.
- More information on potential consequences is needed.
- Public opinion polling has shown strong support for Council to enact this law.
- Outside lobbying interests would target the community if issue was placed on ballot.

AMENDED MOTION: Councilor Clark, seconded by Councilor Poling, moved to add to the end a provision that the ordinance comes back with a one-year sunset so that Council might review the effects on the community.

Council discussion:

- Mechanism is needed to ensure that consequences are documented and evaluated.
- Review is important but sunset will require enormous amount of work.

MOTION TO AMEND AND VOTE: Councilor Evans, seconded by Councilor Taylor, moved to amend from a sunset to a review after 24 months. **PASSED 6:2**, Councilor Clark and Poling opposed.

VOTE ON AMENDED MOTION AS AMENDED: PASSED 6:2, Councilors Clark and Poling opposed.

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:2, Councilors Clark and Poling opposed.

The meeting adjourned at 1:31 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT C**MINUTES**

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

**June 23, 2014
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy called the June 23, 2014, City Council work session to order.

A. EXECUTIVE SESSION – Pursuant to ORS 192.660(2)(i)

The City Council met in executive session pursuant to ORS 192.660(2)(i). The council returned to public session.

B. WORK SESSION: City Manager Performance Evaluation

Human Resources Director Alana Holmes and Human Resources Manager Denise Smith provided information about the process used to evaluate City Manager Jon Ruiz.

Council discussion:

- Very transparent and inclusive when executing Council direction.
- Great deal of integrity and leadership for the organization.
- Has had to take the heat on a number of issues.
- Ongoing effort to prevent surprises needed.
- Stronger relationships with neighborhoods, union employees and Latino community needed.
- New budget process effective.
- Continuing need to incorporate Triple Bottom Line analysis on decisions.
- Has assembled a great executive and division manager team.
- Has created an organization with a can-do attitude.

C. COUNCIL DISCUSSION: Sick Leave Ordinance

City Attorney Glenn Klein presented the preliminary draft of the sick leave ordinance and answered questions.

Council discussion:

- Ordinance should apply to everyone the City has the authority to enforce upon.
- Further conversation needed about whether to exempt unions, large business and University of Oregon.
- A better understanding of what this will cost the community is needed before it passes.
- Triple Bottom Line analysis would be a very positive thing in the future on impact.

Item 3.A.

The work session adjourned at 7:10 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Record

MINUTES

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

**June 23, 2014
7:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy opened the June 23, 2014, City Council meeting.

1. CEREMONIAL MATTERS

The City of Eugene and MetroTV were honored with a national Telly Award for their collaboration on the Smart Trips Working City video.

2. PUBLIC FORUM

1. Dean Hale – supported keeping options to build a secondary home on flag lots.
2. Ken Neubeck – said public restrooms and places to sit are needed downtown.
3. Cheryl Reinhart – supported a paid sick leave ordinance.
4. Aaron Taylor – opposed the fireworks ordinance, noting it would harm his church budget.
5. David Strahan – said downtown needs hand-washing stations and bathrooms.
6. Michelle Billington – reported that her human rights have been violated.
7. Jonathon Fargher – opposed the fireworks ordinance; citing the City’s inability to enforce.
8. Michael Adams – supported providing bathrooms and more benches downtown.
9. Sue Sierralupé – said the lack of restrooms downtown is a serious health issue.
10. Art Bowman – said Police, red hats and food cart owners treat Kesey Square as private.
11. Bradley Cook – asked council to grandfather in existing 8 ft see-through fences in town.
12. Steve Hiatt – said the City needs to stop punishing people for non-criminal behavior.
13. Kimberly Gladen – said citizens need to donate money to help purchase bathrooms.
14. Wendy Lang – supported the sick leave proposal; saying many people need it.
15. Ruben Garcia – opposed the sick leave ordinance; supported doing case studies.
16. Michael Drews – opposed the fireworks ordinance.

3. CONSENT CALENDAR

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to approve the items on the Consent Calendar. **PASSED 8:0.**

4. PUBLIC HEARING: An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions under Sections 2.945 and 2.947 of the Eugene Code, 1971, through November 30, 2014

1. Michael Adams – supported a longer extension, noting the ongoing budget gap.
2. William Ward – opposed MUPTE and expressed confusion about City priorities.

5. **ACTION: An Ordinance Concerning Deer Fencing and Amending Sections 9.2750 and 9.2751 of the Eugene Code, 1971, and Section 4.996 of that Code (City File CA 14-1)**

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5118, an ordinance concerning deer fencing contained in Attachment A
PASSED 8:0

6. **ACTION: An Ordinance Concerning Restrictions on Fireworks Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date**

and

ACTION: An Ordinance Concerning Unruly Gatherings and Amending Section 4.670 of the Eugene Code, and Providing for an Immediate Effective Date

Council discussion:

- Enforcement issue with illegal fireworks; better enforcement needed.
- Proposal is good first step in incremental approach.
- Support for developing a no-cost permit process.
- Consideration of other cultures' use of fireworks needed.

MOTION and VOTE: Councilor Poling, seconded by Councilor Evans, moved to postpone action on the proposed ordinance until after the City Manager returns to Council with one or more options for a free or low-cost permitting process to allow individuals or groups to apply for permits to discharge legal fireworks at different times of the year, in addition to the dates contained in proposed section 4.934. **FAILED 3:5**, Councilors Poling, Brown, and Evans in support.

MOTION: Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5121, an Ordinance Concerning Restrictions on Fireworks Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code and Providing for an Immediate Effective Date.

MOTION TO AMEND and VOTE: Councilor Zelenka, seconded by Councilor Syrett, moved to amend the first sentence of section 4.934 to read as follows: In addition to restrictions on the sale, possession, use, detonation of fireworks under state law, it is unlawful to use, light, detonate or display any fireworks anywhere in the city at any time except on December 1, January 1, and June 23 – July 6 and other times as authorized by the City Manager in administrative rules adopted pursuant to section 2.019 of the Eugene code. **PASSED 5:4**, Councilors Brown, Taylor, Clark and Poling opposed. Mayor broke the tie in favor.

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:2, Councilors Poling and Clark opposed.

MOTION and VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5120, an Ordinance Concerning Unruly Gatherings, Amending Section 4.670 of the Eugene Code, and Providing and Immediate Effective Date. **PASSED 6:2**, Councilors Taylor and Brown opposed

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

**June 25, 2014
12:00p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka (*via phone*), George Poling, Mike Clark, Greg Evans (*via phone*), Claire Syrett, Chris Pryor

Mayor Piercy opened the June 25, 2014, City Council work session.

MOTION: Councilor Evans, seconded by Councilor Zelenka, moved to direct the Mayor to appoint a Food Task Force for the following purpose: 1) Compile and summarize recent food system assessments and projects; 2) Building off of the past work, identify gaps in the analysis, information, policies, actions, tools and funding necessary to create a comprehensive regional food system strategy. The strategy should also address integration and collaboration within the food sector; long-term resilience to climate change, rising fossil fuel prices and natural hazards; equitable access to healthy food and food security; common metrics for measuring the quality of the regional food system; 3) Make recommendations that focus on enhancing the economic development and job creation opportunities in the food sector, improving the environment, and increasing equity.

The Task Force shall complete its work within twelve months of their first meeting. The Task Force shall have no more than eleven community members including, and should include to the extent practicable the following organizations:

- | | |
|---------------------------------------|------------------------------|
| 1. City of Eugene | 6. Lane Food Council |
| 2. Lane County | 7. Eugene Farmers Market |
| 3. City of Springfield | 8. Sustainability Commission |
| 4. NEDCO | 9. Food for Lane County |
| 5. Willamette Farm and Food Coalition | 10. Human Rights Commission |

Council discussion:

- Important to fully understand staffing and timing issues.
- Action is long overdue; City should be a leader on this issue.
- Food security is the next step in economic development efforts.
- This is a regional issue; partnership with other jurisdictions needed.
- Avoid duplication of efforts; County is engaging in similar initiative.
- More business representation need on proposed task force.
- Further council discussion is needed before establishing a task force.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Poling, moved to table this discussion until the council has a work session. **PASSED 5:4** Councilors Taylor, Zelenka, Evans and Syrett in opposition. Mayor broke the tie in favor.

A. ACTION: An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions (MUPTE) under Sections 2.945 and 2,947 of the Eugene Code, 1971, through November 30, 2014.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5122, an ordinance to extend the program suspension to November 30, 2014.
PASSED 8:0

B. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(i)

The council met in executive session pursuant to ORS 192.66(2)(i)

C. WORK SESSION: Police Auditor Annual Performance Review

Human Resources Director Alana Holmes and Human Resources Manager Denise Smith provided information about the process used to evaluate Police Auditor Mark Gissiner.

Council discussion:

- Very pleased with work of Auditor; most comprehensive report ever.
- Commendable work on service improvements and work with mental health citizens.
- Strong working relationship with City, EPD, and Council.
- More outreach to communities of color and neighborhood groups recommended.
- Civilian Review Board can help with community engagement.
- Role for Human Rights Commission in helping with advocacy.

MOTION: Councilor Pryor, seconded by Councilor Syrett, moved authorize the Council President to approve an amendment to the Auditors Contract that 1) would increase the severance pay from 1 month to 3 months; 2) provides a COLA adjustment equal to whatever COLA adjustment is provided to non-represented employees and 3) provides a merit increase for FY15 only equal to 3% minus whatever COLA adjustment if any provided under part 2.

MOTION TO AMEND AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to amend and eliminate the 3rd portion of the main motion. **FAILED 2:6**, Councilors Clark and Taylor opposed.

VOTE ON MAIN MOTION: PASSED 7:1, Councilor Clark opposed.

The meeting adjourned at 1:04 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 14, 2014
Department: City Manager's Office
www.eugene-or.gov

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

ISSUE STATEMENT

This is a routine item to approve 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

Staff 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: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 9, 2014

JULY 14	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: City Hall Update		45 mins – CS/Penwell
B. WS: Homeless Rest Stops		45 mins – PDD/Wisth
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag (Independence Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Presiding Judge Contract Extension		CS/Hammitt
d. Approval of Revised CILT Resolution		CS/Hammitt
5. Action: Ordinance Concerning Single Family Code Amendments		PDD/Hansen
6. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC (<i>time permitting</i>)		
JULY 16	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Fossil Fuel Divestment Initiative		45 mins – CS/Miller
B. WS: Police Auditor/CRB Annual Report		45 mins – PA/Gissiner
JULY 21	MONDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Ordinance Concerning Eugene Skateboard and Bicycle Laws		PW/Shoemaker
2. PH: Ordinance Extending Rest Stop Sunset Date		PDD/Wisth
3. PH: Ordinance Concerning Climate Recovery		CS/McRae
4. PH: Sick Leave Ordinance		CS/Dedrick
JULY 23	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences: Taylor	
A. WS: Joint Meeting with EWEB		90 mins – CS/Gardner
JULY 28	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS: Sick Leave Ordinance		60 mins – CS/Dedrick
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
c. Annexation Resolution: Westside Baptist Church / 1375 Irving Rd (A 13-5)		PDD/Taylor
d. Annexation Resolution: Van Slyke / 4010 County Farm Rd (A 14-2)		PDD/Taylor
e. Annexation Resolution: Daniels Lathen Trust / 3825 Gilham Rd (A 14-3)		PDD/Taylor
f. Appointment of Budget Committee Member to Human Services Commission		CS/Silvers

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 9, 2014

- | | |
|--|--------------|
| 3. Action: Ordinance Concerning Eugene Skateboard and Bicycle Laws | PW/Shoemaker |
| 4. Action: Sick Leave Ordinance | CS/Dedrick |
| 5. Action: Ordinance Concerning Climate Recovery | CS/McRae |

JULY 30	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: MUPTA Program Revisions		90 mins – PDD/Braud

COUNCIL BREAK: July 31, 2014 – September 8, 2014

SEPTEMBER 8	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Green Alleys		45 mins – PW/Schoening
B. WS: Island at Crest Drive and Lincoln Street		45 mins – PW/Schoening
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
3. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed		

SEPTEMBER 10	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Legislative Update		45 mins – CS/Gardner
B. WS: Food Security		45 mins -

SEPTEMBER 15	MONDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Ordinance Adopting Changes to the Public Contracting Code		CS/Silvers
2. PH: Ordinance on MUPTA Program Revisions		PDD/Braud

SEPTEMBER 17	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Metro Plan Enabling Amendments		45 mins – PDD/Burke
B. WS:		

SEPTEMBER 22	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager		30 mins
B. WS: Transportation System Plan Update		45 mins – PW/Yeiter

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 9, 2014

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Bloch
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Ordinance Adopting Changes to the Public Contracting Code	CS/Silvers
4. Action: Ordinance on MUPTC Program Revisions	PDD/Braud

SEPTEMBER 24	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS: Train Horn Quiet Zones	45 mins – PW/
B. WS:	

OCTOBER 8	WEDNESDAY
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12:00 p.m. Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

OCTOBER 13	MONDAY
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5:30 p.m. Council Work Session
Harris Hall Expected Absences:

A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC	30 mins
B. WS:	

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Bloch
b. Approval of Tentative Working Agenda	CS/Forrest

OCTOBER 15	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

OCTOBER 20	MONDAY
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7:30 p.m. Council Public Hearing
Harris Hall Expected Absences:

1. PH:	
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OCTOBER 22	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 9, 2014

OCTOBER 27	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

OCTOBER 29	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Public Smoking Policy		45 mins -
B. WS:		

NOVEMBER 10	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC		
B. WS:		
C. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag (Veterans Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

NOVEMBER 12	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

NOVEMBER 17	MONDAY
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7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH:		

NOVEMBER 19	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 9, 2014

NOVEMBER 24	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

NOVEMBER 26	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

DECEMBER 8	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed		
B. WS:		
C. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

DECEMBER 10	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

COUNCIL BREAK: December 11, 2014 – January 2015

ON THE RADAR

Work Session Polls/Council Requests	Status
1. Cell Phone Towers (Taylor)	Approved, date TBD
2. Disadvantaged/minority City contracting (Evans)	Approved, date TBD

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Presiding Judge Term Extension

Meeting Date: July 14, 2014
 Department: Municipal Court
www.eugene-or.gov

Agenda Item Number: 3C
 Staff Contact: Kristie A. Hammitt
 Contact Telephone Number: 541-682-5524

ISSUE STATEMENT

This is a consent calendar item to extend Presiding Judge Wayne Allen's term through December 2014.

BACKGROUND

Judge Wayne Allen has decided to seek reappointment in his role as Presiding Judge. The reappointment process is prescribed by Eugene Code, Section 2.011, which allows for a formal evaluation of the City's Presiding Judge once every four years by a citizen evaluation committee. This process takes approximately three months with the anticipated start date projected to be late August or early September. Judge Allen's four-year term expires in August 2014; therefore, it is requested the City Council extend the Presiding Judge's term through December 2014 to provide the committee additional time to complete the proper evaluation for reappointment.

The projected timeline would be to provide a City Council consent calendar item and process information by July 14, 2014. Upon approval, citizen evaluation committee members will be selected and begin meeting in September. A report will then be completed and returned to the council in November, with the council being in a position to take action on reappointment before winter break.

RELATED CITY POLICIES

Eugene Code, Section 2.011 allows for a formal evaluation of the City's Presiding Judge once every four years by a citizen evaluation committee. The last formal evaluation was conducted in 2010. Citizen evaluation of a judge's performance is an opportunity for citizen involvement in local government, and is a practice which is unique to the City of Eugene.

COUNCIL OPTIONS

The council has the following options:

1. Approve the City Manager's recommendations and, by consent, extend Presiding Judge Wayne Allen's term through December 2014.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends extending Presiding Judge Wayne Allen's term through December 2014 to provide for appointment of the citizen evaluation committee to complete the four-year formal evaluation process required for reappointment.

SUGGESTED MOTION

Move to extend Judge Wayne Allen's term through December 2014 to provide ample time for completion of the four-year formal evaluation process as prescribed by Eugene Code, Section 2.011 required for reappointment.

ATTACHMENTS

No attachments.

FOR MORE INFORMATION

Staff Contact: Kristie A. Hammitt or Alana Holmes

Telephone: 541-682-5524 or 541-682-5765

Staff E-Mail: kristie.a.hammitt@ci.eugene.or.us or alana.m.holmes@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Adoption of Resolution 5110 Approving a Revised Methodology for Determining the Contribution in Lieu of Tax Payment on Electricity Sales from the Eugene Water & Electric Board

Meeting Date: July 14, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3D
 Staff Contact: Kristie Hammitt
 Contact Telephone Number: 541-682-5524

ISSUE STATEMENT

This item is a follow-up to the information the City Manager presented to the Budget Committee related to an alternative CILT methodology as part of the FY15 Proposed Budget Strategies on February 26, 2014. This resolution will replace previous Contribution in Lieu of Taxes (CILT) agreements around the amount and methodology for calculating CILT payments.

BACKGROUND

The Eugene Water and Electric Board (EWEB) has made CILT payments to the City since 1943. In 1976, when a new City Charter was approved, the CILT rate was set at 1976 rates (generally 6%) to be changed in the future only with mutual approval by both the EWEB Board and the City Council. Over time the CILT calculation has evolved and become more complex particularly in the area of wholesale power sales. While wholesale power sales have historically been volatile and unpredictable, changes in the electric power market in recent years have made it more challenging to determine net revenues from some electric generating sources. These changes have made it difficult to predict future CILT payments which have created uncertainty for both the City and EWEB when preparing forecasts and budgets.

This resolution simplifies the payment methodology and creates stability in future cash flows by creating two components: a retail percentage of operating revenues from retail electric sales set at 6% and an annual payment of no less than \$825,000, to be inflated over time. The new methodology would begin January 1, 2015.

The EWEB Board is scheduled to take action on the new CILT methodology on July 22, 2014.

RELATED CITY POLICIES

City Council Goals and Outcomes: Effective, Accountable Municipal Government
 A government that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes and provide effective, efficient services.

- Stronger partnership between government entities.

COUNCIL OPTIONS

The council may:

1. Adopt the proposed resolution as submitted or with modifications.
2. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adopting the resolution to provide a revised methodology for determining future CILT payments.

SUGGESTED MOTION

Move to adopt Resolution 5110 approving a revised methodology for determining the CILT payment on electricity sales from the Eugene Water & Electric Board.

ATTACHMENTS

- A. Resolution 5110

FOR MORE INFORMATION

Staff Contact: Kristie Hammitt
Telephone: 541-682-5524
Staff E-Mail: kristie.a.hammitt@ci.eugene.or.us

ATTACHMENT A

RESOLUTION NO. _____

A RESOLUTION APPROVING A REVISED METHODOLOGY FOR DETERMINING THE CONTRIBUTION IN LIEU OF TAX PAYMENT ON ELECTRICITY SALES FROM THE EUGENE WATER & ELECTRIC BOARD.

The City Council of the City of Eugene finds that:

A. Since 1943, the Eugene Water & Electric Board (EWEB) has made contributions in lieu of tax (CILT) payments to the City. For more than 50 years, the amount of the CILT payments has generally equaled 6% of gross operating revenues of the electric utility.

B. In November 1976, voters approved a new City Charter. Section 44(4) of the Charter provides that the 1976 rates of CILT payment would not change unless approved by the EWEB Board and the City Council.

C. Since 1976, the City and EWEB have entered into a number of agreements revising and refining the amount of and methodology for CILT payments. Those revisions have included differentiating between retail and wholesale power sales, with the CILT payments for retail based on gross operating revenues and the CILT payments for wholesale based on net revenues. Other revisions have included specific arrangements for sales from EWEB's steam operation and certain large-scale power contracts to individual customers. Changes in the electric power market have made it challenging to determine net revenues for wholesale power sales from particular electric generating sources, as well as making it difficult to predict what the CILT payments might be, which in turn has made it increasingly difficult for the City and EWEB to reliably forecast those potential revenues as part of preparing the future budgets.

D. EWEB and the City now desire to revise the CILT agreements to create a predictable and stable payment stream and a more streamlined methodology for calculating CILT payments.

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, which are hereby adopted, the City Council approves a change in the payments received from EWEB pursuant to Section 44(4) of the Eugene Charter of 2002. Beginning in January 2015, EWEB's CILT payments to the City will consist of two components: (a) a percentage of operating revenues from retail electric sales, as further defined in a Memorandum of Understanding between the City and EWEB, and (b) an annual payment of no less than \$825,000 which will replace the more volatile wholesale and other miscellaneous revenue based CILT payments.

Section 2. The retail sales percentage component shall be 6% except when, for economic development and/or job retention purposes, the City Manager and General Manager agree to a different percentage for those large retail customers which purchase electricity from EWEB under individually negotiated power sales contracts.

Section 3. The City Manager is authorized to enter into, and amend when appropriate, a Memorandum of Understanding (MOU) with the EWEB General Manager to define terms, establish appropriate inflationary factors for the annual payment component, and other terms the City Manager and General Manager determine are appropriate to implement this Resolution, provided however that all such terms are consistent with the terms of this Resolution and applicable law.

Section 4. Nothing in this Resolution is intended to affect any of EWEB's payments to the City for calendar year 2014. Beginning on January 1, 2015, the provisions of this Resolution shall replace all prior Resolutions and other agreements between the City and EWEB which otherwise would govern CILT payments on or after January 1, 2015.

Section 5. This Resolution shall become effective after (a) the EWEB Board approves a resolution containing the same changes in payments as in this Resolution, and (b) the City Manager and EWEB General Manager execute the MOU referenced in Section 2 of this Resolution.

The foregoing Resolution adopted this ____ day of July, 2014.

City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings; Amending Sections 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.6775, and 9.8030; and Providing an Effective Date. (City File CA 13-3)

Meeting Date: July 14, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
 Staff Contact: Alissa Hansen
 Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

The City Council will provide direction on land use code amendments related to single family housing in the R-1 Low Density Residential zone. The proposed amendments would revise development standards for secondary dwellings, dwellings on existing alley access lots, and accessory buildings citywide (except within Amazon, Fairmount and South University neighborhoods).

BACKGROUND

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary 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.

Planning Commission Process

Following two work sessions and a September 2013 public hearing, the Planning Commission conducted extensive deliberations on the entire package of single family code amendments (the citywide compatibility standards and the university area protection measures) over the course of three meetings. While the Planning Commission was split on a couple of issues, they were supportive of the entire package and voted (7-0) to forward to the City Council a recommendation to approve the entire package of code amendments.

City Council Process

The City Council held a work session on October 30, 2013, and a public hearing on November 18, 2013, on the entire package of amendments. At the February 12, 2014, work session, the City Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of

Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

At the May 14, 2014, work session on the remaining single family amendments, the City Council directed staff to return with a revised ordinance incorporating an alternative proposal provided to City Council by neighborhood leaders, and to schedule a June 2014 public hearing. A revised ordinance reflecting City Council's direction is provided as Attachment A.

On June 16, 2014, a public hearing was held on the revised ordinance. Testimony was received from 12 individuals. Four speakers, including one resident from Jefferson-Westside and three from South University, voiced support for the revised ordinance. Eight speakers, including property owners of lots that would no longer be eligible for secondary dwellings, a representative from 1,000 Friends of Oregon, an advocate for micro-housing, the Planning Commission chair, a resident of Amazon, and a representative from the Lane County Home Builders Association, expressed opposition to the revised ordinance.

Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. The record was left open, in response to a request from Paul Conte to give time to develop alternative standards that would address the concerns raised about secondary dwellings on larger flag lots. Written testimony received during the open record period will be provided to the City Council under separate cover. The testimony is also available for review via the project website at: <http://www.eugene-or.gov/index.aspx?NID=2088>.

Included in the testimony received during the open record period is a set of concepts and tentative proposed standards received by Mr. Conte that would allow secondary dwellings on some larger flag lots, included as Attachment B. According to the testimony, these were developed through discussions with several flag lot property owners who submitted testimony and neighborhood leaders involved in the process. Staff has reviewed the proposed standards submitted by Mr. Conte and has conducted some preliminary analysis on how they would impact existing flag lots. Some concerns have been identified, and also communicated with Mr. Conte, that need further refinement prior to being incorporated into code. At the work session, staff will present the findings from this analysis. Based on feedback and direction at council, staff can revise the code and incorporate the standards into the final ordinance which council can take action on at the July 28 regular meeting.

RELATED CITY POLICIES

Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, and applicable refinement plans, are provided as an exhibit to the ordinance in Attachment A.

COUNCIL OPTIONS

No council options provided at this time, the work session is for general discussion and feedback on new testimony and information. Action is scheduled for July 28, 2014

CITY MANAGER'S RECOMMENDATION

No city manager recommendation at this time

ATTACHMENTS

- A. Ordinance and Findings (Alternative Proposal)
- B. Flag Lot Concepts and Proposed Standards (Submitted by Paul Conte)

FOR MORE INFORMATION

Staff Contact: Alissa Hansen
Telephone: 541-682-5508
Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.6775, AND 9.8030, OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. ***In addition,*** ~~[F]~~ for the purposes of EC 9.2700 through ~~[9.2777]~~**9.2751**, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building.

Bedroom. ~~[A]~~ ***Within a dwelling, a*** bedroom is any room that either:

- (A) Is designated as a bedroom on a development plan submitted to the city;
- (B) Is included in the number of bedrooms stated in an advertisement, rental or sales contract, marketing material, loan application, or any other written document in which the owner, or an authorized agent of the owner, makes a representation regarding the number of bedrooms available in the dwelling; or
- (C) Meets all of the following:
 1. Is a room that is a “habitable space” as defined by the current Oregon Structural Specialty Code (OSSC) or Oregon Residential Specialty Code (ORSC);
 2. Meets the OSSC or OSRC bedroom requirements for natural light, ventilation, and emergency escape and rescue windows;
 3. Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

kennel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and a secondary dwelling unit, the “premises” means the lot. **(See [EC 9.2741(2)(a)5. and]EC 9.2751(17)[(j)](a)6. and (c)10.)**

Section 2. Section 9.1245 of the Eugene Code, 1971, is amended to provide as follows:

9.1245 Legal Pre-Existing Structures. The structures listed in Table 9.1245 Legal Pre-Existing Structures shall be considered to be pre-existing as long as such structures were legally established. These structures may continue, and are not subject to the provisions of sections 9.1200 through 9.1230. Determinations as to whether a particular structure qualifies as a pre-existing structure shall be made by the Planning Director.

<i>R-1 Low Density Residential</i>	<i>Secondary Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Building</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on April 12, 2014

Section 3. The introductory provision for the entry for “Dwellings” under the “Residential” section in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 Residential Zone Land Use and Permit Requirements. The following Table 9.2740 Residential Zone Land Use and Permit Requirements identifies those uses in the residential zones that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

The examples listed in Table 9.2740 are for informational purposes and are not exclusive. Table 9.2740 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Dwellings. (All dwellings, <i>including secondary dwellings</i> , shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

Section 4. Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows, and by moving the provisions of (2)(a) and (b) to Section 9.2751(17) as shown in Section 6 of this Ordinance:

9.2741 Special Use Limitations for Table 9.2740.

(2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards [below] **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots and flag lots.**

- ~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:

 - 1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
 - 2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.
 - 3. There shall be at least 1 off-street parking space on the property.
 - 4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.
 - 5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:

 - 1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.
 - 2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.
 - 3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.
 - 4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.
 - 5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

Section 5. Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply. ***In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply.***

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. [Includes Secondary Dwellings Within the Main Building] <i>Does not include main building on Alley Access Lot</i>	30 feet	35 feet	35 feet	50 feet	120 feet
<i>Main Building on Alley Access Lot</i>	See (18)	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] See (16)	20 feet	25 feet	30 feet	30 feet
<i>Secondary Dwelling</i>	See (17)	--	--	--	--
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
Interior Yard Setback for Accessory Buildings in R-1	See (16)	--	--	--	--
Interior Yard Setback for Secondary Dwellings	See (17)	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See (18)	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage (18)					
All Lots, [Excluding Rowhouse Lots] except where specifically addressed below	50% of Lot	--	50% of Lot	--	--
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
Alley Access Lots in R-1	See (18)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (13)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
Fences (14)					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Driveways and Parking Areas (15)					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
Accessory Buildings in R-1 (16)					
General Standards	See (16)(a)	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
Secondary Dwellings [Units] (17)					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Area-Specific	See (17)(c)	--	--	--	--
Alley Access Lots (18)					
General Standards	See (18)(a)				
Area-Specific	See (18)(b)	--	--	--	--
Maximum Bedroom Count (19)					
Area-Specific	See (19)	--	--	--	--

Section 6. Figure 9.2751(16)(a)2.a. is added as shown on Exhibit A attached hereto; Figure 9.2751(16)(c)1. is relabeled to Figure 9.2751(16)(b)3. as shown on Exhibit B attached hereto; Figure 9.2751(18)(k) is relabeled to Figure 9.2751(18)(a)11. as shown on Exhibit C attached hereto; and Subsections (3), (11), (16), (17), and (18) of Section 9.2751 of the Eugene Code, 1971, are amended; to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(3) Building Height.

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 2. In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet.
 3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.

(See Figure 9.2751(3)).
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.
(See Figure 9.2751(3)).
- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones, except that this additional building height allowance is not permitted *in the R-1 zone* for secondary

dwellings, accessory buildings [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards *in R-1* [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)
- (16) **Accessory Buildings in R-1.**
- (a) **General Standards.** *Except as provided in subsection (b) below, the following standards apply to all new accessory buildings:*
1. **Building Size.** *The maximum square footage of all accessory buildings shall not exceed 10 percent of the lot area, except that accessory buildings on development sites larger than one acre (43,560 square feet) may exceed that maximum size if approved through the PUD process. For the purposes of calculating square footage, all floors of a multi-story structure shall be included.*
 2. **Building Height/Interior Setback.**
 - a. *Interior yard setbacks shall be at least 5 feet. 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 to a maximum building height of 25 feet, except as provided below. (See Figure 9.2751(16)(a)2.a.)*
 - b. *Where the entire structure meets the sloped setback standard above, approval for up to a 5-foot increase in height may be granted only through the PUD process.*
 3. **Use.** *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
 - a. *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
 - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - c. *The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*
- (b) **Area-Specific Accessory Building Standards.** The following standards apply to all new accessory buildings associated with a

dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association ~~[that are detached or that share a common wall with the primary dwelling for less than 8 feet]:~~

- ~~(a)~~ 1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~ 2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~ 3. Building Height/Interior [Sloped] Setback.
 - 4.a. The interior yard setbacks shall be at least 5 feet from the interior lot lines. In addition, at a point that is 8 feet above finished grade, the setbacks shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot lines until a point not to exceed a maximum building height of 18 feet.
 - 2.b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2751(16))~~(c)4-~~(b)3.)

- ~~(d)~~ 4. An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.
- ~~(e)~~ 5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~ 6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~ 7. For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:
 - 4.a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
 - 2.b. If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.
 - 3.c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
 - 4.d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.
 - 5.e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.

(17) Secondary Dwellings in R-1.

- (a) **General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are**

within the same building as the primary dwelling shall comply with all of the following:

1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,100 square feet except that secondary dwellings are prohibited on alley access lots and flag lots.*
2. **Building Size.** *The total building square footage of a secondary dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.*
3. **Building Height/Interior Setback.**
 - a. *For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750*
 - b. *For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. 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 to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3.)*
 - c. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.*
4. **Minimum Attachment.** *The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.*
5. **Maximum Bedrooms.** *The secondary dwelling shall contain no more than 2 bedrooms.*
6. **Dog Keeping.** *No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.*
7. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the*

- primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
8. **Temporary Leave.** *Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).*
 9. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
 - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
 - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - c. *The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
 10. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license,*

- homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:*
1. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
 2. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
 3. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
 4. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
 5. **Building Height/Interior Setback.**
 - a. *Interior yard setbacks shall be at least 5 feet. 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 until a point not to exceed a maximum building height of 18 feet.*
 - b. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)3.)*
 - c. *This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).*
 6. **Maximum Wall Length.** *Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).*
- (c) **Area-Specific Secondary Dwelling Standards.** *The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:*
- (a)1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.*

- (b)2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.
- (c)3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
- (d)4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of the total lot area.
- (e)5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
- (f)6. Minimum Attachment. ~~[The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.]~~ **The standards at EC 9.2751(17)(a)4. are applicable.**
- (g)7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.
- (h)8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
- (i)9. Building Height/Interior ~~Setback~~ Setback. For detached secondary dwellings:
- 1.a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.
- 2.b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
- (See Figure 9.2751(16))~~(e)1.~~(b)3.)**
- (j)10. Dog Keeping. ~~[No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.]~~ **The standards at EC 9.2751(17)(a)6. are applicable.**
- (k)11. Ownership/Occupancy Requirements. ~~[Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property~~

owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.] **The standards at EC 9.2751(17)(a)7. are applicable.**

(l) **12. Temporary Leave.** [Notwithstanding subsection (k) above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.] **The standards at EC 9.2751(17)(a)8. are applicable.**

(m) **13. Deed Restriction.** [Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:

1. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] **The**

standards at EC 9.2751(17)(a)9. are applicable.

- ~~(n)~~ **14. Verification.** [At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection (k) above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.] **The standards at EC 9.2751(17)(a)10. are applicable.**
- ~~(o)~~ **15. Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
- ~~(p)~~ **16. Alley Access Parking and Driveway.** The standards at EC 9.2751(18)~~[(k)]~~ **(a)11.** are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
- ~~(q)~~ **17. Pedestrian Access.** [A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width. The standards in this subsection (q) are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.] **The standards at EC 9.2751(17)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.**
- ~~(r)~~ **18. Primary Entrance.** [The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet. The standards in this subsection ~~[(r)]~~ are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.**
- ~~(s)~~ **19. Outdoor Storage/Trash.** [Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site-obscuring fence or enclosure on at least three sides. The standards in this subsection ~~[(s)]~~ are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- ~~(t)~~ **20. Maximum Wall Length.** [Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). The standards in this subsection ~~[(t)]~~ are applicable for detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)6.**

are applicable to detached secondary dwellings only.

- ~~[(u) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]~~
- (d) **Adjustment Review.** *The standards at EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. With the exception of EC 9.2751(17)(a)8. regarding temporary leave, these standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (e) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.*
- (18) **Alley Access Lots in R-1.**
- (a) **General Standards.**
1. **Applicability.** *Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.*
 2. **Use Regulations.** *Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.*
 3. **Building Size.** *The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.*
 4. **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
 5. **Building Height/Interior Setback.**
 - a. *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.*
 - b. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.*

(See Figure 9.2751(16)(b)3.)

- c. *These standards may be adjusted in accordance with EC 9.8030(35).*
6. **Windows, Dormers and Balconies.**
- a. *Any window on the upper story must be located a minimum of 10 feet from any property line.*
 - b. *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.*
 - c. *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.*
 - d. *Notwithstanding b. and c. 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.*
7. **Bedrooms.** *The dwelling shall contain no more than 3 bedrooms.*
8. **Primary Entrance.** *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.*
9. **Pedestrian Access.** *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.*
10. **Parking Spaces.** *There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.*
11. **Parking and Driveway.**
- a. *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.*
 - b. *The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.*
 - c. *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.*
 - d. *The maximum width for a driveway accessing a garage or carport shall be 12 feet.*
 - e. *The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.*

- f. *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.*
 - g. *The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.*
 - h. *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.*
 - i. *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.*
 - j. *No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(a)11.)*
12. **Distance from Street/Fire Safety.** *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.*
13. **Trash and Recycling.** *Outdoor storage and garbage areas shall 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.*
14. **Accessory Buildings.** *Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.*
15. **Adjustment Review.** *For alley access lots, EC 9.2751(18)(a)5 is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (b) **Area-Specific Alley Access Lot Standards in R-1.** ~~[(a) Applicability. The following standard apply]~~ ***Except as provided below, the standards in subsection (a) of this section apply*** to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. ***In lieu of EC 9.2751(18)(a)3. Building Size, the following applies:***
- 1. **Building Size.** *An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.*
 - 2. ***This standard may not be adjusted.***
- ~~[(b) General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are~~

not allowed.

- (c) ~~Building Size.~~ An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
- (d) ~~Lot Coverage.~~ Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
- (e) ~~Building Height/Interior Setback.~~
1. ~~The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.~~
 2. ~~The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.~~

(See Figure 9.2751(16)(c)1.)

- (f) ~~Windows, Dormers and Balconies.~~
1. ~~Any window on the upper story must be located a minimum of 10 feet from any property line.~~
 2. ~~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.~~
 3. ~~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.~~
 4. ~~Notwithstanding 2. and 3. 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.~~
- (g) ~~Bedrooms.~~ The dwelling shall contain no more than 3 bedrooms.
- (h) ~~Primary Entrance.~~ 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.
- (i) ~~Pedestrian Access.~~ The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (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.

~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~

~~(k) Parking and Driveway.~~

~~1. 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.~~

~~2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~

~~3. 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.~~

~~4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~

~~5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~

~~6. 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.~~

~~7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~

~~8. 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.~~

~~9. 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.~~

~~10. No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~

~~(l) Distance from Street/Fire Safety. 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.~~

~~(m) Trash and Recycling. Outdoor storage and garbage areas shall 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.~~

~~(n) Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

Section 7. Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

9.6775 Underground Utilities.

- (1) ***Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:***
- (a) ***Temporary uses on a development site.***
 - (b) ***New utility connections to structures or buildings with legally established above ground utility service.***
 - (c) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
 - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

Section 8. Subsections (34) and (35) of Section 9.8030 of the Eugene Code, 1971, are

added, to provide as follows:

9.8030 Adjustment Review - Approval Criteria. The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (34) ***Secondary Dwellings. Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.***
- (a) ***Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.***
 - (b) ***Conversion of Existing Building. A legally established building existing as of _____ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:***
 - 1. ***The existing structure satisfies all secondary dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)3. or EC 9.2751(17)(b)5.***
 - 2. ***The secondary dwelling is limited to 600 square feet in total building square footage, and 15 feet in height.***

- 3. *If the existing structure is closer than 5 feet to an interior property line, the adjacent property owner must provide written consent pursuant to EC 9.2751(7).*
- (c) ***Building Height.*** *A secondary dwelling may have a maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.*
- (35) ***Alley Access Lots. Building Height/Interior Setback.*** *A dwelling on an alley access lot may have maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.*

Section 9. The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 10. The City Recorder, at the request of, or with the concurrence 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.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 12. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this
 ___ day of _____, 2014

Approved by the Mayor this
 ___ day of _____, 2014

City Recorder

Mayor

Figure
9.2751(16)(a)2.a

**Building Height/
Interior Setback for
Accessory Buildings
in R-1**

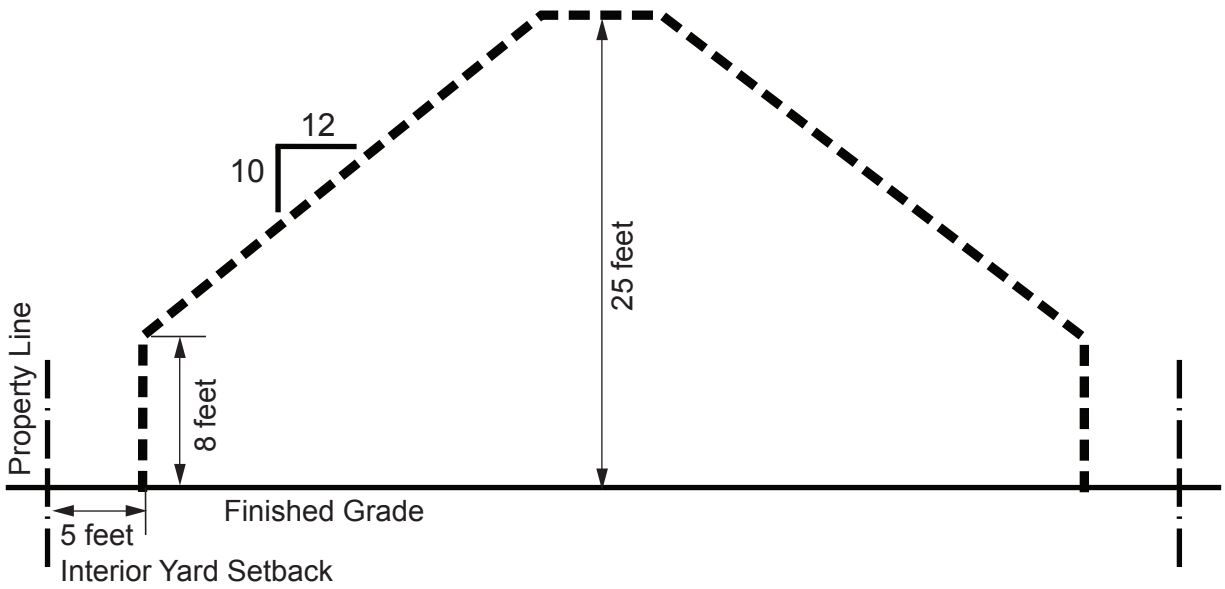


Figure 9.2751(16)(b)3.

Building Height/Interior Setbacks for:

- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)

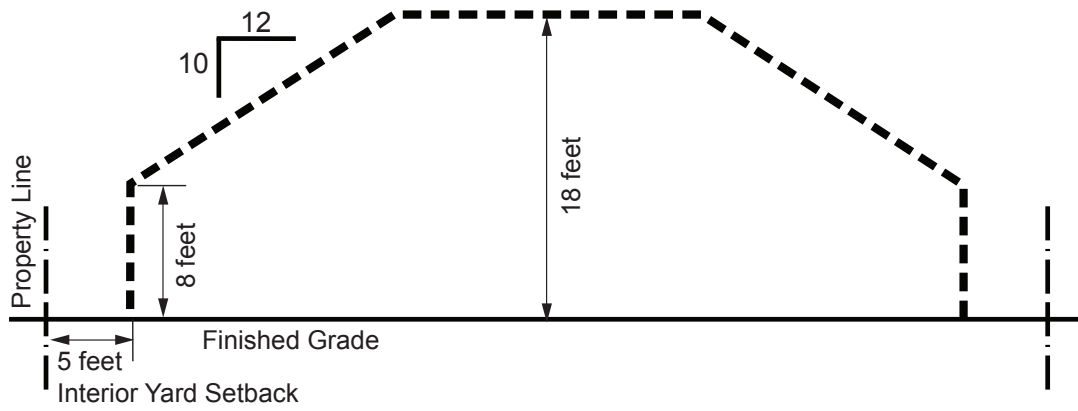
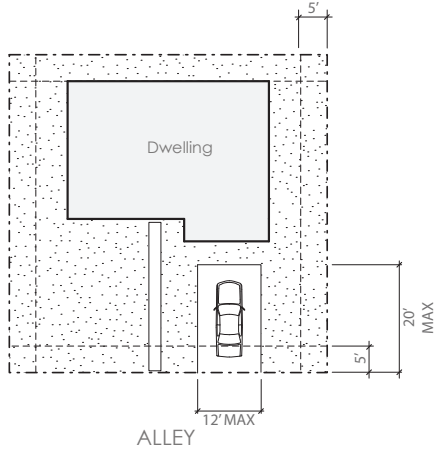


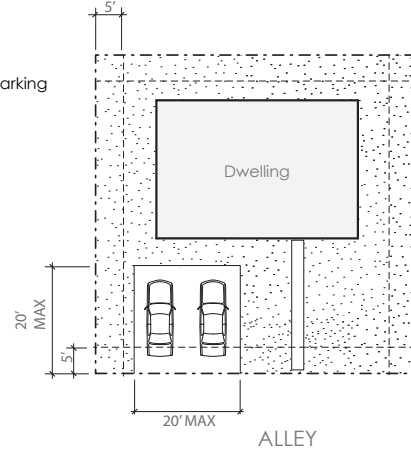
Figure 9.2751(18)(a)11.

Parking and Driveway for Alley Access Lots

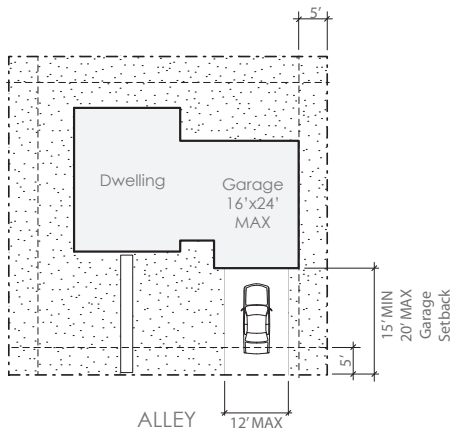
OPTION A:
Single Perpendicular Parking
400 SF MAX



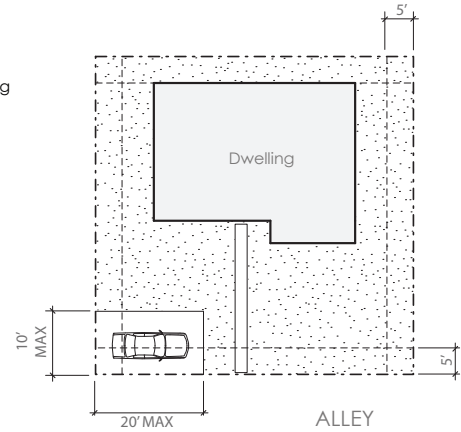
OPTION B:
Side by Side Parking
400 SF MAX



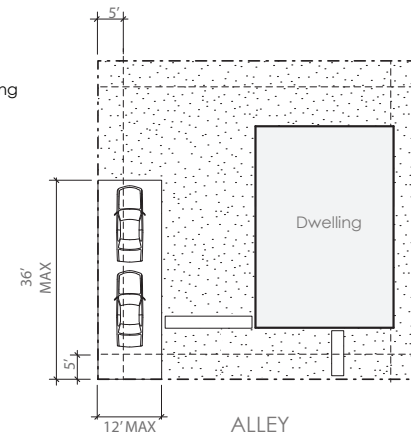
OPTION C:
Attached Parking and
Single Parking Combination
400 SF MAX



OPTION D:
Parallel Parking
400 SF MAX



OPTION E:
Tandem Parking
400 SF MAX



--- Property Line
- - - Setbacks

Findings

Single Family Land Use Code Amendments Secondary Dwellings, Accessory Buildings and Alley Access Lots (City File CA 13-3)

Land Use Code Amendments (CA 13-3)

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The early concepts for these amendments emerged out of the city's Infill Compatibility Standards (ICS) project (beginning in 2007), which was led by a task team that included 14 neighborhood association representatives, a Housing Policy Board representative, and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLIT team.

Prior to the start of the formal adoption process, the code concepts were sent out for broad public feedback to over 120 individuals that are interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association. Other engagement and information opportunities included an open house in June 2013, highlighting the project in the May edition of the Envision Eugene e-newsletter, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page.

The Planning Commission's September 2013 public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard.

The City Council held two duly noticed public hearings (November 2013 and June 2014) to consider approval, modification, or denial of the code amendments. Pursuant to Oregon Revised Statute 227.186 (commonly referred to as Measure 56), notice of the City Council's second public hearing was mailed to owners of property potentially affected by the proposal to increase the required minimum lot size for secondary dwellings and to prohibit secondary dwellings on flag lots. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

OR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific*

requirements of Goal 5;

- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development

standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The amendments pertaining to accessory buildings and development on existing alley access lots do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use.

The amendments related to the secondary dwellings do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. The changes will result in a decrease in the number of lots designated low density residential that are eligible for construction of a secondary dwelling. Within Eugene's city limits, there are approximately 4,645 lots designated low density residential that are between 4,500 square feet and 6,099 square feet (and an additional 137 lots within this size range and designation between the city limits and the urban growth boundary) that will no longer be eligible for a secondary dwelling due to the increase in the required minimum lot size for such a dwelling. Within Eugene's city limits, there are approximately 278 flag lots that are 13,500 square feet or greater and designated low density residential (and an additional 20 flag lots within that size range and designation between the city limits and the urban growth boundary) that would no longer be eligible for a secondary dwelling due to the prohibition of secondary dwellings on flag lots of that size.

Based on recent trends pertaining to the number of secondary dwellings permitted on lots within the two lot size categories, it is projected that the changes could result in approximately 20 fewer secondary dwellings being built over the next 20 years. The existing surplus of residential land, based on various actions Eugene and Springfield have taken to decrease the amount of acreage (approximately 1250 to 178 acres, considering a low or high demand assumption), is sufficient to accommodate the 20 displaced dwellings.

Based on the above findings, the amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will be reduced by up to 14 dwellings as a result of these amendments, and thus will not result in the degradation of any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Residential Land Use and Housing Element

Residential Density Policies:

- A.9 *Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes.)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

This policy was raised in public testimony. The code amendments apply to the city's R-1 Low Density Residential Zone, which implements the Metro Plan's low density residential land use plan designation. The Eugene Code density provisions for the R-1 zone, which are not proposed to be changed as part of these amendments, are consistent with the above policy in that they allow for a maximum of 14 units per net acre. Consistent with this policy, the single family code amendments do not change or conflict with the density range for low density residential.

- A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

The intent of the amendments pertaining to secondary dwellings and alley access lots is to allow for compatible infill, consistent with this policy. The addition of standards addressing building height and sloped setbacks for secondary dwellings and alley access lots is to ensure that such has minimal impact on surrounding properties in existing neighborhoods.

Housing Type and Tenure Policies

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*
- A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*

Consistent with these policies, the amendments provide for opportunities for smaller housing types within existing single family neighborhoods.

Design and Mixed Use Policies

- A.23 Reduce impacts of higher density residential and mixed-use development on surrounding use by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

This policy was raised in public testimony. To the extent the code amendments related to secondary dwellings, development on existing alley access lots and accessory buildings in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design standards to address building height, setbacks, parking area and building size.

- A.24 Considering adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space and other community concerns.*

Consistent with this policy direction, the amendments related to secondary dwellings, accessory buildings and development on existing alley access lots all include clear and objective design standards that address compatibility and aesthetics, and also include a discretionary path (adjustment review) to allow for flexibility, while maintaining compatibility, under certain circumstances.

Transportation Element

Land Use Policies

- F.4. Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use and multi-unit residential development.*

This policy was raised in public testimony. This policy is not applicable to the code amendments because the amendments do not involve or affect commercial, public, mixed use or multi-unit residential development.

Transportation System Improvements: Roadway Policies

- F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*

This policy was raised in public testimony as applying to the amendments for alley access lots. This policy is not applicable to alleys, because, as stated in TransPlan, this policy is relevant to the region's roadway system, which is comprised of arterial and collector streets.

Transportation System Improvements: Bicycle Policies

- F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*

This policy was raised in public testimony as applying to the amendments for alley access lots. As stated in TransPlan, the bicycle policies are focused on directing bicycle system improvements, such as expansion of the existing regional network, the provision of safety improvements and the addition of adequate support facilities. This policy is not applicable to the amendments for alley access lots, as it applies to system improvements at the regional level rather than individual sites.

Transportation System Improvements: Pedestrian Policies

- F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance safety, comfort, and convenience of walking.*

This policy was raised in public testimony as applying to the amendments for alley access lots. This policy is not applicable to the amendments for alley access lots as it is intended to apply on a broader scale (system improvements) than an individual single family lot.

Applicable Refinement Plans

Given the broad applicability of these amendments (R-1 Low Density Residential zoning applies throughout the city), all adopted refinement plans were reviewed for consistency. It is noted that the

secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots include areas covered by the Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan.

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)
- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Fairmount/U of O Special Area Study (1982)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

Jefferson Far West Refinement Plan (1983)

The following residential policies in the Land Use Element of the plan lend general support for the amendments:

- 3.0 Encourage a mixture of housing densities and types to allow a diverse population group to live in the area.*

The amendments related to secondary dwelling units and development on existing alley access lots are consistent with this policy in that they provide the opportunity for smaller single family housing types.

Additionally, the following policies in Land Use Element (following the land use diagram) are relevant:

- 2. Central Low-Density Residential Area*
The low-density designation recognizes existing residential development and land uses. The

City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

4. South Low-Density Residential Area

This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.

15. Low Density Residential Area

This area shall be recognized as appropriate for low-density residential use. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendments related to secondary dwellings and development on existing alley access lots are intended to encourage compatible infill housing.

River Road-Santa Clara Urban Facilities Plan (1987)

The following policies from the Residential Land Use section are relevant:

- 1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*
- 2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing a diversity of housing types in the area, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this small single-family housing type, they also include standards to address the compatibility of these dwellings.

Willakenzie Area Plan (1992)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the amendments:

Residential Policies

- 1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*

4. *Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing housing for all income levels, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this housing type, they also include standards to address the compatibility of these dwellings.

TransPlan (2002)

Several policies from TransPlan were raised in public testimony as applying to the amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

- (3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

CONCEPTS AND PROPOSED STANDARDS FOR FLAG LOT THAT WOULD ALLOW SDUS

Principles:

- Provide adequate separation of SDUs from the interior of other lots that abut the “flag” portion.
- Provide adequate “pole” and driveway width to serve 2 to 4 dwellings and avoid excessive traffic impacts to residents on an adjacent lot.
- Grandfather in existing flag lots that meet the following conditions:
 - Large enough “flag” area
 - 25’ wide poles – which satisfies the current code requirement for access to 2 to 4 dwellings on separate flag lots.

Potential negative impacts to avoid or mitigate from traffic on the pole:

- Noise
- Dust
- Fumes
- Headlight glare

Potential ways to mitigate negative impacts from traffic on the pole:

- Setback the driveway from adjacent dwellings and outdoor use areas.
- Properly maintained, hard paving (limit noise and dust from gravel)
- Landscaping
 - Continuous, dense hedges can diminish noise, shield from light, and lower dust levels
- Screening berms, walls & fences can diminish noise, shield from light, and/or lower dust levels

Current code requirements for a pole serving 2 to 4 flag lots:

- Pole width: 25 feet
- Minimum paving:
 - Min width: 20' (or 17½', with Planning Director approval)
 - 4 inch thick Portland cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of ¾ minus compacted crushed rock base, or an approved equal.

Current code for “Multi-Family” (3 or more dwelling units) development:

- Driveway width: 20 to 28 feet.

Design notes for driveway:

- A large SUV is around 80 inches (6' 8") wide.
- A single-car driveway can be as narrow as 8' and serve adequately, as long as there are no obstructions on the sides.
- Short (nominally 50' feet, TBD) “one-way” driveways can be adequate if an oncoming vehicle can wait to enter or can back up. The exact distance needs to be determined for the adopted standard.
- For longer driveways, segments (nominally 50', TBD) of “one-way” driveways can be adequate if there are “pullover” areas at appropriate spacing. The exact distance needs to be determined for the adopted standard.

Observations.

- Many flag lot driveways will need at least one “pullover” area, which will need to be at least 16' wide.

Current Code**EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.****(2) Measurements.**

(b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted.

(3) Land Division Regulations.

(c) Access Pole. The minimum width for the pole portion of 1 flag lot is 15 feet. If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 25 feet. A street may be required. The maximum number of flag lots taking access off the same access driveway is 4.

(4) Use Regulations.

Residential flag lots have the same land use regulations as the base zone except, for residential flag lots of less than 13,500 square feet, there is no allowance for home occupations or a secondary dwelling.

(5) Development Standards.

(b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines.

(c) Access. Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:

1. Via the pole portion of the lot,
2. Via an easement to use a driveway on an abutting property, or
3. Via an existing alley.

(d) Minimum Paving and Landscaping.

1. The minimum paving of the driveway used for access shall be as follows:

1 rear lot: 12 feet

2 to 4 rear lots: 20 feet (Street may be required.)

*If approved by the planning director as necessary to preserve existing natural features, paving width may be reduced to 17½ feet, except for the first 25 feet back from the sidewalk if both sides of the driveway are landscaped in accordance with a landscape plan.

Tentative proposed standards to allow an SDU on a flag lot

Coda: The intent of these standards is that a flag lot that exists on the date this ordinance was adopted, and that has a “flag” area of at least 12,500 square feet and that has access via a single or combined pole at least 25 feet wide at all points shall be allowed to have a Secondary Dwelling Unit (SDU), if all other applicable criteria are met.

1. “Flag” area must be at least 12,500 square feet. (Note: This provides for a square area approximately 110 feet on a side, or a rectangular area about 75'x165'. In either case, there is adequate room for the wider setbacks that apply to all structures on flag lots.)
2. Minimum 10 foot setback on all sides for structures, and SDU sloped setbacks apply from that plane in the same manner as for an SDU on a standard lots. (Note: For example, maximum building height is 8 feet at the 10-foot setback; max height is 13 feet at a 16-foot setback.)
3. If a single pole or combined poles is/are used for access, the following requirements must be met:
 - a. No more than four dwellings (including primary dwellings and SDUs) may take access off an individual pole or combined poles.
 - b. The pole (individual or combined) and driveway must meet the following criteria (c and d).
 - c. “Legacy” flag lot. Special standards apply to a flag lot that meets all the following criteria:
 - i. The lot was created prior to the adoption date of this ordinance.
 - ii. The flag lot has no other legal access other than the single or combined pole.
 - iii. The single or combined pole is at least 25’ wide at all points.
 - iv. The pole cannot reasonably meet the setback standard in e.iii, below.
 - d. Single or combined pole standards:
 - i. Minimum pole width at all points: 30 feet (except 25 feet for “legacy” flag lots covered under 3.c, above)
 - ii. Parking is not allowed on any portion of pole.
 - e. Driveway standards:
 - i. Minimum driveway width on pole: 10 feet at all points
 - ii. Maximum driveway width on pole: 20 feet
 - iii. Min setbacks for driveway edges (except for “passing areas”): 10 feet
 - iv. The driveway must not have any segment that extends more than 50 feet (*nominal, TBD*) without a “passing area.”
 - v. Minimum size for “passing areas” of driveway: 16 feet wide by 15 feet long (*nominal, TBD*) with optional 3 feet (*nominal, TBD*) on each end tapering from narrower part of driveway.
 - vi. Exceptions for driveway setbacks:
 - A. For “legacy” flag lots covered under 3.c, above. Where the pole is too narrow to allow 10-foot setbacks on both sides of a 10-foot driveway, the setback can be reduced on either or both sides to allow a 10-foot driveway. Other than in “passing areas,” at least a 7-foot setback shall be maintained on both sides.
 - B. For all lots. Where the pole is too narrow to allow 10-foot setbacks on both sides of a “passing area”, the setback can be reduced on one side to allow a 16-foot wide passing area. A 10-foot setback (7-foot for “legacy” flag lots) must be maintained on the opposite side of the passing area, and the setback on the same side as the passing area must be as wide as possible (i.e, For standard lots: the pole width less 26 feet; For “legacy” flag lots: the pole width less 23 feet).

The placement and length of passing areas with reduced setbacks must be configured so that the total length of reduced setbacks is the minimal amount by which the other standards in this section can be reasonably met and the impacts to adjacent property(ies) are minimized.
- f. The entire length of both sides of the pole must be landscaped to meet the Low Screen Landscape Standard (L2), except that the height shall be 45" to 60", and the planting material shall provide an

effective, continuous screen to block light from headlights. Solid wood fences may be used instead of masonry walls, but the bottom of the fence must be no higher than 12" above grade and at least 45" high above grade.

- g. If access is provided via an easement to use a driveway on an abutting property, with or without being combined with one or more pole(s), the accesway shall meet the same standards as if it were provided just by one or more poles.
 - h. Exceptions to setbacks and landscaping are allowed with written permission of property owner(s) adjacent to the side of the pole where the exception is allowed.
4. Adjustments (*Note: The criteria to allow any of the following adjustments must be clearly written to prevent increased impacts to an adjacent property owner or residents.*)
- a. Allow adjustments where adjacent property is not residential and impacts are minimal.
 - b. Allow adjustments to the driveway setback down to 4 feet (but no less) for situations where there would clearly be minimal impacts on adjacent property owners.
 - c. Allow adjustment to screening for sections of the pole where headlights and noise would not impact dwellings or outdoor patios, etc.
 - d. Allow adjustments to setbacks for non-conforming sections of driveways existing as of the date of adoption of these standards. No increase in non-conformance is allowed. Landscaping, walls or fences are required for screening unless clearly impracticable.

Figure 1. Nominal ("ideal") flag lot pole, driveway and setbacks for lot with SDU

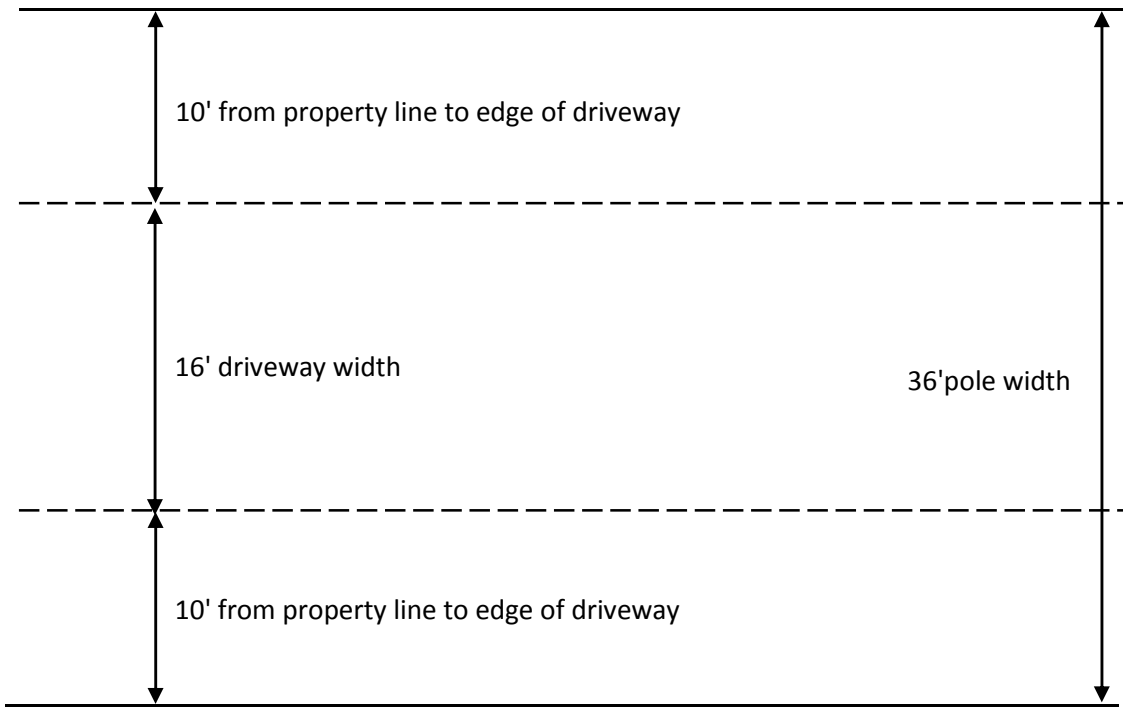


Figure 2. Minimal flag lot pole, driveway and setbacks for new lot with SDU

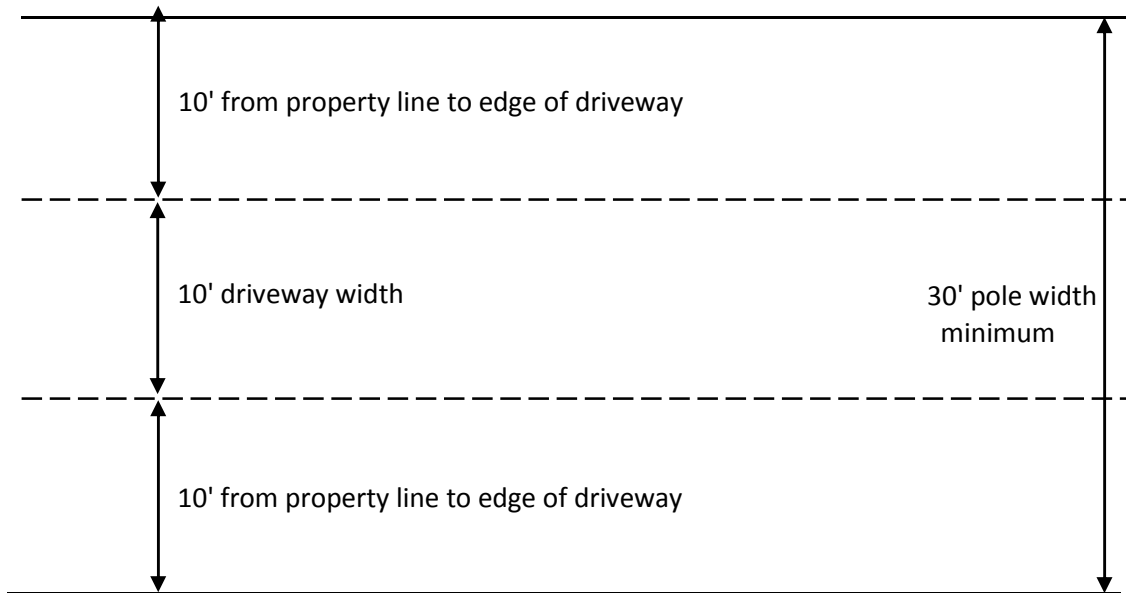


Figure 3. "Passing area" lot pole, driveway and setbacks for lot with SDU

