



**Eugene City Council**

125 E. 8th Ave., 2nd Floor  
Eugene, OR 97401-2793  
541-682-5010 • 541-682-5414 Fax  
www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

July 28, 2014

**5:30 p.m. CITY COUNCIL WORK SESSION**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

**7:30 p.m. CITY COUNCIL MEETING**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

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**Meeting of July 28, 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

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**CITY COUNCIL WORK SESSION**

**Harris Hall**

**5:30 p.m. A. WORK SESSION:  
Sick Leave Ordinance**

**CITY COUNCIL MEETING  
Harris Hall**

**1. PUBLIC FORUM**

**2. 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 Resolution Annexing Land to the City of Eugene  
(Westside Baptist Church - A 13-5)**
- D. Approval of Resolution Annexing Land to the City of Eugene  
(Van Slyke, John and Payung - A 14-2)**
- E. Approval of Resolution Annexing Land to the City of Eugene  
(Jane J. Daniels Lathen Trust - A 14-3)**
- F. Appointment of Budget Committee Member to Human  
Services Commission**
- G. Appointments of Judicial Evaluation Committee**

**3. ACTION:**

**An Ordinance Concerning the Definition of Motorized  
Transportation Device, Operating Bicycles and Skateboards on  
Sidewalks**

**4. ACTION:**

**An Ordinance Extending the Sunset Date of the Permitted Overnight  
Sleeping ("Rest Stop") Pilot Program**

**5. ACTION:**

**An Ordinance Concerning Climate Recovery**

**6. ACTION:**

**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,  
9.2775, 9.6775, and 9.8030; and Providing an Effective Date (City  
File CA 13-3)**

**7. ACTION:**

**An Ordinance Concerning Sick Leave; Adding Sections 4.570 through  
4.580 to the Eugene Code; Amending Section 4.996 of that Code; and  
Providing for an Effective Date**

*\*time approximate*

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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](http://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 ITEM SUMMARY



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## Work Session: Sick Leave Ordinance

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Meeting Date: July 28, 2014  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: A  
Staff Contact: Jason Dedrick  
Contact Telephone Number: 541-682-5033

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### ISSUE STATEMENT

The purpose of this work session is to discuss the proposed sick leave ordinance.

### BACKGROUND

In February of 2014, the council initiated a process to pursue a paid sick leave ordinance. Staff was directed to convene a task force of community members to discuss key components of a potential ordinance. The council received a final report from this group with their considerations at a work session on June 18, 2014. At this same meeting, the council approved a motion directing staff to create a draft ordinance related to sick leave. The draft ordinance is included as Attachment A. A public hearing was held on July 21, 2014, regarding this draft ordinance and the council is scheduled for action on the ordinance at the July 28, 2014, council meeting.

### COUNCIL OPTIONS

This is a discussion-only item, meant to help guide council efforts on this issue.

### CITY MANAGER'S RECOMMENDATION

No City Manager recommendation is needed at this time.

### SUGGESTED MOTION

No suggested motions are needed at this time.

### ATTACHMENTS

- A. Draft Ordinance

### FOR MORE INFORMATION

Staff Contact: Jason Dedrick

Item A.

Telephone: 541-682-5033  
Staff E-Mail: jason.p.dedrick@ci.eugene.or.us

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING SICK LEAVE; ADDING SECTIONS 4.570 THROUGH 4.580 TO THE EUGENE CODE, 1971; AMENDING SECTION 4.996 OF THAT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** Sections 4.570 through 4.580 of the Eugene Code, 1971, are added to provide as follows:

**SICK LEAVE**

**4.570** **Sick Leave - Purpose.** *The purpose of sections 4.570 through 4.580 of this code is to promote a sustainable, healthy, and productive workforce by establishing minimum standards for employers to provide sick leave and to ensure that all persons working in the City of Eugene will have the right to earn and use paid sick leave. Allowing employees to earn and take sick leave will maintain a healthy workforce and promote a vibrant, productive, and resilient city.*

**4.572** **Sick Leave - Accrual of Sick Leave.**

(1) *Except as otherwise provided in sections 4.570 through 4.580 of this code or in the administrative rules adopted pursuant to section 4.578 of this code:*

(a) *If an employer is located within the city, the employer shall provide its employees with a minimum of one hour of paid sick leave for every 30 hours of paid work performed by the employee; and*

(b) *If an employer is located outside the city but sends an employee into the city to perform work, the employer shall provide that employee with a minimum of one hour of paid sick leave for every 30 hours of paid work performed inside the city.*

(2) *For purposes of sections 4.570 through 4.580 of this code, an employer is located within the city if the employer owns, leases or rents property within the city at which one or more employees works.*

(3) *Subject to subsection (1) of this section, employers shall allow employees to accrue a minimum of 40 hours of paid sick leave in a year.*

- (4) ***Sick leave accrued by an employee that is not used in a calendar year may be used by the employee in the following year, except that employers are not required to allow employees to use more than 40 hours of paid sick time in a year.***
- (5) ***Employees shall begin to accrue sick leave from an employer on July 1, 2015, or commencement of employment, whichever is later.***
- (6) ***An employer with a sick leave or paid time off policy that provides the employee with accrual of leave that equals or exceeds the requirements of this section is compliant with this section.***

**4.574 Sick Leave - Use of Sick Leave.**

- (1) ***An employee becomes eligible to use sick leave when he or she has been employed by the employer for 90 days or more.***
- (2) ***Nothing in sections 4.570 through 4.580 of this code requires an employer to compensate an employee for accrued unused sick leave upon the employee's termination, resignation, retirement, or other separation from employment.***
- (3) ***An employer with a sick leave or paid time off policy in effect that provides the employee with use of leave that equals or exceeds the requirements of this section is compliant with this section.***

**4.576 Sick Leave – Exercise of Rights Protected; Retaliation Prohibited.**

- (1) ***It shall be unlawful for an employer to interfere with the exercise of any right protected under sections 4.570 through 4.580 of this code.***
- (2) ***An employer shall not take retaliatory action or discriminate against an employee because the employee has exercised rights protected under sections 4.570 through 4.580 of this code.***

**4.578 Sick Leave – Administrative Rules. The city manager shall adopt, and as necessary amend, rules in the manner prescribed in section 2.019 of this code to assist in the implementation of sections 4.570 – 4.580 of this code, including but not limited to:**

- (1) ***Establishing conditions under which an employee may use sick leave, such as for an illness of the employee or family member, or circumstances related to domestic violence, sexual assault or stalking;***
- (2) ***Adopting definitions including but not limited to “employee,” “employer,” “paid time off” and “paid work”;***
- (3) ***Identifying record-keeping, accrual, and use of sick time requirements;***
- (4) ***Establishing enforcement protocols for administrative civil penalties and private rights of action;***
- (5) ***Defining an equivalent or better policy that would be deemed in compliance with this ordinance, such as paid time off, collective bargaining agreements and building trade protocols;***



- (6) ***Providing a methodology for establishing when an employee whose employer is located outside the city, is considered to be working within the city;***
- (7) ***Adopting provisions to ensure that employers may establish and enforce reasonable policies for employees in order to maintain workplace productivity and prevent possible abuse, while prohibiting employers from retaliating against employees for using sick leave; and***
- (8) ***Establishing a grace period after July 1, 2015, during which time compliance will be sought through education rather than imposition of fines and penalties.***

**4.580 Sick Leave – Enforcement.**

- (1) ***The city may contract with the Oregon State Bureau of Labor and Industries or another entity to enforce sections 4.570 through 4.580 of this code.***
- (2) ***Subject to the administrative rules adopted pursuant to section 4.578 of this code, any employee claiming to be aggrieved by an employer's violation of sections 4.570 through 4.580 of this code shall have a cause of action for damages and such other remedies as may be appropriate. The court may grant such relief as it deems appropriate.***

**Section 2.** Subsection (7) of Section 4.996 of the Eugene Code, 1971, is amended to provide as follows:

**4.996 Administrative Civil Penalty.**

- (7) In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340, [~~and~~] section 4.430 ***and sections 4.570 through 4.580*** of this code, ***and violations of administrative rules adopted under sections 4.570 through 4.580 of this code***, an administrative civil penalty as provided by section 2.018 of this code.

**Section 3.** The City Manager shall adopt the administrative rules required by Section 4.578 of the Eugene Code, 1971 (“EC”) not later than January 31, 2015. In addition to other requirements imposed by EC 2.019 for administrative rule-making, as part of this initial administrative rule adoption process, the City Manager shall consider

at a minimum: (a) the findings in the Sick Leave Task Force report dated June 18, 2014; (b) similar ordinances adopted by other cities; and (c) input from a broad array of stakeholder perspectives including representatives of the business community, labor organizations and other workers, and advocates (both supporters and opponents).

**Section 4.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, the provisions of this Ordinance shall become effective on July 1, 2015, except that EC 4.578 and Section 3 of this Ordinance related to administrative rulemaking shall become effective in the normal course as provided in the Eugene Charter.

**Section 5.** On or before July 1, 2017, the City Council shall review the sick leave program adopted by this Ordinance.

**Passed by the City Council this  
\_\_\_ day of July, 2014**

**Approved by the Mayor this  
\_\_\_\_ day of July, 2014**

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Public Forum

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Meeting Date: July 28, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **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](mailto:beth.l.forrest@ci.eugene.or.us)



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of City Council Minutes

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Meeting Date: July 28, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2A  
Staff Contact: Kris Bloch  
Contact Telephone Number: 541-682-8497

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council minutes.

#### **SUGGESTED MOTION**

Move to approve the minutes of the July 9, 2014, Work Session, June 18, 2014, Work Session, July 14, 2014, Work Session and Meeting.

#### **ATTACHMENTS**

- A. July 9, 2014, Work Session
- B. July 14, 2014, Work Session and Meeting

#### **FOR MORE INFORMATION**

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



## ATTACHMENT A

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**July 9, 2014  
12:00p.m.**

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

Mayor Piercy opened the July 9, 2014, City Council work session.

**A. WORK SESSION: Beltline Highway – Coburg Road to River Road – Oregon Department of Transportation Facility Plan Update**

Transportation Planning Engineer Chris Henry and Savannah Crawford from ODOT gave a brief presentation on design alternatives for the Beltline Highway and timeline moving forward.

Council discussion:

- Community engagement and outreach has been good.
- Impacts on the surrounding community will be significant.
- Consideration of future plans for Bus Rapid Transit needed.
- More energy needed to address issues now; demands on the facility are growing.
- Address entire facility rather than approaching project in separate phases.
- Important to involve Eugene Sand and Gravel in the process.

**B. WORK SESSION AND ACTION: Envision Eugene Implementation Redesignation**

**Ordinance 1: An Ordinance Concerning Envision Eugene Residential Redesignation to Redesignate and Rezone Annexed Residential Properties by Amending the Eugene-Springfield Metropolitan Area General Plan Land Use Diagram; Amending the Eugene Zoning Map; Amending the Willow Creek Special Area Study Diagram and Text; Amending the Willakenzie Area Plan Diagram and Text Pursuant to Section 9.7750(4) of the Eugene Code, 1971; Amending Section 9.9710 of the Eugene Code, 1971; and Adopting a Severability Clause**

**Ordinance 2: An Ordinance Concerning Envision Eugene Residential Redesignation to Redesignate and Rezone Unannexed Residential Properties by Amending the Eugene-Springfield Metropolitan Area General Plan Land Use Diagram; Amending the Eugene Zoning Map; Amending the Willow Creek Special Area Study Diagram and Text; Amending the River Road-Santa Clara Urban Facilities Plan Diagram; and Adopting a Severability Clause; and Providing an Effective Date (Eugene files MA 13-2, RA 13-1, Z 13-7, CA 13-5 and Lane County file PA13-05615)**

Associate Planner Heather O'Donnell gave a recap on the Envision Eugene Implementation Redesignation process and proposed legislation.

Item 2.A.

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5116, an ordinance concerning Envision Eugene Residential Redesignation to redesignate and rezone annexed residential properties. **PASSED 8:0**

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved to adopt Council Bill 5117, an ordinance concerning Envision Eugene Residential Redesignation to redesignate and rezone unannexed residential properties. **PASSED 8:0**

The meeting adjourned at 12:54 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder



**ATTACHMENT B****MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**July 14, 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 July 14, 2014, City Council work session to order.

**A. WORK SESSION: City Hall Rebuild Update**

Design and Construction Manager Mike Penwell and the City Hall Rebuild Design Team gave a PowerPoint presentation on the City Hall rebuild project with preliminary design ideas that incorporated new information related to the proposed land swap with Lane County.

Council Discussion:

- Important to preserve and protect historical buildings rather than destroy them.
- Consider orienting building entrance on east side to welcome those arriving downtown.
- Important to maintain the entire city block for public use.
- Interest in consolidating all City offices in the new space; land swap could limit options.
- Proposed design concepts incorporate City goals related to transparency, energy efficiency, public art, and accessibility.
- Important to maintain the iconic nature of the old Council Chamber with a more modern design.
- Further exploration of option to add a 4<sup>th</sup> floor needed.
- Additional work around security, specifically in the Council Chamber, desired.
- Consideration of ongoing maintenance costs should be a priority in the planning process.

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

Community Programs Analyst Michael Wisth gave an update on the City’s rest stop program.

Council discussion:

- No complaints about the rest stops have been received.
- Ongoing management of sites by Community Supported Shelters is a financial challenge.
- Consider making huts and micro housing units a permanent part of code.
- More information requested on: average number of nights spent at rest stop per person; crime statistics in area before and after establishment of rest stop; data on usage of rest stop by local residents vs out-of-town transients; status of waiting lists and how they are managed.
- Need a more strategic solution to homelessness; rest stops are just a band aid.

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved 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. **PASSED 8:0**

Item 2.A.

The work session adjourned at 6:52 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Record

## M I N U T E S

### Eugene City Council Harris Hall, 125 East 8<sup>th</sup> Avenue Eugene, Oregon 97401

July 14, 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 July 14, 2014, City Council meeting.

#### 1. PLEDGE OF ALLEGIANCE TO THE FLAG

In honor of Independence Day, Kappy Eaton and Flo Alvergue from the League of Women Voters of Lane County read the Declaration of Independence and led the Pledge of Allegiance to the Flag.

#### 2.

#### PUBLIC FORUM

1. Gordon Levitt – supported the climate recovery ordinance; noting its importance.
2. Debra McGee – said the City must move to clean energy now.
3. Anne Howguard – supported the proposed climate recovery ordinance.
4. Julia Olson – supported the climate recovery ordinance and respecting the laws of nature.
5. Megan Kemple – supported the climate recovery ordinance; noting its importance.
6. Kat Fiedler – supported the climate recovery ordinance as a model for other cities.
7. Pat Thacher – supported the climate recovery ordinance as a step in right direction.
8. Aaron Kratzer – supported the climate recovery ordinance as an example to others.
9. Sue Sierralupé – announced that Occupy Medical will be in Florence on July 20, 2014.
10. Madeline Smith – supported the climate recovery ordinance as a good first step.
11. Donald Drisgoll – said rehabilitation of existing City Hall is a viable option.
12. Ward Beck- asked for a 10-year hold on razing City Hall so more research can be done.
13. Marston Morgan – expressed interest in preserving City Hall and doing a technical audit.
14. Weltzin Blix – said the existing City Hall is a heritage building and should be saved.
15. Eric Hall – asked the council to reconsider the planned destruction of City Hall..
16. Otto Poticha – asked that council stop the construction planning process for City Hall.
17. Mark Cosby – reported that restrooms in the parking garage are unsanitary.
18. Brian Johnson –supported paid sick leave; noting it aligns with public health goals.
19. Deborah Jeffries – asked for an estimated annual cost to the City to provide sick leave.
20. Scotty Perey – voiced concern about changes to laws that will target homeless.
21. Jennifer Frenzer-Knowlton – voiced concern with proposals that will target homeless.
22. Steve Hiatt – said he is concerned with changes to laws that will target homeless.
23. Barb Prentice – opposed to proposed changes that will target homeless.
24. Tracy Joscelyn – opposed to proposed changes that will target homeless.
25. Art Bowman – opposed to proposed changes that will target homeless.
26. Lee De Veau – expressed concern about changes that will target homeless.
27. Drix – said the community should communicate better to avoid crises before they occur.
28. Jean Stacey – requested an investigation into the closure of “Whoville” by the City.

**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. 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)**

Senior Planner Alissa Hansen gave a brief update on the revisions to the ordinance.

Council Discussion:

- A side-by-side comparison of staff recommendations vs. proposed revisions needed.
- Support expressed for incorporating proposed flag lot revisions.

**5. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER: Human Rights Commission, Sustainability Commission, Travel Lane County, Human Services Commission, Lane Council of Governments, Metropolitan Policy Committee, Public Safety Coordinating Council**

The Mayor and councilors reported on recent and upcoming meetings and events.

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: July 28, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### 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](mailto:beth.l.forrest@ci.eugene.or.us)

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 23, 2014

<b>JULY 28</b>	<b>MONDAY</b>	
<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Sick Leave Ordinance		90 mins – CS/Dedrick
<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
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
g. Appointment of Judicial Evaluation Committee		CS/Hammitt
3. Action: Ordinance Concerning Eugene Skateboard and Bicycle Laws		PW/Shoemaker
4. Action: Ordinance Extending Rest Stop Sunset Date		PDD/Wisth
5. Action: Ordinance Concerning Climate Recovery		CS/McRae
6. Action: Ordinance Concerning Single Family Code Amendments		PDD/Hansen
7. Action: Sick Leave Ordinance		CS/Dedrick

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

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

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

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

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 23, 2014

<b>SEPTEMBER 15</b>	<b>MONDAY</b>	
<b>7:30 p.m.</b>	<b>Council Public Hearing</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. PH: Ordinance Adopting Changes to the Public Contracting Code		CS/Silvers
2. PH: Ordinance on MUPTe Program Revisions		PDD/Braud
<b>SEPTEMBER 17</b>	<b>WEDNESDAY</b>	
<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Metro Plan Enabling Amendments		45 mins – PDD/Burke
B. WS: Central Lane Scenario Planning Update		45 mins – PDD/Burke
<b>SEPTEMBER 22</b>	<b>MONDAY</b>	
<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
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
<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
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 MUPTe Program Revisions		PDD/Braud
<b>SEPTEMBER 24</b>	<b>WEDNESDAY</b>	
<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Train Horn Quiet Zones		45 mins – PW/
B. WS:		
<b>OCTOBER 8</b>	<b>WEDNESDAY</b>	
<b>12:00 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS:		
B. WS:		
<b>OCTOBER 13</b>	<b>MONDAY</b>	
<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Annual Report from Police Commission		30 mins – EPD/Hawley
B. WS: Annual Report from Human Rights Commission		30 mins – CS/Kinnison
C. WS: Annual report from Sustainability Commission		30 mins – CS/O'Sullivan
<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 23, 2014

<b>OCTOBER 15</b>	<b>WEDNESDAY</b>	
<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS:		
B. WS:		
<b>OCTOBER 20</b>	<b>MONDAY</b>	
<b>7:30 p.m.</b>	<b>Council Public Hearing</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. PH:		
<b>OCTOBER 22</b>	<b>WEDNESDAY</b>	
<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS:		
B. WS:		
<b>OCTOBER 27</b>	<b>MONDAY</b>	
<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		
<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
<b>OCTOBER 29</b>	<b>WEDNESDAY</b>	
<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Public Smoking Policy		45 mins -
B. WS:		
<b>NOVEMBER 10</b>	<b>MONDAY</b>	
<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC		
B. WS: On Site Management		45 mins - PDD/Wisth
<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
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

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 23, 2014

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

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

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

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

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

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

<b>DECEMBER 8</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed		
B. WS: Civic Stadium		45 mins -
C. WS:		

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

July 23, 2014

**DECEMBER 10**

**WEDNESDAY**

**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




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### Approval of Resolution Annexing Land to the City of Eugene (Westside Baptist Church - A 13-5)

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Meeting Date: July 28, 2014  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541/682-5437

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#### **ISSUE STATEMENT**

This item is a request to annex a 16.98-acre property and the abutting segment of right-of-way, Golf Club Road, which is approximately 80 feet in width and 920 feet in length. The property is the former location of the Eagles Lodge, but is currently owned and operated by the Westside Baptist Church. Golf Club Road is an unimproved Lane County right-of-way that abuts the southern property boundary and connects to Irving Road to the south.

Annexation of the property and Golf Club Road would enable further division and development of the area of request. The inclusion of right-of-way is a logical extension of City limits and does not create an island of unannexed territory, consistent with City Council's Resolution No. 4903 concerning right-of-way annexations (see Attachment D). Lane County staff confirms that they support the inclusion of the right-of-way into the annexation request because it is within the City's UGB. City Public Works staff also concur to the right-of-way being annexed.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additionally, this property was included in a package of Envision Eugene Residential Re-designations that the City Council approved on July 9, 2014. Following a public hearing on June 3, 2014, where no testimony was submitted in opposition to the proposal, the City Council voted unanimously to re-designate this property from Parks and Open Space to Low Density Residential. This annexation request is consistent with this recent action.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

#### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The River Road Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

#### **COUNCIL OPTIONS**

The City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

#### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation is approved.

#### **SUGGESTED MOTION**

Move to adopt Resolution 5111, which approves the proposed annexation request consistent with the applicable approval criteria.

**ATTACHMENTS**

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Legal Description
  - Exhibit B: Map of Annexation Request
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Resolution No. 4903

**FOR MORE INFORMATION**

Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541-682-5437  
Staff E-Mail: [Becky.g.taylor@ci.eugene.or.us](mailto:Becky.g.taylor@ci.eugene.or.us)





# Westside Baptist Church (A 13-5)



**Legend**

- EUG
- Taxlots

Caution:  
This map is based on imprecise  
source data, subject to change,  
and for general reference only.



July 03, 2014



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-10-42 TAX LOT  
3500) AND A PORTION OF RIGHT-OF-WAY (GOLF CLUB ROAD)**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Westside Baptist Church, on July 3, 2013, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-10-42 Tax Lot 3500. The applicant amended the application on June 16, 2014 to include the abutting right-of-way, known as Golf Club Road, in the request.

**B.** The territory proposed to be annexed is described in Exhibit A attached to this Resolution, and depicted on the map attached as Exhibit B to this Resolution.

**C.** The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

**D.** On June 27 2014, a notice containing the assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 28, 2014.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-10-42 Tax Lot 3500 and the abutting Golf Club Road right-of-way, as described in the attached Exhibit A and shown on the map attached as Exhibit B, is annexed to the City of Eugene.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL/CAS to R-1/CAS, pursuant to EC 9.7820(3), shall become effective in accordance with State Law.

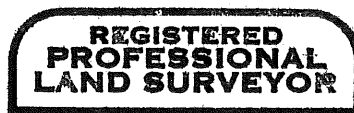
**The foregoing Resolution adopted the \_\_\_\_ day of July, 2014.**

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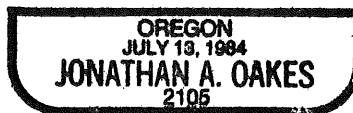
**City Recorder**

**Westside Baptist Church**  
**Legal Description for Property to be Annexed**  
 SE 1/4 Sec 10 T 17 S, R 4 W W.M  
 Assessor's Map No. 17-04-10-42 TL No. 3500.  
 June 16, 2014

Beginning at a point on the south line of the James Peek D.L.C. No. 50 in Township 17 South, Range 4 West of the Willamette Meridian, said point being of record North 89°38'30" West 1159.80 feet from a grader blade marking the southeast corner of said D.L.C. No. 50; thence leaving said south boundary and running North 00°05'00" East 30.00 feet to a point on the north margin of Irving Road, said point being the **True Point of Beginning**; thence continuing North 00°05'00" East 257.83 feet; thence North 89°47'30" East 194.85 feet to a point on the southerly projection of the west boundary of the plat of Ryan Meadows as platted and recorded in File 75, Slides 47 & 48 of the Lane County Oregon Plat Records; thence along the west boundary of said plat of Ryan Meadows and its southerly projection North 7°36'20" West 807.84 feet to the northwest corner of Lot 24 of said plat of Ryan Meadows, said point also being the most southerly southeast corner of the plat of Ryan Meadows First Addition as platted and recorded in File 76, Slides 186-188 of the Lane County Oregon Plat Records; thence leaving said west boundary and running along the south boundary of said plat of Ryan Meadows First Addition South 89°47'30" West 1052.69 feet to the southwest corner of Lot 84 of said plat of Ryan Meadows First Addition; thence leaving said south boundary and running South 20°28'30" East 278.09 feet; thence South 18°36'06" East 498.71 feet; thence South 3°42'43" East 116.94 feet; thence North 70°27'56" East 30.93 feet; thence along the arc of a 437.02 foot radius curve right (the chord of which bears North 80°25'26" East 151.15 feet) a distance of 151.91 feet; thence South 89°37'04" East 415.72 feet ; thence along the arc of a 27.00 foot radius curve right (the chord of which bears South 44°45'49" East 38.09 feet) a distance of 42.27 feet; thence South 00°05'26" West 159.44 feet ; thence along the arc of a 37.00 foot radius curve right (the chord of which bears South 48°13'11" West 55.10 feet) a distance of 62.16 feet; thence South 00°21'30" West 14.32 feet to a point on the north margin of Irving Road, said point being 30.0 feet northerly of, when measured at right angles to, the centerline of Irving Road; thence along the north margin of Irving Road South 89°38'30" East 121.16 feet to the **True Point of Beginning**, all in Lane County, Oregon.

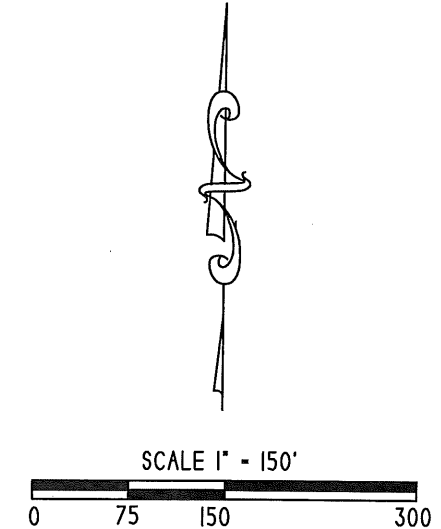
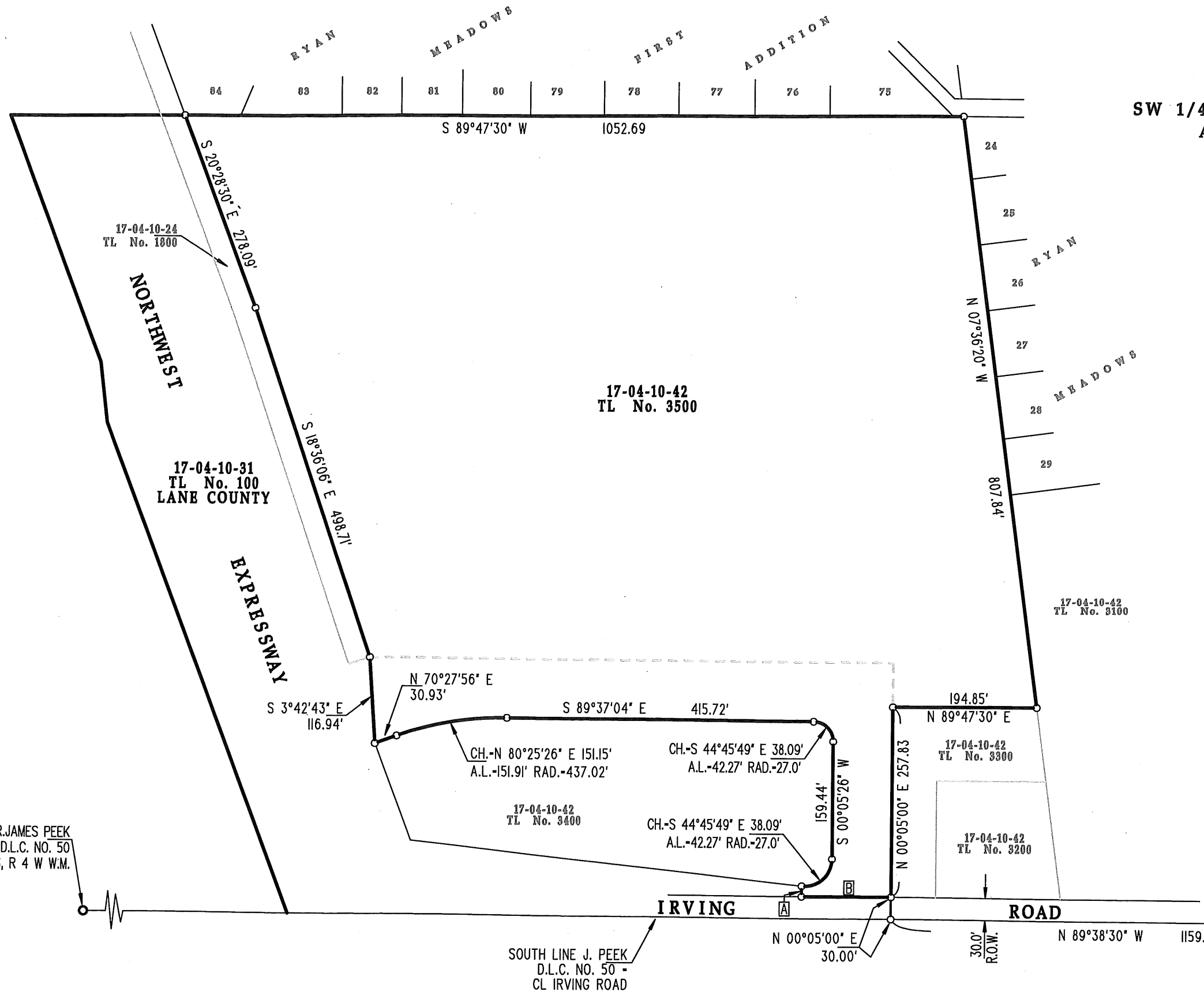


*Jonathan A. Oakes*



Expires: Dec 31 2014

**ANNEXATION SITE PLAN  
FOR  
WESTSIDE BAPTIST CHURCH  
SW 1/4 AND SE 1/4 SEC. 10 T 17 S, R 4 W W.M.  
ASSESSOR'S MAP No. 17-04-10-42 TL No. 3500  
AND A PORTION OF  
ASSESSOR'S MAP No. 17-04-10-31 TL No. 100  
JUNE 20, 2014**



**ADDITIONAL COURSES**

SEGMENT	BEARING	DIST.
A	S 00°21'30" W	14.32'
B	S 89°38'30" E	121.16'

SW COR. JAMES PEEK  
D.L.C. NO. 50  
T 17 S, R 4 W W.M.

SE COR. JAMES PEEK  
D.L.C. NO. 50  
T 17 S, R 4 W W.M.

SOUTH LINE J. PEEK  
D.L.C. NO. 50 -  
CL IRVING ROAD

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jonathan A. Oakes*

OREGON  
JULY 13, 1984  
JONATHAN A. OAKES  
2105

EXPIRES: DECEMBER 31, 2014

**POAGE ENGINEERING & SURVEYING, INC.**

P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505  
JOB No. 4242 • DRAWN: JAO\4242ANNEX.GXD • 6-14

Item 2.C.



**Planning Director's Recommendations and Findings:  
Westside Baptist Church (A 13-5)**

<b>Application Submitted:</b> July 3, 2013	<b>Application Amended:</b> June 16, 2014
<b>Applicant:</b> Westside Baptist Church	
<b>Map/Lot(s):</b> 17-04-10-42: 3500	
<b>Zoning:</b> R-1/UL/CAS Low-Density Residential with Urbanizable Land and Commercial Airport Safety overlays	
<b>Location:</b> 1375 Irving Road and the right-of-way known as Golf Club Road	
<b>Representative:</b> Kim O'Dea, Law Office of Bill Kloos, PC	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**EVALUATION:**

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<p><b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b>  <b>(a) Contiguous to the city limits; or</b>  <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The area to be annexed includes Tax Lot 3500, which is roughly 17 acres of land containing a church (formerly the Eagles Lodge). The applicant proposes, with Lane County's concurrence, to include the abutting portion of Lane County right-of-way known as Golf Club Road, which is an unimproved roadway located between the southern boundary of the subject property and Irving Road.</p> <p>The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). The City limits are contiguous to the subject property to the north and east.</p>
<p><b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p> <p><b>C. Growth Management, Goals, Findings and Policies:</b>  <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only</i></p>

Exhibit C  
Page 2 of 4

		<p><i>through annexation to a city when it is found that:</i></p> <p><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The subject property is currently zoned R-1 Low-Density Residential with Urbanizable Land and Commercial Airport Safety overlays. Upon annexation, the /UL overlay will automatically be removed. The property is designated as Parks and Open Space in the Metro Plan and River Road/Santa Clara Urban Facilities Plan (RR/SC UFP). While not a part of this annexation request, the City of Eugene and Lane County are considering redesignation of this property to Low Density Residential. While action on this annexation is not dependent upon this redesignation, it will help align the property’s zoning and plan designation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within an identified subarea; of the general “Residential Land Use Policies” at Section 2.2, none appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies for the provision of urban services is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
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**EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.**

<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p>
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		<p><b>Wastewater</b> Public wastewater is available to serve the property from an existing eight-inch mainline that has been extended to the southern property boundary, within Golf Club Road, from the public system located within Irving Road.</p> <p><b>Stormwater</b> Public stormwater is available to serve the property from an existing 36-inch mainline located within a public utility easement along the north property line. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.</p> <p><b>Streets</b> The applicant requests the inclusion of the abutting right-of-way, Golf Club Road. Lane County staff confirms that they favor including the Lane County right-of-way as part of the annexation because it is within the City’s UGB. Access to the area of request is provided by Irving Road, to the south. The property abuts the Northwest Expressway to the west, but no direct access is allowed. Any street improvements will be determined at the time of property development.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation. Referral comments from the Fire Marshal indicate no concerns with the proposed annexation.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>. Ferndale Neighborhood Park is located approximately 3,665 feet to the northwest and Golden Gardens Natural Area is located approximately 4,550 feet to the southeast.</p> <p><b>Planning and Development Services</b> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon</p>
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Exhibit C  
Page 4 of 4

		<p>annexation.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Bethel School district and is served by Irving Elementary School, Shasta Middle School and Willamette High School.</p>
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**CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

**Narrative in Support of  
Annexation of Westside Baptist Church Property  
(Map 17-04-10-42, TL 3500)**

**I. Introduction**

This is an application for annexation of roughly 17 acres of land containing a church (old Eagles lodge) at the corner of NW Expressway and Irving Road. The property is located within the City of Eugene UGB. The property is adjacent to NW Expressway to the west and adjacent to annexed property to the north and east.

The street address is 1375 Irving Road, Eugene, OR 97404. Map 17-04-10-42, TL 3500.

The City of Eugene now makes annexation decisions under the standards and procedures set out in Ordinance No. 4960 (Dec. 10, 2007). The information requirements for an application are stated in EC 9.7810. These are addressed in Part II below, and the supporting documents are attached hereto as exhibits. A full list of exhibits appears at the end of this statement.

The approval criteria for annexations are stated in EC 9.7825. These are addressed in Part III below.

**II. Application Contents**

The information requirements for an annexation application are stated at EC 9.7810(1) through (10). Each item is addressed in the respective paragraph below.

**EC 9.7810(1): Owners, electors, addresses:**

Owner: Westside Baptist Church, 1375 Irving Road, Eugene, OR 97404

Elector: None.

**EC 9.7810(2): Consent to annex form by all owners and electors:** See Exhibit A, a consent to annex form signed by each owner and elector, as listed above.

**EC 9.7810(3): Alternative to consent to annex form signed by a majority of electors and owners:** This information is not required, as (2) above has been complied with.

**EC 9.7810(4): Previous owner's consent:** This information is not required, as (2) above has been complied with.

**EC 9.7810(5): Verification of property owners form signed by A&T:** See Exhibit B.

**EC 9.7810(6): Certificate of electors form signed by Lane County Elections:** See Exhibit B, provided by Lane County Elections.

**EC 9.7810(7): Legal Description by surveyor in form of ORS 308.225:** See Exhibit D, prepared by Poage Engineering and Surveying.

**EC 9.7810(8): County Assessor's cadastral map of land:** See Assessor's map in Exhibit E.

**EC 9.7810(9): List of Lane County public service districts presently providing service:**

Lane Rural Fire and Rescue  
Lane Transit District  
Upper Willamette Soil and Water Conservation District  
Eugene Water and Electric Board

See Exhibits F and G.

**EC 9.7810(10): Written Narrative addressing criteria in EC 9.7825:** See Part III below.

### III. Narrative addressing approval criteria

The standards for annexation are stated at EC 9.7825. There are three standards:

***Annexation – Approval Criteria.*** *The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:*

(1) *The land proposed to be annexed is within the city's urban growth boundary and is:*

(a) *Contiguous to the city limits; or*

(b) *Separated from the city only by a public right of way or a stream, bay, lake or other body of water.*

(2) *The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.*

(3) *The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.*

**(1) Within the Urban Growth Boundary:** The property proposed to be annexed is within the UGB. See Exhibit H.

**(1)(a) Contiguous to the city limits:** The property proposed to be annexed is contiguous to the city limits to the north and east. See Exhibit H.

**(2) Consistency with Metro Plan Policies and applicable refinement plans:**

The Metro Plan Policy 10, page 11-C-4, recognizes annexations through this normal process to be the highest priority. As such, the proposal is consistent with this policy

Metro Plan Policy 8, page 11-C-4, provides for annexation when a minimum level of key facilities and services can be provided. This policy is the subject of the annexation standard in (3) below.

Metro Plan Policy 16 provides that land within the UGB shall be annexed to a city and provided with the minimum level of urban facilities and services. It further provides that while the timeframe for annexation may vary, annexation should occur as land transitions from urbanizable to urban. The property is within the UGB and therefore, based on this policy, should be annexed. The provision of facilities and services is addressed in standard (3) below. The property is already zoned R-1 and key facilities and services are available or can be provided. See (3) below. As such, the property has transitioned to urban. The proposal is consistent with Policy 16.

Metro Plan Policy 18 is instructional to the City to dissolve special service districts after annexation and to consider intergovernmental agreements with affected special service districts. The applicant does not object to dissolving special service districts, as needed. The proposal is consistent with Policy 18.

The subject property is also within the area of the River Road Santa Clara Urban Facilities Plan, an area refinement plan. The Public Facilities and Services Element of the RRSCUFP contains the following potentially relevant policies:

*Policy 1 (page 3-6) – If annexation or incorporation occurs affecting the Junction City Water Control District, those areas inside the city shall be withdrawn from the JCWCD and responsibility for maintenance of the affected drainageways shall be assumed by the appropriate city.*

The proposed annexation does not impact the JCWCD.

*Policy 3 (page 3-6) – As annexation or incorporation occurs, a comprehensive drainage plan for the area shall be developed in cooperation with Lane county and other appropriate agencies.*

This policy is instructional to the local government and is not applicable to an individual application. Furthermore, a comprehensive drainage plan exists. See Exhibit M.

*Policy 5 and Policy 6 (page 3-7), Policy 1 and Policy 3 (page 3-11), Policy 1 (page 3-16), Policy 3 (page 3-18), Policy 1 (page 3-25), Policy 1 (page 4-5),*

While these policies relate to annexation, they are instructional to the local government and are not applicable to an individual application such as the one proposed.

**(3) Provision of a minimum level of key urban facilities and services in an orderly, efficient, and timely manner:**

The Metro Plan defines the “Minimum Level” of “key urban facilities and services” as including

“wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (in other words, not necessarily within walking distance of all students served).”

Each of these facilities and services is addressed below.

In summary, the minimum level of key urban facilities and services is either immediately available or can be provided within a reasonable future time frame as needed. See Exhibit F.

**Wastewater services:** When property is annexed to the city, it is automatically annexed to the Lane County Metropolitan Wastewater Service District, as provided for in ORS 199.510(2)(c). In the post-Boundary Commission era, the subject property will have to be annexed to the MWSD in a separate action, following annexation to the city.

Currently, there is an 8-inch public line in Starry Lane that stubs to the property. There is also an 8-inch public line in Irving Road and a pressure line in Northwest Expressway. See Exhibit N.

**Stormwater services:**

Currently, there is a public ditch in NW Expressway, a 60-inch public line in Irving Road, 36” public line near the north property line, and an 18-inch line in Arrowhead Street. See Exhibit M.

**Transportation:**

The property is at the corner of Irving Road and NW Expressway. Both are major collectors.

**Solid Waste Management:** Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

**Water Service:** Water is available to the subject property from a 2-inch and 6-inch line off of Irving. See Exhibit P.

**Fire and emergency medical services:** Fire protection is currently provided either by Lane Rural Fire and Rescue, or directly by the City of Eugene. The city will provide services directly to the annexed area. Upon annexation, the subject property will have to be withdrawn from the district in a separate action.

**Police Protection:** Police protection will be provided by Eugene, which currently services other properties inside the city. After annexation this property will receive police services on an equal basis with all properties inside the city.

**City-wide parks and recreation programs:** A minimum level of park services can be provided to this area, consistent with the Metro Plan. Nearby parks are Arrowhead to the north; Ferdale to the north and Golden Gardens to the west.

**Electric Service:** New development will be served by EWEB.

**Land Use Controls:** The subject property is now, and after annexation will continue to be, subject to the land use controls of the City of Eugene.

**Communication Facilities:** Land line phone service is provided by Centurylink; other services are now available to the subject property, and to the immediately surrounding property.

**Public schools on a district-wide basis:** The Bethel School District serves the annexation area. Existing schools are: Irving Elementary, Shasta Middle School and Willamette High School. Exhibit G.

**End of Initial Supporting Statement**  
List of Exhibits follows on next page

**Consent to Annexation**

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-10-42 <sup>TL</sup> 380 Address: 1310 Echo Hollow 97402  
1375 Irving Rd 97404

Legal Description: See Attached

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

DATED this 18 day of June, 20 13.

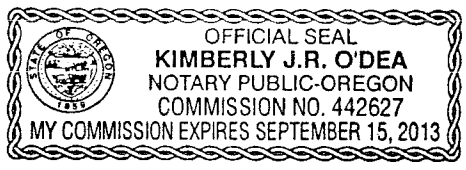
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON )

County of Lane )  
)ss

On this 18 day of June, 20 13, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Craig Kaminski, President, Westside Baptist Church, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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

[Signature]  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires 9/15/13

\* CB = Coburg CG = Cottage Grove  
 CR = Creswell EU = Eugene  
 FL = Florence JC = Junction City  
 OA = Oakridge SP = Springfield

**PETITION**  
**Petition Signature Sheet**  
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(insert Name of City)*:

	Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
1.	<i>[Signature]</i>	6/13/13	Gregory Kaminski, Pres	WASTSIDE BAPTIST Church 1375 IRVING Rd Eugene 97404	17-04-10-42-3500	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16.98
2.								
3.								
4.								
5.								

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Kim D. Ma (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X *[Signature]* (signature of circulator)

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

*[Signature]*  
 Lane County Department of Assessment and Taxation  
 Date Certified 6-19-13

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

*[Signature]*  
 Lane County Clerk or Deputy Signature

Date Certified 6-19-13



If yes, location? Ditch in NW Expressway; 60" line in Irving.

If no, how will stormwater be handled after development? - see Ex M.

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

Frontage on NW Expressway; Corner of Irving. Access from Irving

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

Yes  No  Unknown

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

Yes  No  Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

**Parks, Recreation, and Cultural Services**

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

Arrowhead Park, Ferndale Park, Golden Gardens

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

**Public Safety**

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

**For River Road/Santa Clara area-**

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

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

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

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

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

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

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

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

EWEB / Santa Clara Water District

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

2" and 6" line from Drury See Ex P.

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

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

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



**COUNCIL RESOLUTION NO. 4903**

**A RESOLUTION AMENDING THE  
ADMINISTRATIVE GUIDELINES  
FOR ANNEXATIONS ADOPTED BY  
RESOLUTION NO. 4358 OF THE  
CITY COUNCIL.**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**RECUSED:**

**CONSIDERED: April 11, 2007**

**RESOLUTION NO. 4903****A RESOLUTION AMENDING THE ADMINISTRATIVE GUIDELINES FOR ANNEXATIONS ADOPTED BY RESOLUTION NO. 4358 OF THE CITY COUNCIL.****The City Council of the City of Eugene finds that:**

**A.** Administrative Guidelines for Annexation Proposals (the Guidelines) were adopted by Resolution No. 4358 of the City Council on January 25, 1993. The Guidelines, which were attached as Exhibit A to Resolution No. 4358 were adopted as City policy to be utilized, together with such other criteria as may be required under state law and adopted City policy, in the formation, processing and adjudication of annexation proposals.

**B.** Copies of Resolution 4358, including its Exhibit A, were forwarded to the City's Planning Commission, Planning and Development Department and other affected City departments to ensure the Guidelines were considered and evaluated in the processing and development of annexation proposals to be initiated before the Lane County Local Government Boundary Commission.

**C.** The second paragraph under the Annexation Initiation and Formation Guidelines section of the Guidelines sets forth the conditions under which property owner initiated annexation requests should be expanded to include road rights-of-way or public land. The City Council has directed that the city manager halt the practice of adding right-of-way to annexation requests in the River Road/Santa Clara area where such additions would create islands of unincorporated properties, and the Guidelines should be amended to explicitly recognize this direction.

**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 lead sentence for the second paragraph under the Annexation Initiation and Formation Guidelines section of the Guidelines attached as Exhibit A to Resolution No. 4358 is amended by revising and adding language to read as follows:

“Under any of the following conditions property owner initiated annexation requests may be expanded to include road rights-of-way or public land except where adding right of way would create islands of unincorporated properties in the River Road/Santa Clara area.”

**Section 2.** The City Recorder is requested to append a copy of this Resolution to Resolution No. 4358, and to forward copies to the City's Planning Commission, Planning and Development Department, Lane County Local Government Boundary Commission, and other affected agencies or departments.

**Section 3.** Except as herein amended, all other provisions of Resolution No. 4358, and the Administrative Guidelines for Annexations adopted therein, remain in full force and effect.

**Section 4.** This Resolution shall become effective immediately upon its adoption.

**The foregoing Resolution adopted the 11<sup>th</sup> day of April, 2007.**

  
\_\_\_\_\_  
City Recorder

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Approval of Resolution Annexing Land to the City of Eugene (Van Slyke, John and Payung - A 14-2)

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Meeting Date: July 28, 2014  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2D  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541/682-5437

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#### **ISSUE STATEMENT**

This item is a request to annex 4.85 acres of land located at 4010 County Farm Road, on the north side of County Farm Road, between Fox Meadow Road and Coburg Road. The urban growth boundary abuts the north and the northern portion of the west property lines. The adjacent lands to the south are within the City limits.

The property is currently developed with a house and accessory structures and is zoned C-1/UL Neighborhood Commercial with the Urbanizable Land overlay. The applicant states that these structures have been in commercial use in the past, including Coburg Koi and Garden, Towne and Country Store, wedding events associated with the Country Inn (next door) and a candy store. The older house on the subject property has been used for residential purposes. Both buildings are currently vacant.

The Metro Plan and Willakenzie Area Refinement Plan designate the subject property for commercial uses. Following annexation, the applicant proposes to rezone the property from C-1 Neighborhood Commercial to GO General Office, which is one of four commercial categories and is intended to provide a transition between residential and commercial uses.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these

approval criteria are included as Exhibit C to the draft resolution (Attachment B). Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10<sup>th</sup> Avenue.

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The Willakenzie Area Refinement Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **COUNCIL OPTIONS**

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation is approved.

### **SUGGESTED MOTION**

Move to adopt Resolution 5112, which approves the proposed annexation request consistent with the applicable approval criteria.

### **ATTACHMENTS**

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Legal Description
  - Exhibit B: Map of Annexation Request
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Eugene-Springfield Metropolitan Area General Plan Boundaries

### **FOR MORE INFORMATION**

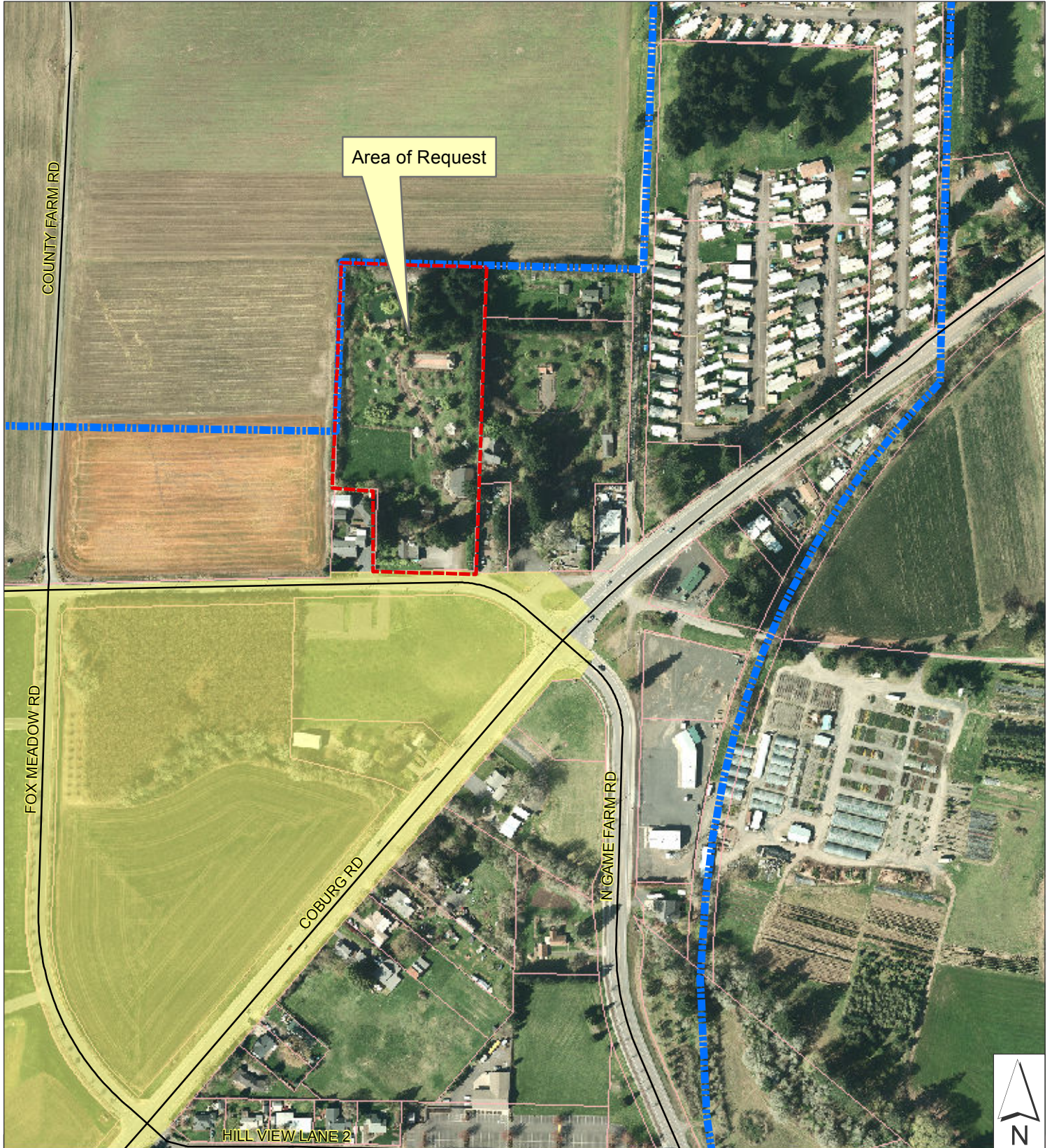
Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541/682-5437



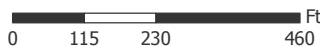
Staff Email:      becky.g.taylor@ci.eugene.or.us



# Van Slyke (A 14-2)



- Legend**
- Streets
  - ⊕ Eugene UGB
  - EUG
  - Taxlots



**Caution:**  
 This map is based on imprecise  
 source data, subject to change,  
 and for general reference only.



July 07, 2014

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-09-24 TAX LOT  
500)**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by John and Payung Van Slyke, on April 3, 2014, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-09-24 Tax Lot 500.

**B.** The legal description of the property described is attached to this Resolution as Exhibit A. The territory proposed to be annexed is depicted on the map attached as Exhibit B to this Resolution

**C.** The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

**D.** On June 27 2014, a notice containing the assessor's maps and tax lot numbers, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 28, 2014.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

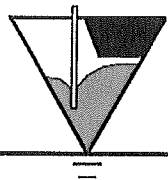
**Section 1.** Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-09-24 Tax Lot 500, as described in the attached Exhibit A and shown on the map attached as Exhibit B, is annexed to the City of Eugene.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from C-1/UL to C-1, pursuant to EC 9.7820(3), shall become effective in accordance with State Law.

**The foregoing Resolution adopted the \_\_\_\_ day of July, 2014.**

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**City Recorder**



# *EGR & Associates, Inc.*

Engineers, Geologists and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402  
(541) 688-8322  
Fax (541) 688-8087

Van Slyke  
Annexation Description

A parcel of land being that property described in Warranty Deed recorded on Reel 2426R Reception Number 9843617, Lane County, Oregon, Official Records and being more particularly described as follows:

Beginning at a point on the North right-of-way of County Road No. 537, said point being North 0°09'00" East 2479.70 feet and South 87°02'10" West 344.15 feet from the 1/4 Corner between Sections 9 and 16, in Township 17 South, Range 3 West, of the Willamette Meridian; thence North 0°32'00" East 693.61 feet; thence South 89°49'00" West 327.79 feet; thence South 0°32'00" West 519.56 feet; thence North 87°02'10" East 100.00 feet; thence South 0°32'00" West 189.98 feet to said North right-of-way; thence along said North right-of-way North 87°02'10" East 228.38 feet to the Point of Beginning.

This description is based on County Survey File No. 30258 filed in the Office of the Lane County Surveyor.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

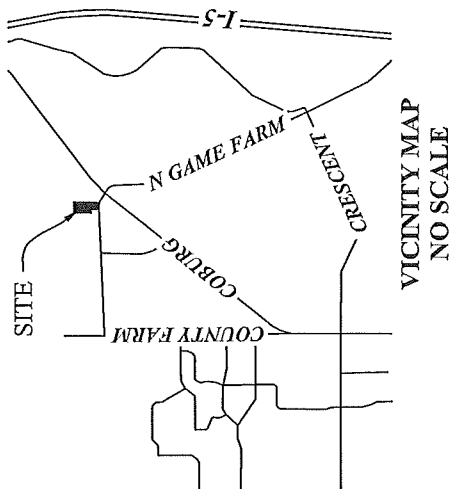
DIGITAL SIGNATURE

OREGON  
JANUARY 14, 2003  
RYAN M. ERICKSON  
55524LS

EXPIRES: 12/31/2015

FIGURE #1

VAN SLYKE ANNEXATION  
EUGENE, LANE COUNTY OREGON



NOTE:  
THIS MAP IS FOR ILLUSTRATIVE PURPOSES ONLY. IT IS COMPOSED FROM RECORD INFORMATION AND DOES NOT REPRESENT A BOUNDARY SURVEY.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON  
JANUARY 14, 2003  
RYAN M. ERICKSON  
55524

EXPIRES: 12/31/15

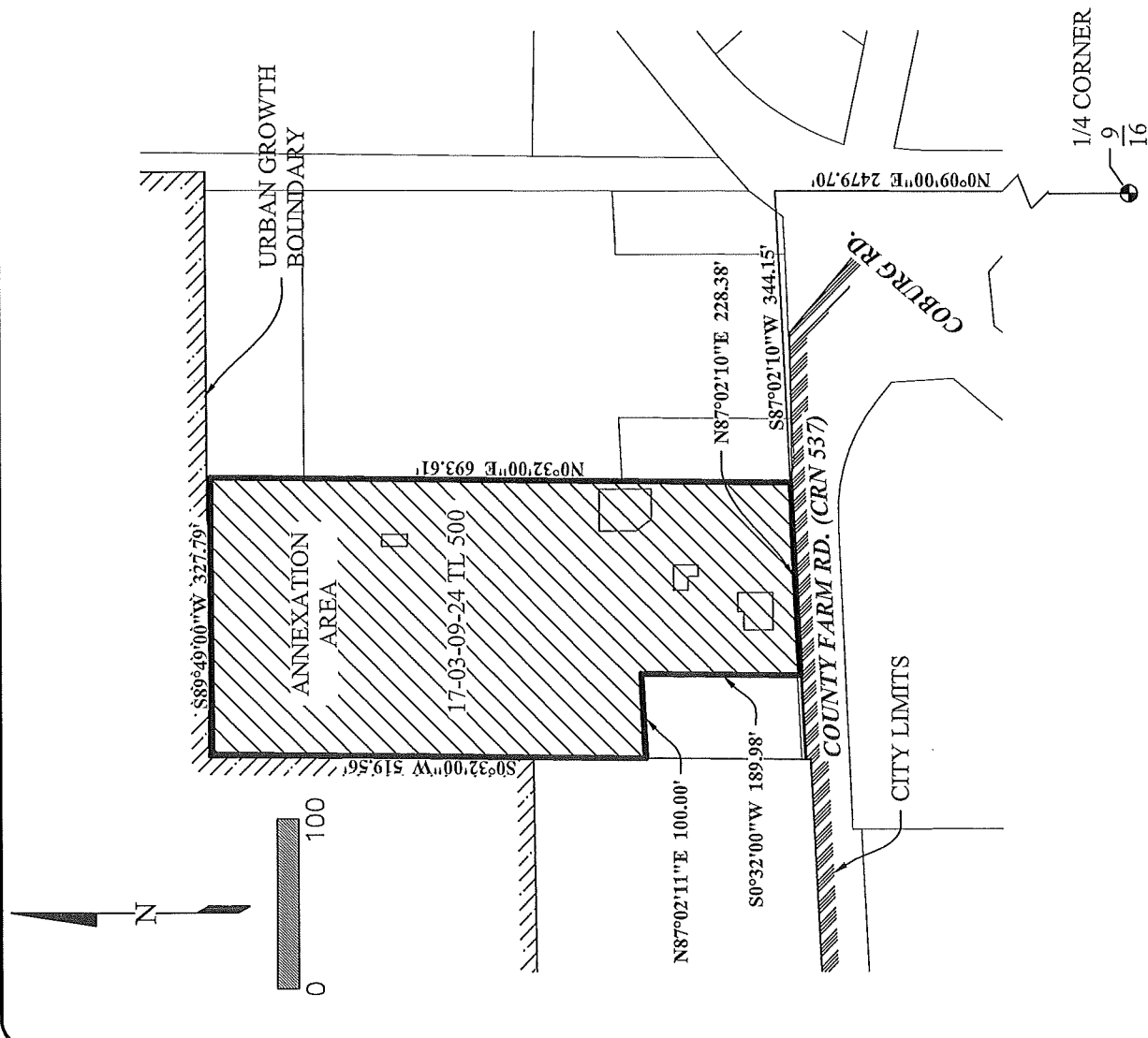


**EGR & Associates, Inc.**

Engineers, Geologists and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8067





**Planning Director’s Recommendations and Findings:  
Van Slyke (A 14-2)**

<b>Application Submitted:</b> April 3, 2014	
<b>Applicant:</b> John and Payung Van Slyke	
<b>Map/Lot(s):</b> 17-03-09-24: 500	
<b>Zoning:</b> C-1/UL Neighborhood Commercial with Urbanizable Land overlay	
<b>Location:</b> 4010 County Farm Road	
<b>Representative:</b> Kim O’Dea, Law Office of Bill Kloos, PC	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**EVALUATION:**

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<b>EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:</b> <b>(a) Contiguous to the city limits; or</b> <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>      <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The area to be annexed is 4.85 acres of land containing a house and accessory structures. The annexation area is within the City's urban growth boundary (UGB), which abuts the north boundary, and the northern portion of the west boundary, of the subject property.</p> <p>The <u>Metro Plan</u> states: “The UGB is tax lot-specific where it is coterminous with city limits, where it has been determined through the annexation process, and where it falls on the outside edge of existing or planned rights-of-way. In other places, the UGB is determined on a case-by-case basis through interpretation of the <u>Metro Plan Plan Boundaries Map...</u>” (<u>Metro Plan</u>, page II-G-14). The north and west boundaries of the UGB have not been determined previously, but will be coterminous with city limits upon annexation of the subject request. Based on the provisions above, this annexation will establish the UGB boundary for that portion of property which is coterminous with the UGB, as shown and described on Exhibits A and B.</p> <p>The area of request is also contiguous to city limits, which abuts the south boundary of the subject property.</p>
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>      <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p>



Exhibit C  
Page 2 of 4

		<p><b>C. Growth Management, Goals, Findings and Policies:</b></p> <p><i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i></p> <ul style="list-style-type: none"> <li><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></li> <li><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></li> </ul> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for commercial uses.</p> <p>The <u>Willakenzie Area Refinement Plan (WAP)</u> is the adopted refinement plan for the subject property and also designates the area for commercial uses. The subject property is currently zoned C-1/UL Neighborhood Commercial with Urbanizable Land overlay. Upon annexation, the /UL overlay will automatically be removed. Following annexation, the applicant has indicated that they will submit a request for rezoning of the subject property to GO General Office, which is one of four commercial categories.</p> <p>With regard to applicable policies of the <u>WAP</u>, the subject property is within the “Unincorporated” subarea. The applicant has addressed several potentially-relevant policies, including clarification about why certain policies are not applicable. Staff concurs with the applicant’s findings.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
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**EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.**

<b>Complies</b>		<p><b>Findings:</b> The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

	<p><b>Wastewater</b> Public wastewater needs to be extended to serve the subject property. The applicant’s engineer prepared a conceptual wastewater service plan, showing the extension of the existing mainline located within Fox Meadow Road. Public Works staff concurs with the applicant’s proposal. The applicant acknowledges that they are responsible for the associated costs of providing the wastewater service.</p> <p><b>Stormwater</b> Public stormwater is not available to serve the subject property. Available data indicates that the site is suitable for infiltration. Onsite management of stormwater runoff from development is preferred in the City’s stormwater development standards, for providing pollution-reduction and minimizing contributing flows to the public system and to more closely mimic the natural hydrological cycle. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.</p> <p><b>Streets</b> The southern boundary of the subject property abuts County Farm Road, which is classified as a Major Collector street within City limits. The roadway is not improved to urban standards, as it lacks curbs, gutters, and sidewalks, but it currently has a 36-foot wide paved surface abutting the subject property. Roadway improvements will be addressed as part of a subsequent development permit.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>. Armitage Park is located approximately 1,580 feet to the west.</p> <p><b>Planning and Development Services</b> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide</p>
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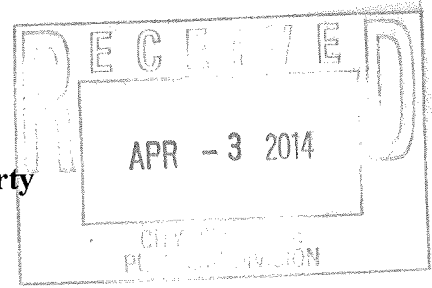
Exhibit C  
Page 4 of 4

		<p>the required land use controls for future development of the subject property upon annexation.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Eugene 4J School district and is served by Gilham Elementary School, Cal Young Middle School and Sheldon High School.</p>
--	--	---

**CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

**Narrative in Support of  
Annexation of Van Slyke Property  
(Map 17-03-09-24, TL 500)**



## **I. Introduction**

This is an application for annexation of roughly 4.79 acres of land containing a house and accessory structures near the corner of County Farm Road and Coburg Road. The property is located within the City of Eugene UGB. The property is adjacent to County Farm Road to the south, which is within the City Limits. As such, the property is adjacent to the City Limits to the south.

The street address is 4010 County Farm Road, Eugene, OR 97408. Map 17-03-09-24, TL 500. The subject property is currently zoned C-1/UL.

The City of Eugene now makes annexation decisions under the standards and procedures set out in Ordinance No. 4960 (Dec. 10, 2007). The requirements for an application are stated in ULC 9.7810. These are addressed in Part II below, and the supporting documents are attached hereto as exhibits. A full list of exhibits appears at the end of this statement.

The approval criteria for annexations are stated in EC 9.7825. These are addressed in Part III below.

## **II. Application Contents**

The information requirements for an annexation application are stated at EC 9.7810(1) through (10). Each item is addressed in the respective paragraph below.

### **EC 9.7810(1): Owners, electors, tax lots, street addresses:**

John and Payung Van Slyke, 4050 County Farm Rd, Eugene, OR 97408. See Exhibit G. Assessor's Map 17-03-09-24, TL 500.

Site address: 4010 County Farm Road, Eugene, OR 97408.

Electors: None.

**EC 9.7810(2): Consent to annex form by all owners and not less than 50 percent of residing electors :** See Exhibit A, a consent to annex form signed by each owner and elector, as listed above.

**EC 9.7810(3): Alternative to consent to annex form signed by a majority of electors and owners:** This information is not required, as (2) above has been complied with.

**EC 9.7810(4): Previous owner's consent:** This information is not required, as (2) above has been complied with.

**EC 9.7810(5): Verification of property owners form signed by A&T:** See Exhibit B.

**EC 9.7810(6): Certificate of electors form signed by Lane County Elections:** See Exhibit B, provided by Lane County Elections.

**EC 9.7810(7): Legal Description by surveyor in form of ORS 308.225:** See Exhibit D, prepared by Poage Engineering and Surveying.

**EC 9.7810(8): County Assessor's cadastral map of land:** See Assessor's map in Exhibit E.

**EC 9.7810(9): List of Lane County public service districts presently providing service:**

Fire: Willakenzie/Eugene RFPD  
 Ambulance: Eugene Fire & EMS (district WC)  
 Transportation: Lane Transit District (service area and ride source)  
 Soil and Water Conservation District: Upper Willamette  
 Utility District: Eugene Water and Electric Board  
 Schools: Eugene 4J (Gilham, Cal Young and Sheldon)

See Exhibit F and G.

**EC 9.7810(10): Written Narrative addressing criteria in EC 9.7825:** See Part III below.

### III. Narrative addressing approval criteria

The standards for annexation are stated at EC 9.7825. There are three standards:

**Annexation – Approval Criteria.** *The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:*

- (1) *The land proposed to be annexed is within the city's urban growth boundary and is:
 
  - (a) *Contiguous to the city limits; or*
  - (b) *Separated from the city only by a public right of way or a stream, bay, lake or other body of water.**
- (2) *The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.*

*(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.*

**(1) Within the Urban Growth Boundary:** The property proposed to be annexed is within the UGB. See Exhibit H.

**(1)(a) Contiguous to the city limits:** The property proposed to be annexed is contiguous to the city limits to the south. See Exhibit H. (Note that if it is determined that County Farm Road has not been annexed, then the property qualifies under (1)(b) because it would be separated only by County Farm Road, a public road).

**(2) Consistency with Metro Plan Policies and applicable refinement plans:**

The Metro Plan Policy 10, page 11-C-4, recognizes annexations through this normal process to be the highest priority. As such, the proposal is consistent with this policy

Metro Plan Policy 8, page 11-C-4, provides for annexation when a minimum level of key facilities and services can be provided. This policy is the subject of the annexation standard in (3) below.

Metro Plan Policy 16 provides that land within the UGB shall be annexed to a city and provided with the minimum level of urban facilities and services. It further provides that while the timeframe for annexation may vary, annexation should occur as land transitions from urbanizable to urban. The property is within the UGB and therefore, based on this policy, should be annexed. The provision of facilities and services is addressed in standard (3) below. The property is already designated Commercial and zoned C-1 and key facilities and services are available or can be provided. See (3) below. As such, the property has transitioned to urban. The proposal is consistent with Policy 16.

Metro Plan Policy 18 is instructional to the City to dissolve special service districts after annexation and to consider intergovernmental agreements with affected special service districts. The applicant does not object to dissolving special service districts, as needed. The proposal is consistent with Policy 18.

The subject property is also within the area of the Willakenzie Area Plan, an area refinement plan. The subject property is within the Unincorporated Subarea, which contains the following potentially relevant policies:

*Policy 1 (page 57) – .*

This policy is not relevant to the proposal. To avoid confusion, the applicant wishes to make clear that the subject property is not the property referenced in this policy.

*Policy 5 (page 57) – The City shall limit access points along both side of County Farm Road, north of the present city limits. Encourage construction of a local residential street system to provide access.*

This policy is not related to annexation. However, there is an existing access point to the property. No additional access points will be needed.

*Policy 10 (page 59) – The City shall recognize the existing neighborhood commercial zoning at the northwest corner of County Farm Road and Coburg Road and shall discourage any future commercial rezonings in the immediate area.*

This policy is not related to annexation. The purpose of this policy is two-fold: (1) to recognize the subject property as being zoned neighborhood commercial (other policies recognize other commercial zonings in the area); and (2) to discourage the rezoning of noncommercially-zoned properties to commercial zoning in the immediate area. In other words, this policy recognizes existing commercial zoning, but wants no additional commercial zoning in the immediate area.

*Public Facilities and Services Element*

*Policy 1 (page 122) – “The City shall provide for annexation of urbanizable land in a manner consistent with State law as well as local annexation and growth management policies.”*

By applying through the county process, the proposal is consistent with this policy.

**(3) Provision of a minimum level of key urban facilities and services in an orderly, efficient, and timely manner:**

The Metro Plan defines the “Minimum Level” of “key urban facilities and services” as including

“wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (in other words, not necessarily within walking distance of all students served).”

Each of these facilities and services is addressed below.

In summary, the minimum level of key urban facilities and services is either immediately available or can be provided within a reasonable future time frame as needed. See Exhibit F.

**Wastewater services:** When property is annexed to the city, it is automatically annexed to the Lane County Metropolitan Wastewater Service District, as provided for in ORS 199.510(2)(c). In the post-Boundary Commission era, the subject property will have to be annexed to the MWSD in a separate action, following annexation to the city.

Currently, there is an 8-inch public wastewater line in Fox Meadow Road, which stubs to County Farm Road roughly 500 feet west of the subject property. The entire extension would be roughly 700 feet within public road ROW. See Exhibit F-3.

**Stormwater services:**

Currently, there is a public ditch across from the subject property on the south side of County Farm Road at its intersection with Coburg Road. See Exhibit F-2.

**Transportation:**

The property is at the corner of County Farm Road, an urban local road, and Coburg Road, urban minor arterial. Exhibit F-5. The site is within the LTD service and ride source area. Exhibit G.

**Solid Waste Management:** Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

**Water Service:** Water is available to the subject property from a 10-inch water main line in County Farm Road. Exhibit F4. Property is directly served by a 1-inch service line. Exhibit F4.

**Fire and emergency medical services:** Fire protection is currently provided either by Willakenzie/Eugene RFPD. Upon annexation, the City of Eugene will provide services directly to the property.

**Police Protection:** Police protection will be provided by Eugene, which currently services other properties inside the city. After annexation this property will receive police services on an equal basis with all properties inside the city.

**City-wide parks and recreation programs:** A minimum level of park services can be provided to this area, consistent with the Metro Plan. Armitage Park, a major county park, is roughly ¼ north of the subject property on Coburg Road.

**Electric Service:** The property is already served by EWEB Exhibit F6. New development will be served by EWEB.



**Land Use Controls:** The subject property is now, and after annexation will continue to be, subject to the land use controls of the City of Eugene.

**Communication Facilities:** Land line phone service is provided by Centurylink other services are now available to the subject property, and to the immediately surrounding property.

**Public schools on a district-wide basis:** The Eugene 4J School District serves the annexation area. Existing schools are: Gilham Elementary, Cal Young Middle School and Sheldon High School. Exhibit G.

Sincerely,



Kimberly J.R. O'Dea

### LIST OF EXHIBITS FOR ANNEXATION

- A. Consent to Annex Forms
- B. Annexation Petition, which includes: Lane County Assessment and Taxation Verification of Property Ownership form and Certificate of Electors Form, Lane County Elections
- C. Census Information sheet
- D. Legal description and Map of Annexation Area, Poage Engineering & Surveying
  - ~~Exhibit D.1 – Map of annexation area~~
  - Exhibit D.2 – Site Plan for annexation area
  - Exhibit D.3 – Surveyor certification of legal description ~~and map~~
- E. Lane County Assessor's cadastral map of subject property.
- F. Summary Table of Urban Services Provided
  - F2. City Stormwater Maps excerpt
  - F3. City Wastewater Maps excerpt
  - F4. EWEB Water Maps excerpts
  - F5. County Road Atlas
  - F6. EWEB Power Maps excerpt
- G. RLID property printouts
- H. Area Map
- I. Aerial Photograph

- J. Zoning Maps (base and overlay)
- K. Designation Map
- L. Resource Maps (Groundwater Limited Area; Wetlands; Class I Streams, DFirm; LOMA)
- M. WAP excerpt

**Consent to Annexation**

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17030924 TC 502 ~~TC 20074~~ Address: 4010 County Farm Rd ~~4050 County Farm Rd~~  
Eugene OR 97408

Legal Description:

*See Attached*

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

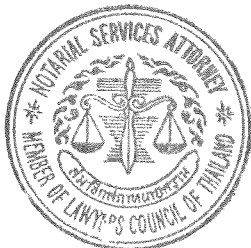
DATED this 19 day of March, 2014.

*John Van Slyke*  
*Payung Van Slyke*

STATE OF OREGON       )  
  )ss  
County of                    )

On this 19 day of March, 2014, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, MR. JOHN LE PAGE VAN SLYKE, MRS. PAYUNG VANSLYKE, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



Reg.No./ทะเบียนเลขที่..... 4684/2555  
Commission Expires/ทะเบียนหมดอายุ  
Date/วันที่..... 2 SEP 2014

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

*S. Suwannakoot*

Notary Public for Oregon  
My Commission Expires 2 September, 2014  
(Miss Somsiri Suwannakoot)  
Notarial Services Attorney

Application #: C \* 2008 - \_\_\_\_\_  
 For City Use Only

\* CB = Coburg  
 CR = Creswell  
 FL = Florence  
 OA = Oakridge

CG = Cottage Grove  
 EU = Eugene  
 JC = Junction City  
 SP = Springfield

**PETITION**  
 Petition Signature Sheet  
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City):* EUGENE

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qtr)
<i>John Van Slyke</i>	3/19/14	John Van Slyke	4010 Cuntz Farm Rd Eugene 97408	17-03-09-24 <del>72 500</del> 72 500	✓	✓	4.85
<i>Raymond Van Slyke</i>	3/19/14	Raymond Van Slyke	4010 Cuntz Farm Rd Eugene 97408	17-03-09-24 <del>72 500</del> 72 500	✓	✓	4.85

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

1. Kira D. Dea (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X [Signature] (signature of circulator)

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.




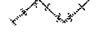
LCOG: P:\LAND-USE-PERMITS-SECTION\APPLICATION-FORMS\APPLICATION-FORMS\2008 ANNEXATION FORMS\PETITION FOR ANNEXATION.DOC  
 Page 1

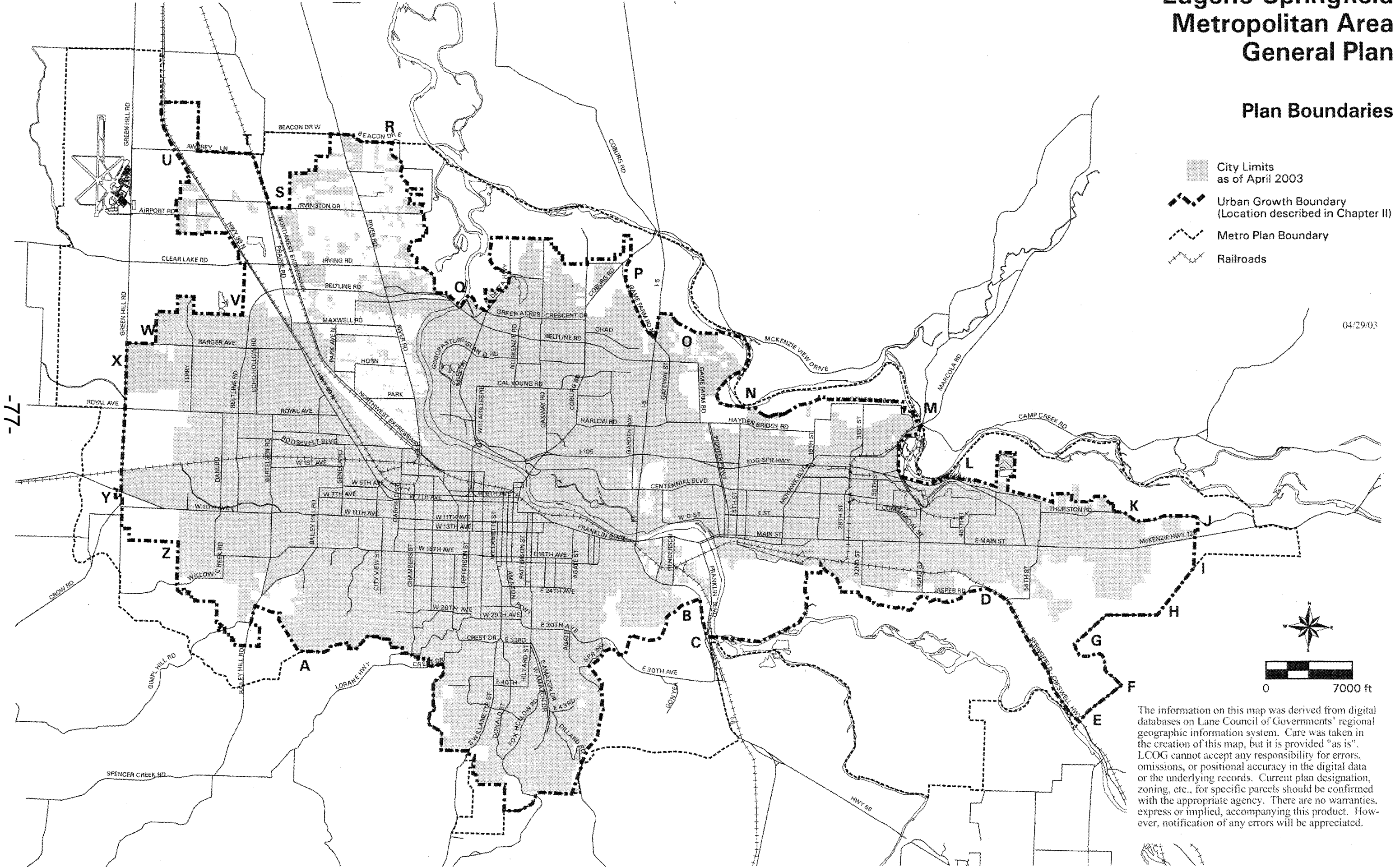
[Signature]  
 Lane County Department of Assessment and Taxation  
 Date Certified 3-27-14

[Signature]  
 Lane County Clerk or Deputy Signature  
 Date Certified 3/27/2014

# Eugene-Springfield Metropolitan Area General Plan

## Plan Boundaries

-  City Limits as of April 2003
-  Urban Growth Boundary (Location described in Chapter II)
-  Metro Plan Boundary
-  Railroads



04/29/03

-77-

The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Approval of Resolution Annexing Land to the City of Eugene (Jane J. Daniels Lathen Trust - A 14-3)

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Meeting Date: July 28, 2014  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2E  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541/682-5437

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#### **ISSUE STATEMENT**

This item is a request to annex four tax lots, totaling 10.15 acres. The property is bordered by Gilham Road to the west, City limits to the south, the urban growth boundary to the east and northeast, and un-annexed land to the north. The property is zoned AG/UL Agricultural with the Urbanizable Land overlay. The Metro Plan and Willakenzie Area Refinement Plan designate the subject property for residential uses. The property is currently developed with an existing house and accessory building. Following annexation, the applicant proposes to rezone the property to R-1 Low-Density Residential, and to subdivide the property for future single-family residential development.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum

level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance. Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The Willakenzie Area Refinement Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **COUNCIL OPTIONS**

City Council may consider the following options:

1. Adopt the draft resolution.
2. Adopt the draft resolution with specific modifications as determined by the City Council.
3. Deny the draft resolution.
4. Defer action until after the council holds a public hearing on the proposed annexation.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation is approved.

### **SUGGESTED MOTION**

Move to adopt Resolution 5113, which approves the proposed annexation request consistent with the applicable approval criteria.

### **ATTACHMENTS**

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Legal Description
  - Exhibit B: Map of Annexation Request
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

### **FOR MORE INFORMATION**

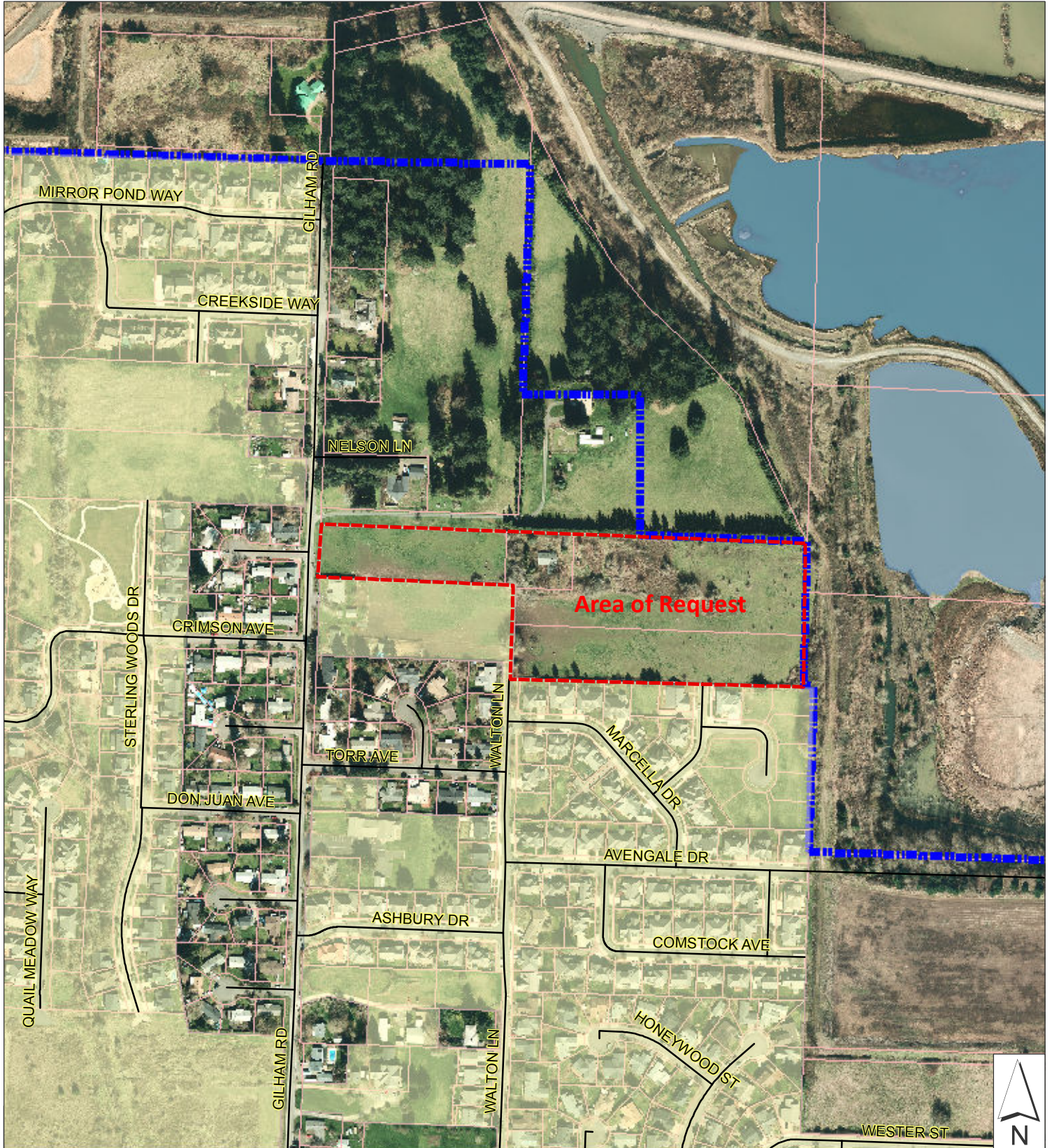
Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541/682-5437  
Staff E-Mail: [Becky.g.taylor@ci.eugene.or.us](mailto:Becky.g.taylor@ci.eugene.or.us)







# Lathen Trust (A 14-3)



- Streets
- EUG
- ▬ Eugene UGB
- Taxlots
- Water Bodies



Caution:  
This map is based on imprecise  
source data, subject to change,  
and for general reference only.



July 07, 2014

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00 TAX LOTS  
7600, 7601, AND 7602, AND ASSESSOR'S MAP 17-03-08-31 TAX LOT  
1500)**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Jane J. Daniels Lathen Trust, on May 27, 2014, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-08-00 Tax Lots 7600, 7601, and 7602, and Assessor's Map 17-03-08-31 Tax Lot 1500.

**B.** The legal description of the property described is attached to this Resolution as Exhibit A. The territory proposed to be annexed is depicted on the map attached as Exhibit B to this Resolution

**C.** The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

**D.** On June 27 2014, a notice containing the assessor's maps and tax lot numbers, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 28, 2014.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-08-00 Tax Lots 7600, 7601, and 7602, and Assessor's Map 17-03-08-31 Tax Lot 1500, as described in the attached Exhibit A and shown on the map attached as Exhibit B, is annexed to the City of Eugene.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG, pursuant to EC 9.7820(3), shall become effective in accordance with State Law.

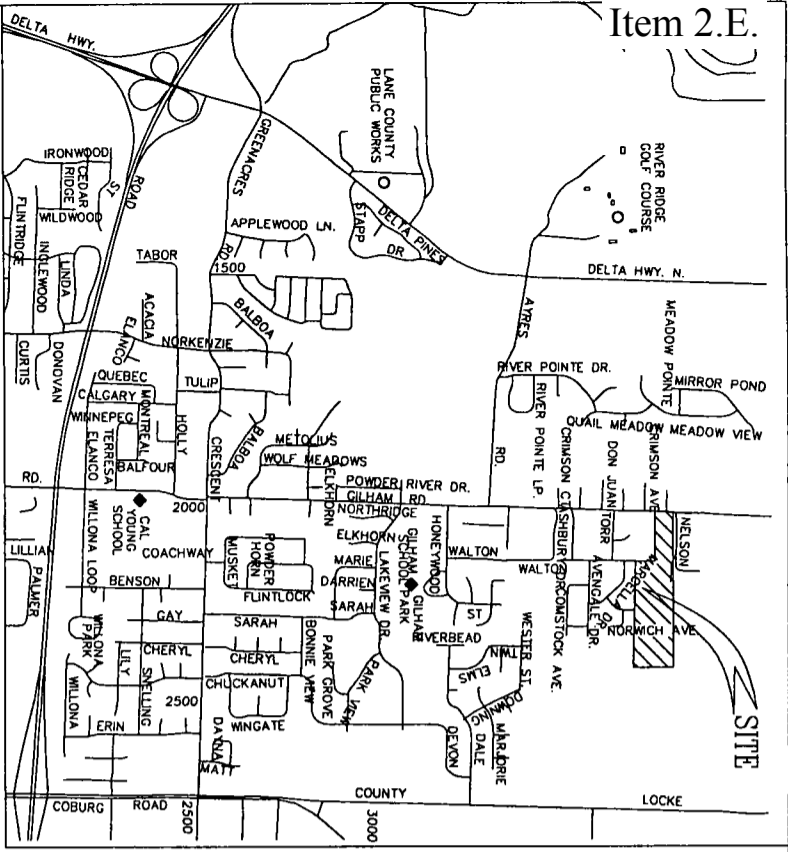
**The foregoing Resolution adopted the \_\_\_\_ day of July, 2014.**

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**City Recorder**

## LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 48 OF HIDDEN CREEK ESTATES III AS PLATTED AND RECORDED AS DOCUMENT NO. 2002-012407 LANE COUNTY DEEDS AND RECORDS, THENCE NORTH  $00^{\circ}13'06''$  EAST 422.25 FEET; THENCE NORTH  $89^{\circ}35'36''$  WEST 873.89 FEET; THENCE NORTH  $89^{\circ}29'36''$  WEST 578.72 FEET, THENCE SOUTH  $00^{\circ}23'38''$  WEST 153.10; THENCE SOUTH  $89^{\circ}29'36''$  EAST 578.71 FEET, THENCE SOUTH  $00^{\circ}23'56''$  WEST 272.63 FEET; THENCE SOUTH  $89^{\circ}49'16''$  EAST 875.23 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON, AND CONTAINING 10.55 ACRES MORE OR LESS.



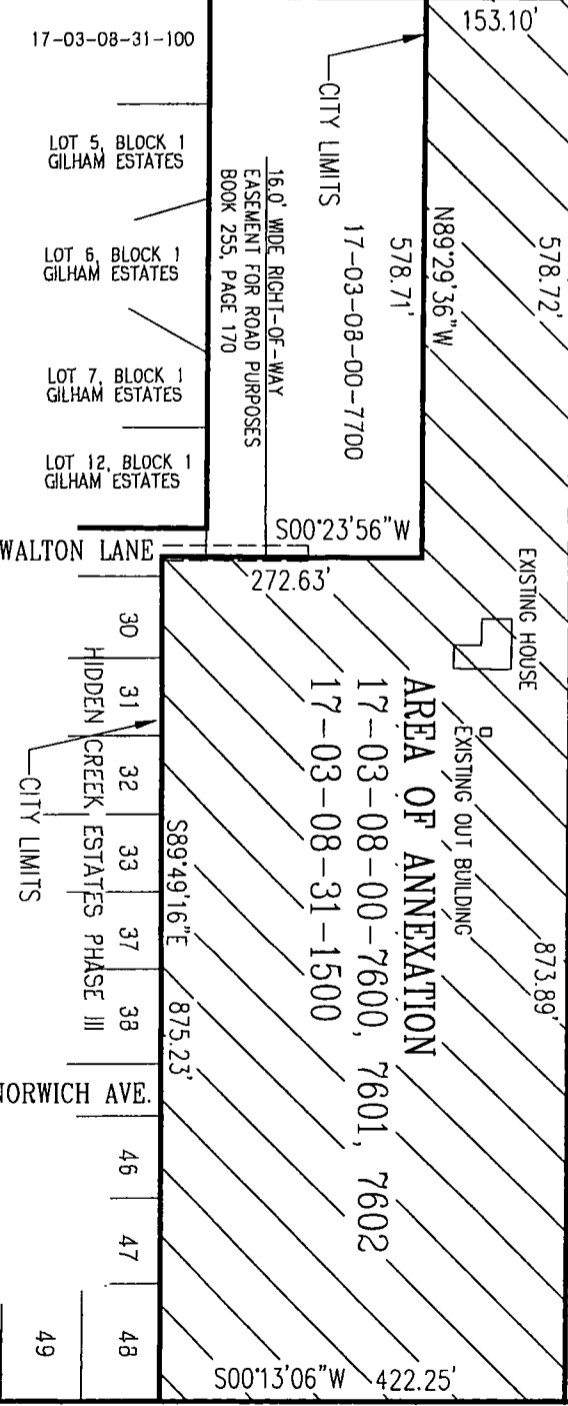
VICINITY MAP

NO SCALE

- 17-03-08-23-1700
- 17-03-08-00-5000
- 17-03-08-00-5700
- 17-03-08-00-5800

GILHAM ROAD

GILHAM ROAD S00°23'38"W



17-03-08-00-7400

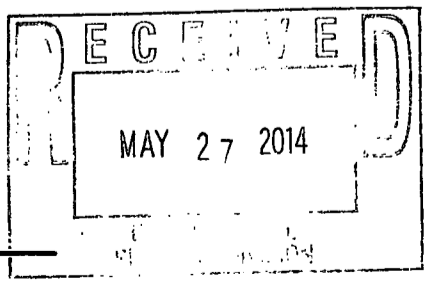
SCALE: 1" = 200'



17-03-08-00-7500

URBAN GROWTH BOUNDARY

17-03-05-00-1600



SHEET 1 OF 1	WILDELL SAND AND GRAVEL PROPERTY PLANS PREPARED BY <b>THE FAVREAU GROUP</b> CIVIL ENGINEERING 3750 NORWICH AVE. EUGENE, OR 97408 (541) 883-7048	APPROVED: _____ DATE: _____	<b>ANNEXATION MAP</b> FOR 17-03-08-00-7600, 7601, 7602 17-03-08-31-1500
	DATE: _____ BY: _____ DESCRIPTION: <b>REVISION</b> -87-	DESIGNED: _____ DRAWN: _____ CHECKED: _____ DATE: 05-28-14	TAX MAP 17-03-08-00 TAX LOTS 7600, 7601, 7602 TAX MAP 17-03-08-31 TAX LOT 1500



**Planning Director's Recommendations and Findings:  
Westside Baptist Church (A 13-5)**

<b>Application Submitted:</b> July 3, 2013	<b>Application Amended:</b> June 16, 2014
<b>Applicant:</b> Westside Baptist Church	
<b>Map/Lot(s):</b> 17-04-10-42: 3500	
<b>Zoning:</b> R-1/UL/CAS Low-Density Residential with Urbanizable Land and Commercial Airport Safety overlays	
<b>Location:</b> 1375 Irving Road and the right-of-way known as Golf Club Road	
<b>Representative:</b> Kim O'Dea, Law Office of Bill Kloos, PC	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**EVALUATION:**

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<p><b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b>  <b>(a) Contiguous to the city limits; or</b>  <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The area to be annexed includes Tax Lot 3500, which is roughly 17 acres of land containing a church (formerly the Eagles Lodge). The applicant proposes, with Lane County's concurrence, to include the abutting portion of Lane County right-of-way known as Golf Club Road, which is an unimproved roadway located between the southern boundary of the subject property and Irving Road.</p> <p>The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). The City limits are contiguous to the subject property to the north and east.</p>
<p><b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p> <p><b>C. Growth Management, Goals, Findings and Policies:</b>  <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only</i></p>



Exhibit C  
Page 2 of 4

		<p><i>through annexation to a city when it is found that:</i></p> <p><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The subject property is currently zoned R-1 Low-Density Residential with Urbanizable Land and Commercial Airport Safety overlays. Upon annexation, the /UL overlay will automatically be removed. The property is designated as Parks and Open Space in the Metro Plan and River Road/Santa Clara Urban Facilities Plan (RR/SC UFP). While not a part of this annexation request, the City of Eugene and Lane County are considering redesignation of this property to Low Density Residential. While action on this annexation is not dependent upon this redesignation, it will help align the property’s zoning and plan designation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within an identified subarea; of the general “Residential Land Use Policies” at Section 2.2, none appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies for the provision of urban services is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
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**EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.**

<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p>
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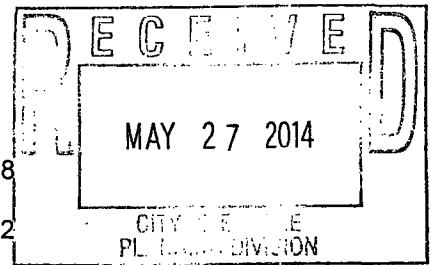
	<p><b>Wastewater</b> Public wastewater is available to serve the property from an existing eight-inch mainline that has been extended to the southern property boundary, within Golf Club Road, from the public system located within Irving Road.</p> <p><b>Stormwater</b> Public stormwater is available to serve the property from an existing 36-inch mainline located within a public utility easement along the north property line. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.</p> <p><b>Streets</b> The applicant requests the inclusion of the abutting right-of-way, Golf Club Road. Lane County staff confirms that they favor including the Lane County right-of-way as part of the annexation because it is within the City’s UGB. Access to the area of request is provided by Irving Road, to the south. The property abuts the Northwest Expressway to the west, but no direct access is allowed. Any street improvements will be determined at the time of property development.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation. Referral comments from the Fire Marshal indicate no concerns with the proposed annexation.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>. Ferndale Neighborhood Park is located approximately 3,665 feet to the northwest and Golden Gardens Natural Area is located approximately 4,550 feet to the southeast.</p> <p><b>Planning and Development Services</b> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon</p>
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Exhibit C  
Page 4 of 4

		<p>annexation.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Eugene 4J School district and is served by Irving Elementary School, Shasta Middle School and Willamette High School.</p>
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**CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.



ANNEXATION NARRATIVE

**APPLICANT:** Anthony J Favreau **PHONE:** (541) 683-7048  
**SURVEYOR:** Roberts Surveying Inc. **PHONE:** (541) 345-1112  
**CIVIL ENGINEER:** The Favreau Group **PHONE:** (541) 683-7048  
**DATE:** May 25, 2014  
**MAP:** 17-03-08-00, Tax Lots 7600, 7601, 7602 ; 17-03-08-31, Tax Lot 1500  
**SITE ADDRESS:** 3825 Gilham Road, Eugene, Oregon

**Present Request:**

The present request is for approval to annex the subject property into the City of Eugene.

**Approval Criteria:**

The following findings demonstrate that the proposed annexation area will comply with all applicable approval criteria and related standards as set forth in EC 9.7825. The approval criteria and related standards are listed below, with findings addressing each.

EC 9.7825: Annexation - Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
  - (a) Contiguous to the city limits; or
  - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

*Response: The proposed property is contiguous to the city limits along the south and west boundary lines.*

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

*Response: The proposed property is designated as low density residential zoned land within the Metro Plan and the Willakenzie Plan. The proposal complies with the site's low density residential designation on the Metro Plan Diagram and the Willakenzie Plan Land Use Diagram. In this instance, there are no specific codified policies from the Metro Plan or Willakenzie Plan beginning at EC 9.9560 which serve as mandatory approval criteria or would generate any additional requirements for the proposed subdivision.*

*The Willakenzie Plan is the applicable adopted plan for the area of the requested subdivision. The land use diagram of the Willakenzie Plan designates the subject property for residential use, which is consistent with the proposed subdivision.*

*The subject property is also located within the Unincorporated Subarea, as identified within the Willakenzie Plan. The Willakenzie Plan policies and proposed actions specific to the Unincorporated Subarea are primarily focused on future residential development in the area. They do not identify any requirement relevant to the proposed residential zone.*

- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient and timely manner.

*Response: The proposed annexation boundary extends the current city limits line that is on the south and west boundaries to the east and north. All key urban facilities and services are available to the property and surrounding areas at this time.*

Willakenzie Plan Goals.

Provide for compatibility between existing and new development.

- Provide a balanced land use arrangement that promotes compatibility between residential and nonresidential uses while fostering environmental enhancement through the application of improved landscaping maintenance standards.
- Protect and improve the existing residential quality of the Willakenzie area.
- Ensure that new development is in scale and harmony with the exiting neighborhood character
- Provide for a range of housing choices.
- Provide opportunities for commercial and industrial development in a manner that is compatible with residential uses and natural values.
- Encourage the application of site development standards that result in reductions in noise, litter, and light pollution from nonresidential uses.
- Provide for the protection and enhancement of land designated park and open space in the Metro Plan and the Park and Recreation Plan as well as significant natural resources in the Willakenzie area, including, but not limited to, wildlife habitat areas, waterways, view sheds, and significant vegetation.
- Preserve important landmarks and historic resources.
- Provide for a transition from urban to rural uses near the edge of the urban growth boundary in a manner that protects the viability of existing rural and agricultural uses.

*Response: The subject property is boarded by urban residential on the west and south and rural residential on the north. Therefore there are no compatibility issues. The proposed residential development will add housing choices in the existing neighborhood that will enhance the character of the area. There are no important landmarks or historic resources. The adjoining rural uses are similar to the proposed use of the subject property and therefore not pose any conflicts.*

Develop a transportation network that: a) facilitates safe and convenient vehicular access; b) minimizes through traffic on residential streets; c) minimizes traffic impacts on existing and future land uses; and d) encourages alternative modes of transportation.

- Minimize the adverse impacts of high volumes of traffic on residential land uses abutting major streets.
- Encourage street tree planting and landscaping along public rights-of-way.
- Provide for the installation of sidewalks where appropriate to ensure pedestrian safety, enhance pedestrian mobility, and encourage pedestrian linkages to transit facilities.
- Reduce reliance on the single-occupant vehicle by providing facilities and services that promote alternate modes of travel.

*Response: The subject property currently takes access to Gilham Road. Future access will be expanded to take access from Gilham Road, Walton Lane and Norwich Avenue. The site can provide for street trees, landscaping and sidewalk. The nearest transit facilities are located on Gilham Road and Crescent Avenue.*

Provide the people of the Willakenzie area with quality, essential public safety services equal to those provided to other area of the city. Subscribe and conform to the highest professional standards in an effort to protect the constitutional rights, lives, and property of the citizens consistent with community goals and policies.

Provide for public facilities, services, and utilities in a manner that accommodates orderly, compact, and sequential growth.

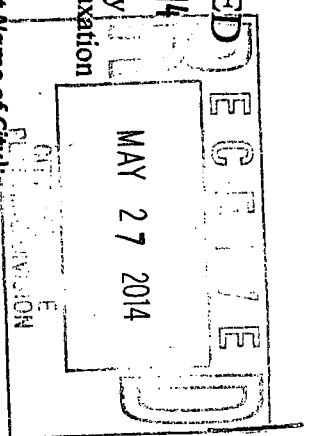
*Response: The development of subject property will provide the community with development that will enhance the area*

*The applicant is proposing annexation of tax lots 7600, 7601, and 7602 of tax map 17-03-08-00 and tax lot 1500 of tax map 17-03-08-31. Based on this written narrative and the supporting documents, the applicant has demonstrated that this application is consistent both the criteria and intention of the Eugene City Code as set forth in EC 9.7825.*

\* CB = Coburg CG = Cottage Grove  
 CR = Creswell EU = Eugene  
 FL = Florence JC = Junction City  
 OA = Oakridge SP = Springfield

**PETITION**  
 Petition Signature Sheet  
 Annexation by Individuals

RECEIVED  
 MAY 27 2014  
 Lane County  
 Assessment & Taxation



We, the following property owners/electors, consent to the annexation of the following territory to the City of *(insert Name of City)*:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
<i>Henry Daniels Lathen Trust Trust by David E Daniel, trustee</i>	5/2/2014	Jane J. Daniels Lathen Trust by David E. Daniels, Trustee	MU11.	17-03-08-00-7600, 7601, 7602 17-03-08-31-1500	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10.5

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

1, Michael B. Fischer (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
*Michael B. Fischer* (signature of circulator)

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and    (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

*M. Sturck*  
 Lane County Department of Assessment and Taxation

Date Certified 5-27-14

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are   . I hereby certify that this petition includes    valid signatures representing    (%) of the total active registered voters that are registered in the proposed annexation.

\_\_\_\_\_  
 Lane County Clerk or Deputy Signature

\_\_\_\_\_  
 Date Certified

### Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

17-03-08-00-7600, 7601, 7602

Map and Tax Lot: 17-03-08-31-1500 Address: 3825 Gilham Road

Legal Description:

See Attached

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

DATED this 21<sup>st</sup> day of May, 2014.

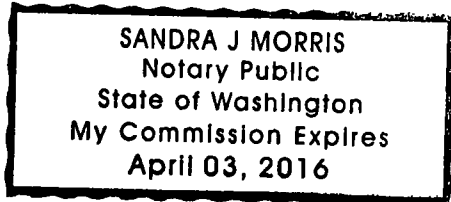
Jane A. Daniels Trust  
by David E. Daniels,  
Trustee

Washington  
STATE OF ~~OREGON~~ )

County of King )  
  )ss

On this 21<sup>st</sup> day of May, 2014, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, DAVID E DANIELS, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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

Sandra J Morris  
Notary Public for ~~Oregon~~ Washington  
My Commission Expires 4-3-16

### Certification of Description

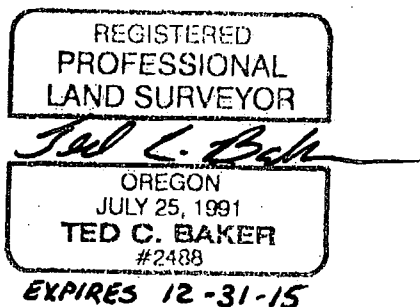
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: *Ted C. Baker*  
Registered Land Surveyor

Print Name: TED C. BAKER

Date: MAY 23, 2014

Seal:





## Summary of Urban Service Provision

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

Property Owner(s) Name:

Jane J. Daniels Lathen Trust

---

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

17-03-08-00-7600, 7601, 7602 17-03-08-31-1500

---

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

The property(ies) in this annexation request:

will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

10" Wastewater line in Walton Lane

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\_\_\_\_\_ will be served by an extension of an existing gravity wastewater line.

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

---

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

Is the site currently served by an approved stormwater system?

no

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If yes,  
location? \_\_\_\_\_

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

\_\_\_\_\_

**Curbside Bioswales and private drywells**

---

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

**Gilham Road, Walton Lane, Norwich Avenue**

---

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

**Parks, Recreation, and Cultural Services**

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

\_\_\_\_\_

**Creekside Park 550 feet to the west**

---

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

**Public Safety**

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

**For River Road/Santa Clara area-**

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

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

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

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

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

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

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

**Electric Service** – Which electric company will serve this site?

    EWEB    

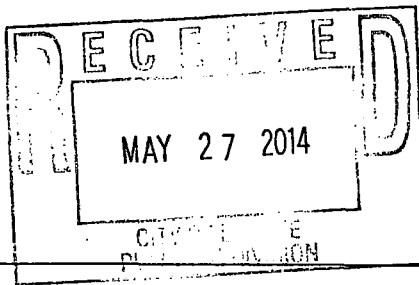
**Water Service** -- Please provide the size and location of the water main closest to your property. \_\_\_\_\_.

    8" Water main in Gilham Road    

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



A 14-3



**Planning & Development Planning**

City of Eugene  
 99 West 10<sup>th</sup> Avenue  
 Eugene, Oregon 97401  
 (541) 682-5377  
 (541) 682-5572 Fax  
 www.eugene-or.gov

**ANNEXATION APPLICATION**

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-03-08-00	7600	AG	2.5
17-03-08-00	7601	AG	0.7
17-03-08-00	7602	AG	4.3
17-03-08-31	1500	AG	3.0

**Property Address:** 3825 Gilham Road

**Plans for Future Development & Permit Number (if applicable):** \_\_\_\_\_

**Public Service Districts:**

Name			
<b>Parks:</b>	City of Eugene		
<b>Electric:</b>	EWEB		
<b>Water:</b>	EWEB		
<b>Sanitary Sewer:</b>	City of Eugene		
<b>Fire:</b>	Willakenzie/Eugene RFPD		
<b>Schools:</b>	<b>Elementary:</b> Gilham	<b>Middle:</b> Cal Young	<b>High:</b> Sheldon
<b>Other:</b>			

**Filing Fee**

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

**Written Statement (Submit 5 copies)**

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

**Site Plan Requirements**

*Submit 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:*

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

**Other Application Requirements (Submit 5 copies of all)**

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

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

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

PROPERTY OWNER OF TAX LOT: 17-03-08-00, 7600,7601,7602 17-03-08-31-1500

Name (print): Jane J. Daniels Lathen Trust by David E. Daniels, Trustee

Address: 11222 SE 183rd Street Email: ddaniels47@msn.com

City/State/Zip: Renton, WA 98055-7100 Phone: 425-228-2485 Fax: \_\_\_\_\_

Signature: David E Daniels Date: 5/21/2014

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SURVEYOR:**

Name (print): TED BAKER

Company/Organization: ROBERTS SURVEYING INC.

Address: P.O. Box 7155

Item 2.E.

City/State/Zip: SPRINGFIELD 07475 Phone: 541-345-1112 Fax: \_\_\_\_\_

E-mail: ~~TED@RSI~~ TED.RSI@COMCAST.NET

Signature: Ted C Baker Date: 5-22-14

**REPRESENTATIVE** (If different from Surveyor):

Name (print): ANTHONY J. FAVREAU

Company/Organization: THE FAVREAU GROUP

Address: 3750 NORWICH AVE.

City/State/Zip: EUGENE Phone: 541-683-7048 Fax: \_\_\_\_\_

E-mail: FAVREAU.GROUP@MSN.COM

Signature: Anthony J. Favreau Date: 5-23-14

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



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Appointment of Budget Committee Member to Human Services Commission

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Meeting Date: July 28, 2014  
 Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2F  
 Staff Contact: Vicki Silvers  
 Contact Telephone Number: 541-682-5082

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#### **ISSUE STATEMENT**

This is an action item to appoint a Eugene Budget Committee member to the Human Services Commission for the 2015 Fiscal Year.

#### **BACKGROUND**

The Human Services Commission is a seven-member, multi-jurisdictional group that considers and makes recommendations for funding the provision of human services from the joint human services fund. The commission is composed of two Eugene City Councilors, one Eugene Budget Committee citizen member, two members of the Lane County Board of Commissioners, one Springfield City Councilor, and one Springfield Budget Committee member. The current Eugene City Council representatives are Councilors Claire Syrett and Greg Evans.

Current Budget Committee member Ken Beeson was appointed to the Human Services Commission in April, to fill the remainder of the vacated term, which expires June 30, 2014. Ken is interested in continuing to serve on the commission.

As with other intergovernmental bodies, the Mayor nominates the candidate and the council confirms the nomination of the candidate by appointment of the candidate. These appointments are made by the Mayor in a manner similar to that of councilor appointments to various bodies. The appointment is for a year; a new representative may be selected each year.

The Mayor has nominated Ken Beeson to fill the vacancy on the Human Services Commission.

#### **RELATED CITY POLICIES**

The boards, committees and commissions serve as advisory bodies in the development of various City policies.

#### **COUNCIL OPTIONS**

The City Council may:

1. Appoint applicant who has been nominated;
2. Reject the nominee and ask the Mayor to offer another applicant.

**CITY MANAGER'S RECOMMENDATION**

The City Manager has no recommendation on this item; appointments are made by the City Council.

**SUGGESTED MOTIONS**

Move to appoint Ken Beeson to serve as the Eugene Budget Committee representative on the Human Services Commission, for a one year term of July 1, 2014 to June 30, 2015.

**ATTACHMENTS**

None.

**FOR MORE INFORMATION**

Staff Contact: Vicki Silvers  
Telephone: 541-682-5082  
Staff E-Mail: Vicki.j.silvers@ci.eugene.or.us

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Appointments of Judicial Evaluation Committee

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Meeting Date: July 28, 2014  
 Department: Municipal Court  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2G  
 Staff Contact: Kristie Hammitt  
 Contact Telephone Number: 541-682-5524

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#### **ISSUE STATEMENT**

This is a consent calendar item to review the Mayor's nomination to the citizen Judicial Evaluation Committee and to appoint committee members.

#### **BACKGROUND**

By Eugene Code, the City Council may initiate a formal judicial evaluation process every four years which is to be conducted by a Judicial Evaluation Committee. The most recent formal evaluation occurred in 2010, and a subsequent evaluation is due in 2014. Presiding Judge Wayne Allen has served the Municipal Court since 1994. The last judicial evaluation report was presented to the City Council at a work session on July 28, 2010. On August 9, 2010, the City Council discussed the report findings with Presiding Judge Allen in a work session, formally accepted the evaluation report and reappointed Judge Allen.

As defined by Eugene Code 2.011, the Judicial Evaluation Committee shall be nominated by the Mayor and include one member of the City's Human Rights Commission, two attorneys familiar with Eugene Municipal Court, and at least two other persons generally familiar with the judicial system. Below are the committee nominations:

Human Rights Commission representative:

- Ken Neubeck

Attorneys familiar with the judicial system:

- Joe Connelly – Indigent Defense Attorney
- John Kilcullen – Local Attorney and former Municipal Court Judge

Others familiar with the judicial system:

- Eric Richardson – NAACP President
- Francisca Johnson – a former coordinator for Court Paso a Paso program
- Kathy Cunningham – Springfield Municipal Court Administrator

The committee will submit its report to the Council at a work session in November 2014, at which

time Councilors may discuss the report's findings with the committee members. A public hearing will be scheduled after this work session. At a second work session in November, councilors will meet with Presiding Municipal Court Judge Wayne Allen to discuss the report's findings, feedback from the public hearing and court issues in general. City Council action to formally accept the report will be scheduled prior to council's 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 excellent opportunity for citizen involvement in local government, and is a practice which is unique to the City of Eugene.

### **COUNCIL OPTION**

The council has the following option:

1. Approve the Mayor's recommendations and, by consent, appoint the nominated individuals to the judicial Evaluation Committee.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends approving the Mayor's recommendations and, by consent, appointing the nominated individuals to the Judicial Evaluation Committee.

### **SUGGESTED MOTION**

Move to appoint the nominated individuals to the Judicial Evaluation Committee for 2014.

### **ATTACHMENTS**

No attachments

### **FOR MORE INFORMATION**

Staff Contact: Kristie Hammitt or Alana Holmes

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

Staff E-Mail: [kristie.a.hammitt@ci.eugene.or.us](mailto:kristie.a.hammitt@ci.eugene.or.us) or [alana.m.holmes@ci.eugene.or.us](mailto:alana.m.holmes@ci.eugene.or.us)

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Action: An Ordinance Concerning the Definition of Motorized Transportation Device, Operating Bicycles and Skateboards on Sidewalks

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Meeting Date: July 28, 2014  
 Department: Public Works  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
 Staff Contact: Lee Shoemaker  
 Contact Telephone Number: 541-682-5471

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#### ISSUE STATEMENT

The City Council is scheduled to take action on two proposed code changes to existing Eugene skateboard and bicycle laws. Eugene law prohibits the use of motorized transportation devices on off-street paths, including electric assisted bicycles. The first proposal is to change the Eugene City Code to allow electric assisted bicycles to be ridden on Eugene off-street paths with the electric device engaged. Under Oregon law, electric assisted bicycles are considered bicycles and not motorized vehicles. Presently, there is a zone downtown where sidewalk skateboarding is not allowed and another zone where sidewalk bike riding is prohibited. The second proposed code change would modify the current downtown Eugene skateboard-bicycle no sidewalk riding zones into one combined area.

#### BACKGROUND

##### Electric Assisted Bicycles

On February 14, 2005, the City Council approved a resolution prohibiting the use of all motorized transportation devices on off-street paths, including electric assisted bicycles, when not being operated exclusively by human power. While there was discussion of exceptions for electric assisted bicycles, the council at that time chose to prohibit all forms of motorized devices with exceptions for City staff and people with disabilities.

State law considers an electric assisted bicycle a bicycle rather than a motor vehicle and restricts the power of the electric motor and speed in which they can be operated (see attached Eugene and state law information).

Since that time, there are more people using electric assisted bicycles for transportation and recreation. People who want to purchase electric bicycles or already have purchased them want to know if there are restrictions on their use. They are disappointed that they don't have full access to all of Eugene's bikeways.

Staff is bringing this proposal to the Eugene City Council for the following reasons: (1) Eugene's code is inconsistent with state law which considers an electric assisted bicycle to be a bicycle,

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rather than a motor vehicle, for purposes of the Oregon Vehicle Code, (2) legalizing the use on paths may increase bicycling, and (3) public requests. Staff proposes to make an exception to allowing electric assisted bicycles use on paths with the electric assist engaged in East Alton Baker Park. That exception would prohibit electric assist with East Alton Baker Park Plan boundary. The exception could be revisited if that plan is updated.

City staff held several stakeholder meetings and a public meeting in November 2013 to solicit input on the use of electric assisted bicycles and the downtown skateboard-bike no sidewalk riding zone. Approximately 45 people attended the public meeting with 27 people supporting this proposal and 10 people opposed. The main reasons cited in support were: need an extra boost especially when carrying children or cargo; this would help older, less fit, or people with physical limitations; want an alternative to driving a car; and, want to be able to use entire bike network. Most of those opposed were concerned about the speed of an electric bicycle and two cited the East Alton Baker Park Plan which discourages the use of motorized vehicles. Some of the opposition may be based on confusion between an electric assisted bicycle and motorized scooters.

#### **Downtown Skateboard-Bicycle No Sidewalk Riding Zone Modification**

City staff frequently hear complaints from the public about skateboard and bicycle sidewalk riding in downtown Eugene. Many of the complaints are from older residents who are concerned that they may be seriously injured if they are hit by a person riding on the sidewalk. There are two no sidewalk riding zones, one for people skateboarding and another for people biking (see attached map). Having two different zones is confusing to the public which may result in more violations.

Transportation planning staff also engaged the public and other City employees in a discussion of the downtown skateboard-bicycle no sidewalk riding zones. At the November 2013 public meeting, 21 people supported a modification with 16 opposed. Reasons for supporting the zone modification included: more people are walking downtown; bike riding and skateboarding on downtown sidewalks creates unsafe conditions for pedestrians, especially for seniors; and, there is a need to include the sidewalks around the 13<sup>th</sup> and Olive Apartments and the Eugene Hotel. Reasons for opposing the zone modification: it will limit students' ability to skate and bike; zone is already too restrictive and it will limit downtown through trips by skateboard; and, it's too dangerous to bike on downtown streets.

Through the community dialogue and discussions with Eugene police officers, a proposed new zone is recommended (see attached map) for council consideration. The factors used to determine the new zone were: pedestrian safety; public input; ease for the public to know boundaries of the zone; compact area for efficient enforcement; and, reduced costs for stencils or signs.

Staff is bringing this proposal to the council for the following reasons: (1) increase pedestrian safety; (2) simplify the zone for better public understanding, and, (3) enforcement.

Staff made a presentation on these two proposed changes at the Eugene City Council work session held on May 27, 2014. A public hearing was held by the Eugene City Council on July 21, 2014. Staff notified the public about these meetings through e-mails to the project interested parties list, on the project website, and by the transportation e-newsletter InMotion.

## RELATED CITY POLICIES

### TransPlan (2002)

#### TSI Pedestrian Policy #1: Pedestrian

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

### Eugene Pedestrian and Bicycle Master Plan (2012)

**Policy 2.1:** Continually improve bicycling and walking comfort and safety through design, operations and maintenance including development of “low stress” bikeways to attract new cyclists

### Eugene Pedestrian and Bicycle Strategic Plan

3.1.5 Examine reasons for riding bikes on downtown sidewalks and work to ameliorate the problem through an education campaign and accompanying enforcement.

3.1.6 Re-examine the “no bikes on sidewalks” zone for possible expansion.

## COUNCIL OPTIONS

Option 1A - Approve ordinance that allows **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary.

Option 1B - Support existing Eugene City Code.

Option 2A - Approve ordinance that modifies the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

Option 2B - Support for existing Eugene City Code.

## CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the Eugene City Council approve an ordinance that amends the Eugene City Code to: (1) allow **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary and, (2) modify the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

## SUGGESTED MOTION

Move to adopt Council Bill 5123, that allows **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary and modifies the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

**ATTACHMENTS**

- A. Proposed Ordinance
- B. Related Eugene Code and State Laws Related to Proposed Changes
- C. Map of Existing and Proposed Skateboard-Bike No Sidewalk Riding Zones

**FOR MORE INFORMATION**

Staff Contact: Lee Shoemaker  
Telephone: 541-682-5471  
Staff E-Mail: lee.shoemaker@ci.eugene.or.us



## ATTACHMENT A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE DEFINITION OF MOTORIZED TRANSPORTATION DEVICE, OPERATING BICYCLES AND SKATEBOARDS ON SIDEWALKS AND AMENDING SECTIONS 5.010, 5.160, 5.400, AND 5.450 OF THE EUGENE CODE, 1971.

## THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 5.010 of the Eugene Code, 1971, is amended by revising the definition of “Motorized transportation device” to provide as follows:

**5.010** **Definitions.** In addition to those definitions contained in ORS Chapters 801 to 825, and Chapter 153, the following words or phrases, except where the context clearly indicates a different meaning shall mean:

**Motorized transportation device.** *Except for an electric assisted bicycle, [A]any vehicle that is not propelled exclusively by human power, including but not limited to [~~an electric assisted bicycle (when not being operated by human propulsion)~~], an electric personal assistive mobility device, a moped, a motor assisted scooter, a motor vehicle, a motorcycle, a motorized skateboard, any similar vehicle that operates without human propulsion.*

**Section 2.** Section 5.160 of the Eugene Code, 1971, is amended to provide as follows:

**5.160** **Unlawful Use of Motorized Transportation Device.**

- (1) No motorized transportation device may be operated on any city owned off-street bicycle or pedestrian path or trail, unless exempt. A motorized transportation device is exempt from this provision if it is used as a mobility aid by a person with a mobility impairment, used by a person with express permission from the City, or used by a City employee or agent in the course of City business.
- (2) No person shall operate a motorized transportation device in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.
- (3) *In addition to the prohibition in subsection (1) of this section, no person may operate an electric assisted bicycle (when not being operated by human propulsion) on any city owned off-street bicycle or pedestrian path or trail located within the East Alton Baker Plan boundary.*

**Section 3.** Subsection (1) of Section 5.400 of the Eugene Code, 1971, is amended to provide as follows:

**5.400 Operating Rules.**

- (1) No person may ride a bicycle on a sidewalk in that area bounded by the ~~[outer limits of Charnelton Street on the west, 6th Avenue on the north, Pearl Street on the east, and 11th Avenue on the south]~~ ***eastern sidewalk along Lincoln Street between 8<sup>th</sup> and 13<sup>th</sup> Avenues, the northern sidewalk along 8th Avenue between Lincoln and Pearl Streets, on either side of Willamette Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues, the eastern sidewalk along Pearl Street between 8<sup>th</sup> and 13<sup>th</sup> Avenues, on either side of Broadway between Pearl and High Streets, and on the northern sidewalk along 13<sup>th</sup> Avenue between Pearl and Lincoln Streets.***

**Section 4.** Subsection (2) of Section 5.450 of the Eugene Code, 1971, is amended to provide as follows:

**5.450 Skateboards.**

- (2) No person shall ride a skateboard:
- (a) On any sidewalk within the area bounded by the ~~[western sidewalk along Charnelton Street between 8th Avenue and 11th Avenue, the northern sidewalk along 8th Avenue from Oak Street to Charnelton Street, the eastern sidewalk along Oak Street between 8th and 11th Avenues, and the southern sidewalk along 11th Avenue between Oak and Charnelton Streets, or on either side of Willamette Street between 8th and 7th Avenues, or in the area between the Eugene Conference Center and the Hult Center]~~ ***eastern sidewalk along Lincoln Street between 8th and 13th Avenues, the northern sidewalk along 8th Avenue between Lincoln and Pearl Streets, on either side of Willamette Street between 7th and 8th Avenues, the eastern sidewalk along Pearl Street between 8th and 13th Avenues, on either side of Broadway between Pearl and High Streets, and on the northern sidewalk along 13th Avenue between Pearl and Lincoln Streets.***
  - (b) In any multi-level parking facility within the city.
  - (c) Within ten feet of any major bus transfer station.
  - (d) In the portion of a street designated for automobile traffic, except when crossing a street in a crosswalk or at a right angle.
  - (e) On Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the

northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.

**Section 5.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**

**\_\_\_ day of July, 2014**

**Approved by the Mayor this**

**\_\_\_ day of \_\_\_\_\_, 2014**

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**



## Eugene Code and State Laws Related to Proposed Changes

### 1. Electric assisted bicycles

#### Related City Code

#### 5.010

#### Definitions.

In addition to those definitions contained in ORS Chapters 801 to 825, and Chapter 153, the following words or phrases, except where the context clearly indicates a different meaning shall mean:

#### **Motorized transportation device.**

Any vehicle that is not propelled exclusively by human power, including but not limited to, an electric assisted bicycle (when not being operated by human propulsion), an electric personal assistive mobility device, a moped, a motor assisted scooter, a motor vehicle, a motorcycle, a motorized skateboard, any similar vehicle that operates without human propulsion.

#### **5.160 Unlawful Use of Motorized Transportation Device.**

- (1) No motorized transportation device may be operated on any city owned off-street bicycle or pedestrian path or trail, unless exempt. A motorized transportation device is exempt from this provision if it is used as a mobility aid by a person with a mobility impairment, used by a person with express permission from the City, or used by a City employee or agent in the course of City business.
- (2) No person shall operate a motorized transportation device in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.

*(Section 5.160 added by Ordinance No. 20340, enacted March 4, 2005, effective April 3, 2005; administratively corrected June 15, 2005.)*

#### **Oregon Revised Statutes**

**814.405 Status of electric assisted bicycle.** An electric assisted bicycle shall be considered a bicycle, rather than a motor vehicle, for purposes of the Oregon Vehicle Code, except when otherwise specifically provided by statute. [1997 c.400 §4]

**801.258 “Electric assisted bicycle.”** “Electric assisted bicycle” means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Has both fully operative pedals for human propulsion and an electric motor; and
- (5) Is equipped with an electric motor that:
  - (a) Has a power output of not more than 1,000 watts; and
  - (b) Is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground. [1997 c.400 §2; 1999 c.59 §233]

## **2. Bike-Skateboard Riding Prohibitions in Downtown Core**

### **Eugene City Code**

#### **5.400 Operating Rules.**

- (1) No person may ride a bicycle on a sidewalk in that area bounded by the outer limits of Charnelton Street on the west, 6th Avenue on the north, Pearl Street on the east, and 11th Avenue on the south.
- (2) No person may park a bicycle in or near a public thoroughfare or place in such a manner as to obstruct traffic or endanger persons or property.
- (3) A person riding a bicycle
  - (a) In a lane for vehicular traffic or parking may ride only in the direction legally prescribed there for that traffic.
  - (b) In a lane for vehicular traffic or parking shall ride as closely to the curb as is safe, but when approaching an intersection where a curb lane is designated "Left Turn" or "Right Turn" shall avoid that lane within 50 feet of the intersection if intending to ride through the intersection without turning.
  - (c) On a street or alley shall ride in single file with other bicyclists whenever a motor vehicle is approaching within 100 feet to the rear.
  - (d) On a bicycle path or a sidewalk shall keep as far to the right as is safe, except when overtaking and passing pedestrians and other vehicles, which shall be overtaken and passed only on the left.

- (4) Peace officers, police community service officers, police volunteers, and parole and probation officers performing official duties are exempt from the provisions of this section.

*(Section 5.400, formerly section 5.410, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976; amended by Ordinance No. 20496, enacted October 8, 2012, effective November 10, 2012.)*

**5.450 Skateboards.**

- (1) As used in this section, a "skateboard" means a board of any material natural or synthetic with wheels affixed to the underside, designed to be ridden by a person and propelled by human power.
- (2) No person shall ride a skateboard:
- (a) On any sidewalk within the area bounded by the western sidewalk along Charnelton Street between 8th Avenue and 11th Avenue, the northern sidewalk along 8th Avenue from Oak Street to Charnelton Street, the eastern sidewalk along Oak Street between 8th and 11th Avenues, and the southern sidewalk along 11th Avenue between Oak and Charnelton Streets, or on either side of Willamette Street between 8th and 7th Avenues, or in the area between the Eugene Conference Center and the Hult Center.
- (b) In any multi-level parking facility within the city.
- (c) Within ten feet of any major bus transfer station.
- (d) In the portion of a street designated for automobile traffic, except when crossing a street in a crosswalk or at a right angle.
- (e) On Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.
- (3) A person commits the offense of unsafe operation of a skateboard on the sidewalk if the person does any of the following:
- (a) Rides a skateboard upon a sidewalk where prohibited;
- (b) Rides a skateboard upon a sidewalk where not otherwise prohibited and does not yield the right of way to all pedestrians on the sidewalk; or
- (c) Rides a skateboard on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

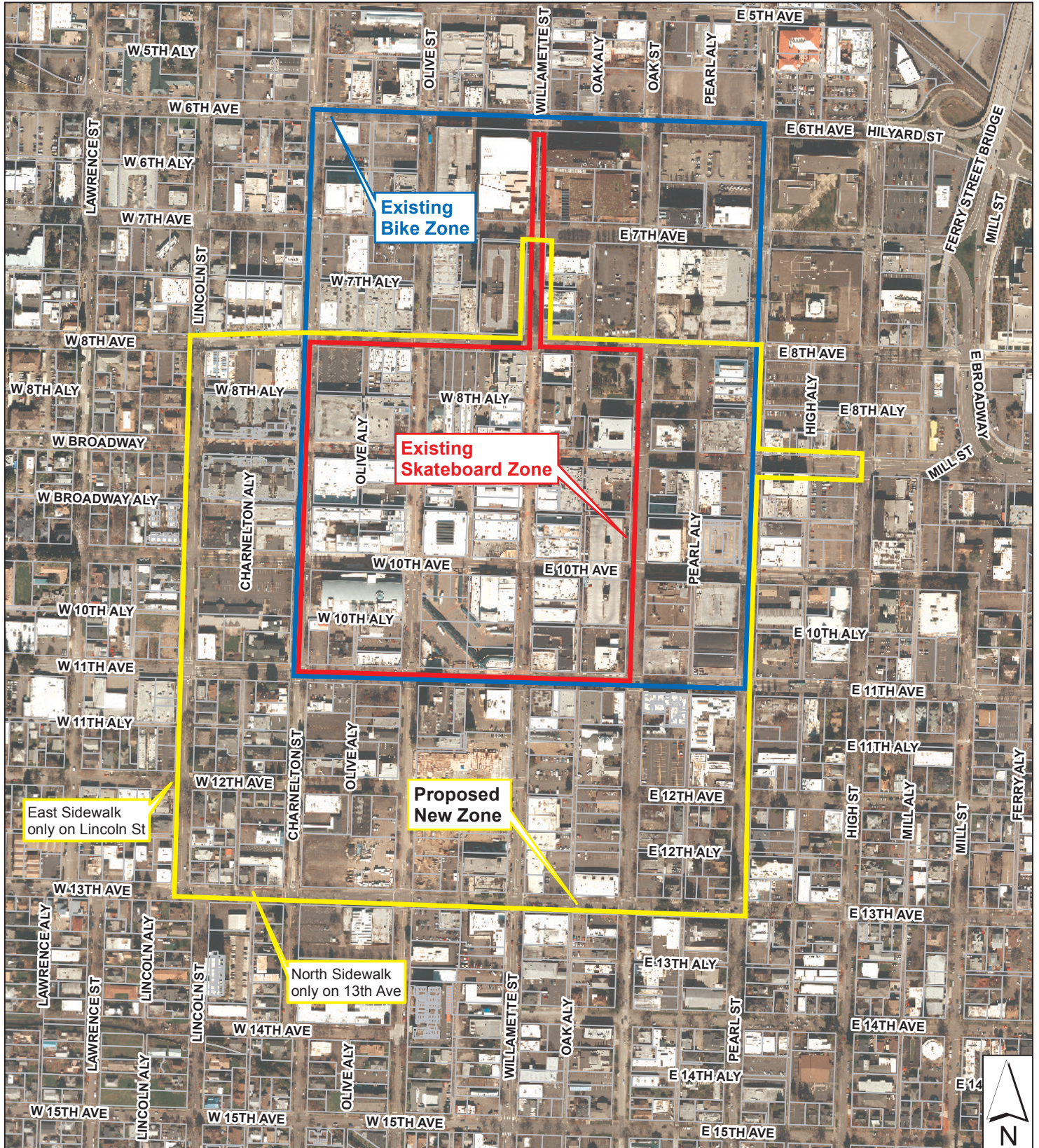
Item 3.

(Section 5.450 added by Ordinance No. 19623, enacted June 26, 1989; amended by Ordinance No. 19693, enacted June 11, 1990; amended by Ordinance No. 20057, enacted August 12, 1996; and Ordinance No. 20071, enacted November 4, 1996, effective December 4, 1996.)





# Proposed Skateboard-Bike No Sidewalk Riding Zone



**Legend**

- Proposed New Zone
- Existing Bike Zone
- Existing Skateboard Zone
- Taxlots

Caution:  
This map is based on imprecise source data, subject to change, and for general reference only.





# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Action: An Ordinance Extending the Sunset Date of the Permitted Overnight Sleeping ("Rest Stop") Pilot Program

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Meeting Date: July 28, 2014  
 Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item: 4  
 Staff Contact: Michael Wisth  
 Contact Telephone Number: 541-682-5540

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#### ISSUE STATEMENT

The ordinance permitting the overnight sleeping "rest stop" pilot program will sunset on October 1, 2014. At this work session, staff will present an overview of the rest stop program, preliminary outcomes and a recommendation to extend the program for an additional year to October 1, 2015.

#### BACKGROUND

On September 25, 2013, the council adopted Ordinance No. 20517 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, the 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 and Roosevelt, and Chambers and Northwest Expressway. They shelter 15 adult occupants each in both Conestoga huts and tents. The 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 to work or volunteer while staying on the site. Volunteer opportunities have been made available through the City's Parks and Open space volunteer program. For example, residents work to clear invasive weeds from Skinner's Butte Park, a difficult job that previously had few volunteers.

The rest stops have required minimal City resources following their establishment. Although the City does not manage the rest stops, the City has collected data related to the early outcomes of this pilot project and a report is included in Attachment A.

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 support, the 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**

The council may choose to extend the sunset date of Ordinance No. 20517, or allow the amendment to sunset on October 1, 2015.

**CITY MANAGER'S RECOMMENDATION**

The City Manager recommends extending the sunset date of Ordinance No. 20517 to October 1, 2015.

**SUGGESTED MOTION**

I move to adopt Council Bill 5126, extending the sunset date of Ordinance No. 20517 to October 1, 2015.

**ATTACHMENTS**

- A. Data Report on Rest Stops
- B. 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](mailto:michael.c.wisth@ci.eugene.or.us)



## Rest Stop Early Outcomes Data Summary

7.22.2014

### Background

As part of the rest stop pilot program, Community Supported Shelters has collected basic data related to resident characteristics and outcomes at each site. This report offers a summary of the early outcomes of the program.

### Program Overview

Community Supported Shelters (CSS) operates two rest stops. These sites are located near the northwest corner of the intersection of Garfield St and Roosevelt Ave and at the southwest corner of the intersection of Chambers St and Northwest Expressway. The rest stops shelter up to 15 people at each site. The sites provide Conestoga huts, raised tent platforms, restrooms and trash removal in a secure setting for residents.

The sites are supervised and have rules related to personal behavior. Alcohol, drugs, violence, weapons are not allowed on the sites. Residents must vacate the property each day with hours varying between the two rest stop sites. Residents are responsible for maintaining the camp and must also work in a volunteer capacity within the community. CSS has a weekly volunteer program with the City's Parks & Open Space Division, which assigns residents to various duties.

### Early Outcomes

The Rest Stop pilot program has served a total of 55 residents since its establishment in December 2013. The program has seen 8 residents transition to alternative housing options and has dismissed 13 residents for violations of the rules.

Of the 55 residents served, 13 have been veterans. The stability of the program has allowed a number of residents to take steps to end their personal struggle with homelessness. Residents have enrolled in St Vincent de Paul's Renter Rehab Program (2), have enrolled with the Lane Independent Living Alliance (3), entered drug & alcohol rehab (4) and have enrolled in college (2).

CSS does not track the average stay of the rest stop residents because individual lengths of stay have varied considerably, from two weeks to eight months. CSS has mentioned that many veterans have a waitlist for housing of a year or longer. Because of the diverse needs

encountered at the rest stops, average length of stay data would not create an accurate account of the rest stop program’s resident experience.

CSS has seen many applications for placement within the program. As a result, CSS requires those interested in participating in the rest stop program to make regular check-ins related to their place on the waitlist. There are currently five people who have been able to consistently check-in and remain on the waitlist.

While the Rest Stop program has served people from outside of Eugene’s borders, the majority of people have been residents of Eugene. Currently, the Garfield St & Roosevelt Ave rest stop serves the following:

Garfield & Roosevelt Rest Stop - Length of Time in Eugene				
Less than 1 year	1- 5 years	5-10 years	10 – 20 years	20+ years
5	0	0	3	7

Police data for the Rest Stops has shown no considerable increase in reported activity, considering the sites of the rest stops were previously vacant. CSS has stated that many calls to police have come from residents related to minor incidents within the camp. A copy of the Eugene Police Department’s Calls for Service Report for the Rest Stops is attached to this summary for reference.



**City of Eugene Police Department**

Crime Analysis Unit  
 300 Country Club Rd  
 Eugene, OR 97401

Rest Stop CFS Request

07/14/2014

Item 4.

**PROTECT.SERVE.CARE.**

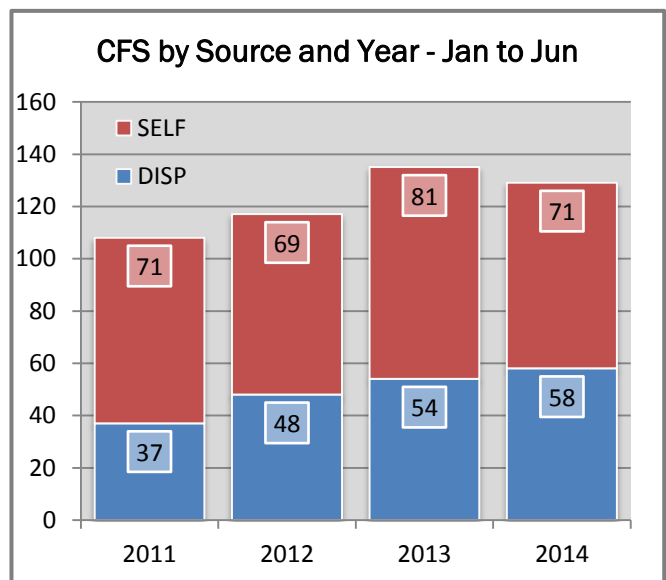
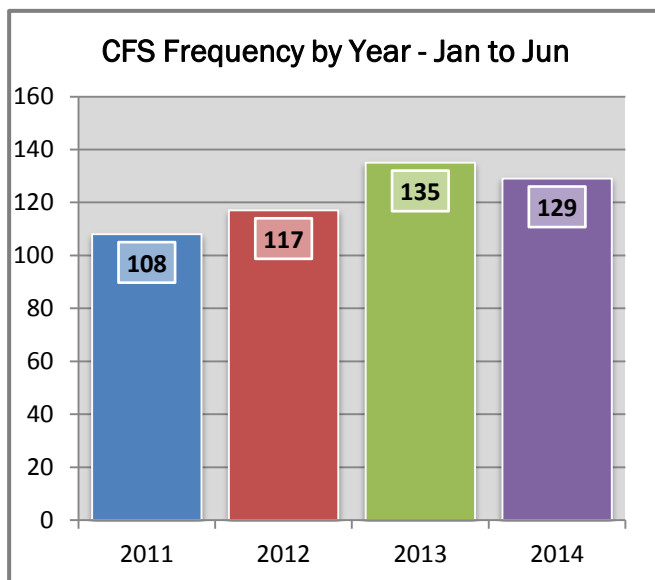
This report looks at calls for service (CFS) to the two specified Rest Stop locations – identified as the Roosevelt Boulevard / Garfield Street and Northwest Expressway / Chambers Street intersections – since January 1, 2011, comparing the call source, frequency, and nature, compared to their three-year average and 2013.

The first section of this report addresses the Northwest Expressway / Chambers Street Rest Stop:

CFS by YEAR	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
January	17	24	21	62	20.7	18	-2.7	-13.0%
February	13	17	12	42	14.0	21	7.0	50.0%
March	18	18	27	63	21.0	29	8.0	38.1%
April	19	14	20	53	17.7	16	-1.7	-9.6%
May	18	25	25	68	22.7	19	-3.7	-16.3%
June	23	19	30	72	24.0	26	2.0	8.3%
July	20	22	28	70	23.3			
August	15	16	35	66	22.0			
September	20	22	50	92	30.7			
October	18	16	21	55	18.3			
November	15	18	13	46	15.3			
December	20	27	22	69	23.0			
<b>TOTAL</b>	<b>216</b>	<b>238</b>	<b>304</b>	<b>758</b>	<b>252.7</b>			

The largest reduction in CFS volume occurred in May (16.3% lower than the three-year average), with the largest increase occurring in February (a 50% increase).

Compared to the three-year average, between January through June total CFS have increased by 8.9 (or 7.4%), and have dropped 4.4% since 2013.




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Between January and June, self-initiated CFS have decreased 12% since 2013, from 81 to 71, while dispatched calls to the location have increased slightly, from 54 to 58 (7.4%).

	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
January through June	108	117	135	360	120.1	129	8.9	7.4%

The Top 10 CFS represent 69.9% of all activity at that location by Total Count.

Compared to their three-year average, Traffic Stops, Person Stops, MVA Unknown Injury, and ATL Drunk calls have increased 6.8%, 19.7%, 135.3%, and 800% (differences of 3.0, 2.3, 2.3, and 8.0).

With the exclusion of the calls listed above and Traffic Hazards (a drop of 70.1%), all other Top CFS have experienced a 100% reduction from their three-year average.

JAN-JUN: TOP 10 CFS	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
Traffic Stop	38	43	51	132	44.0	47	3.0	6.8%
Person Stop	10	9	16	35	11.7	14	2.3	19.7%
Disabled Vehicle(S)	10	10	5	25	8.3	0	-8.3	-100.0%
Traffic Hazard	6	8	6	20	6.7	2	-4.7	-70.1%
Reckless Driving	3	7	6	16	5.3	0	-5.3	-100.0%
Warrant Service	5	5	2	12	4.0	0	-4.0	-100.0%
ATL Drunk Driver	2	7	2	11	3.7	0	-3.7	-100.0%
Check, Welfare	7	0	3	10	3.3	0	-3.3	-100.0%
MVA Unknown Injury	2	1	2	5	1.7	4	2.3	135.3%
ATL Drunk	0	0	0	0	0.0	8	8.0	800.0%
<b>TOTAL</b>	<b>83</b>	<b>90</b>	<b>93</b>	<b>266</b>	<b>88.7</b>	<b>75</b>	<b>-13.7</b>	

In addition to changes in the quantity and source for calls at the Northwest Expressway / Chambers Street Rest Stop, the nature of calls has changed from prior years. Of note:

- Between January and June, Traffic Stops, Person Stops, Disabled Vehicle(s), and Reckless Driving calls have been in the Top 10 every year since January 2011.
- Traffic Hazards, Warrant Service, ATL Drunk Driver, Welfare Check, MVA Unknown Injury and ATL Drunk calls are in the Top 10 by Total Count, but have been in and out of the Top 10 CFS from year to year.
- Suspicious Condition(s), Patrol Checks, Assist State Police, Hit/Run, Unknown, Intoxicated Subject(s), MVA No Injury, and Traffic Signal Malfunction calls have been in the Top 10 CFS in past years, but not during 2014 or the Total Count.
- Between January and June, Disputes, Beat Information, Criminal Trespass, and Disorderly Subject Calls are in the Top 10 CFS for 2014, but have not been in past years.





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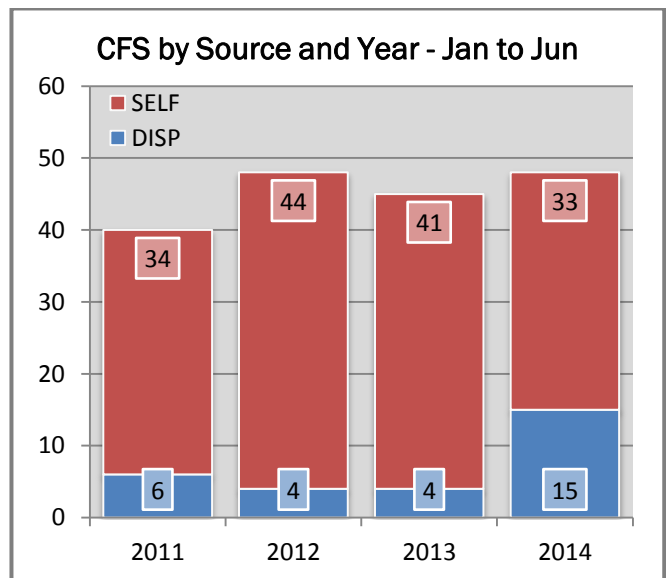
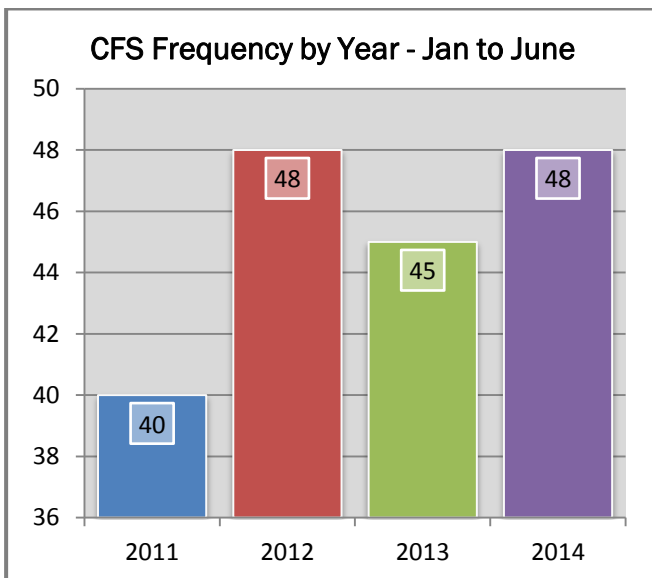
**PROTECT.SERVE.CARE.**

The second section of this report represents activity at the Roosevelt Boulevard / Garfield Street Rest Stop:

CFS by YEAR	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
January	8	12	4	24	8.0	7	-1.0	-12.5%
February	9	13	5	27	9.0	4	-5.0	-55.6%
March	5	7	11	23	7.7	15	7.3	94.8%
April	7	4	6	17	5.7	7	1.3	22.8%
May	8	6	5	19	6.3	7	0.7	11.1%
June	3	6	14	23	7.7	8	0.3	3.9%
July	7	9	12	28	9.3			
August	10	8	6	24	8.0			
September	6	7	5	18	6.0			
October	4	7	9	20	6.7			
November	8	9	5	22	7.3			
December	9	6	6	21	7.0			
<b>TOTAL</b>	<b>84</b>	<b>94</b>	<b>88</b>	<b>266</b>	<b>88.7</b>			

The largest reduction in CFS volume occurred in February (55.6% lower than the three-year average), with the largest increase occurring in March (a 94.8% increase).

Compared to the three-year average, between January through June total CFS have increased by 3.6 (or 0.6%), and have increased 6.7% since 2013.



Between January and June, self-initiated CFS have decreased 16.9% from the three-year average, from 39.7 to 33, while dispatched calls to the location have increased significantly, from 4.7 to 15 (219.1%).


**City of Eugene Police Department**

 Crime Analysis Unit  
 300 Country Club Rd  
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Rest Stop CFS Request

07/14/2014

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FIRST 6 MOS	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
JAN-JUN	40	48	45	133	44.4	48	3.6	8.1%

The Top CFS represents 77.3% of all activity at the Roosevelt Boulevard / Garfield Street location by Total Count.

Compared to their three-year average, Traffic Stops calls have increased 22.7%, whereas Person Stops and Patrol Checks have decreased 34.6% and 23.1%, respectively.

With the exclusion of the calls listed above all other Top CFS have experienced a 100% reduction from their three-year average.

JAN-JUN: TOP CFS	2011	2012	2013	TOTAL	3YR AVG	2014	DIFF	%CHG
TRAFFIC STOP	16	15	18	49	16.3	20	3.7	22.7%
PERSON STOP	11	17	18	46	15.3	10	-5.3	-34.6%
PATROL CHECK	1	3	0	4	1.3	1	-0.3	-23.1%
ASSIST SHERIFF'S OFFICE	1	3	0	4	1.3	0	-1.3	-100.0%
TRAFFIC HAZARD	0	1	2	3	1.0	0	-1.0	-100.0%
DRIVING WHILE SUSPENDED	2	1	0	3	1.0	0	-1.0	-100.0%
<b>TOTAL</b>	<b>31</b>	<b>40</b>	<b>38</b>	<b>109</b>	<b>36.2</b>	<b>31</b>	<b>-5.2</b>	

In addition to changes in the quantity and source for calls at the Rest Stop, the nature of calls has changed from prior years. Of note:

- Between January and June, Traffic Stops and Person Stops have been in the Top CFS every year since January 2011.
- Patrol Check, Assist Sheriff's Office, Driving While Suspended, and Traffic Hazard calls are in the Top CFS by Total Count, but have been in and out of the Top Calls from year to year.
- Dogs at Large, Arrest, Check Welfare, Disorderly Subjects, Intoxicated Subjects and Disabled Vehicles calls have been in the Top CFS in past years, but not during 2014 or the Total Count.
- Between January and June, Beat Information, Transport, Unattended Children, and Assist Public - Police calls are in the Top CFS for 2014, but have not been in past years.

**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**



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Action: An Ordinance Concerning Climate Recovery

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Meeting Date: July 28, 2014  
 Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
 Staff Contact: Matt McRae  
 Contact Telephone Number: 541- 682-5649

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#### ISSUE STATEMENT

This item is a request for the City Council to take action on a Climate Recovery Ordinance. The council held a public hearing concerning the proposed ordinance on July 21, 2014. During the public hearing, 24 people testified in support of the ordinance and three testified in opposition.

#### BACKGROUND

##### Existing Eugene Climate and Energy Goals

In 2008 and 2009, upon recommendation from the Sustainability Commission, the Eugene City Council:

- Approved a formal goal of making all City-owned facilities and City operations carbon neutral by 2020.
- Directed the City Manager to develop a community climate and energy action plan that includes a carbon emissions reduction goal and that will aim to reduce total (not per capita) community-wide fossil fuel consumption 50 percent by 2030.

While the City of Eugene does not have ultimate control over community-wide greenhouse gas emissions, the City does have the power to convene and collaborate with partners, and support progress toward shared community-wide goals.

##### Existing Eugene Climate and Energy Plans

###### *Internal Climate Action Plan*

The City developed an [Internal Climate Action Plan](#) (2009) which contains action items for reducing the greenhouse gas (GHG) emissions associated with City operations and facilities.

###### *Community Climate and Energy Action Plan*

The City developed the [Community Climate and Energy Action Plan](#) (2010), though it was not formally adopted by the City Council. The greenhouse gas emissions targets contained in the plan are aligned with those set by the State, including.

- Reduce greenhouse gas emissions 10 percent below 1990 levels by 2020 and 75 percent below 1990 levels by 2050.

- These targets mirror the Oregon State greenhouse gas emissions targets.
- Reduce community-wide fossil fuel use 50 percent by 2030.
- These targets are unique to Eugene.
- Identify actions to adapt to climate change and rising and volatile energy prices.

### **Progress on climate action**

While the development of these climate action plans provides a path for reaching the City's goals, without adoption, their status is somewhat uncertain as are the goals on which they are based.

#### *Carbon neutral goal for City operations and facilities*

Recent progress reports to the City Manager indicate that the City is not on track to meet the goal for reducing greenhouse gas emissions.

The 2010 Internal Greenhouse Gas Inventory contains long term organizational energy use trends. The report can be found on the City of Eugene website:

<http://www.eugene-or.gov/DocumentCenter/View/9467>

#### *Community fossil fuel reduction goal*

In spring 2013, staff released a 2013 CEAP Progress Report that summed up progress toward local climate and energy goals:

*Community-wide energy consumption continues to trend downward. Total electricity use has been flat over the last few years but is down 15 percent since 2000. Gasoline and diesel consumption has dropped 16 percent since 2005 including two percent over the last year. Natural gas consumption, down about one percent in 2012, has declined more than 12 percent since 2006. All of this while Eugene's population continues to increase, growing eight percent between 2005 and 2011. These are hopeful trends that demonstrate success in substantially reducing reliance on fossil fuels.*

*Looking at individual actions, in the 12 months between September 2011 and September 2012, several recommendations contained in the Community Climate and Energy Action Plan were completed while others remain unchanged.*

The full 2013 CEAP Progress Report can be found on the City of Eugene website:

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

### **RELATED CITY POLICIES**

The City has existing adopted greenhouse gas emissions and fossil fuel consumption goals:

- Achieve carbon-neutral internal operations by 2020.
- Reduce total community-wide fossil fuel consumption 50 percent by 2030.

The Community Climate and Energy Action Plan contains community-wide greenhouse gas emissions targets, though they have not been formally adopted:

- Reduce community-wide greenhouse gas emissions 10 percent below 1990 levels by 2020 and 75 percent below 1990 levels by 2050.

The City maintains a number of policies directly related to community-wide energy consumption including, but not limited to:

- Growth Management Policies
- Green Building Policy (2006)
- Sustainability Resolution (2000)
- Environmental Policy
- Sustainable Practices Resolution (2006)
- Sustainable Procurement Policy (2008)

The proposed Climate Recovery Ordinance would influence a number of existing City plans including, but not limited to:

- Eugene Community Climate and Energy Action Plan
- Eugene Internal Climate Action Plan
- Eugene Pedestrian Bicycle Master Plan
- Regional Transportation System Plan/ Eugene Transportation System Plan
- Metro Plan/ Eugene Comprehensive Plan: Envision Eugene
- Regional Prosperity Economic Development Plan

### **COUNCIL OPTIONS**

1. Approve Attachment A, Climate Recovery Proposal.
2. Revise and approve Attachment A, Climate Recovery Proposal.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends adoption of the proposed Climate Recovery Ordinance.

### **SUGGESTED MOTION**

Move to adopt Council Bill 5124, an ordinance concerning climate recovery.

### **ATTACHMENTS**

A. Proposed Climate Recovery Ordinance

### **FOR MORE INFORMATION**

Staff Contact: Matt McRae  
 Telephone: 541-682-5649  
 Staff E-Mail: matt.a.mcrae@ci.eugene.or.us





## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING CLIMATE RECOVERY AND ADDING SECTIONS 6.675, 6.680, 6.685, AND 6.690 TO THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Sections 6.675, 6.680, 6.685, and 6.690 of the Eugene Code, 1971, are added to provide as follows:

- 6.675**     **Climate Recovery – Climate Action Goals.** The city shall carry out the requirements of sections 6.680 through 6.690 of this code in order to achieve the following goals:
- (1) By the year 2020, all city-owned facilities and city operations shall be carbon neutral, either by reducing greenhouse gas emissions to zero, or, if necessary, by funding of verifiable local greenhouse gas reduction projects and programs or the purchase of verifiable carbon offsets for any remaining greenhouse gas emissions.
  - (2) By the year 2030, the city organization shall reduce its use of fossil fuels by 50% compared to 2010 usage.
  - (3) By the year 2030, all businesses, individuals and others living or working in the city collectively shall reduce the total (not per capita) use of fossil fuels by 50% compared to 2010 usage.
- 6.680**     **Climate Recovery – Assessment.** Within six months of \_\_\_\_ [*effective date of this ordinance*], the city manager or the manager’s designee shall complete an assessment of current efforts to reach the climate action goals. The assessment shall include a review and analysis of the following:
- (1) Trends in current energy use for the community and for city operations and facilities; and
  - (2) Progress in implementing the community climate and energy action plan and the internal climate action plan.
- 6.685**     **Climate Recovery – Targets & Benchmarks.** To reach the climate action goals, the city council shall establish numerical targets and benchmarks, and take other actions that the council determines are necessary, for achieving the required reductions through the following steps:
- (1) Within 12 months of \_\_\_\_ [*effective date of this ordinance*], the city manager shall propose for adoption by the city council the following targets and benchmarks:

- (a) Numerical greenhouse gas and fossil fuel reduction targets equivalent to achieving the related goals; and
  - (b) Two-year and five-year benchmarks for reaching the numerical targets.
- (2) The city manager shall propose for adoption by the city council, a numerical community-wide goal or “carbon budget” for greenhouse gas emission reductions consistent with achieving 350 parts per million of CO<sub>2</sub> in the atmosphere by the year 2100. The community-wide goal shall include numerical targets and associated benchmarks.
- (3) The city manager shall adopt administrative rules pursuant to section 2.019 of this code that establish a specified baseline amount and appropriate greenhouse gas inventory methodology.
- (4) When the city manager prepares options for council consideration pursuant to this section, including options for meeting the goals, the manager shall include a triple bottom line assessment of the options including a cost-benefit analysis.

**6.690**     **Climate Recovery – Reporting.** Following council adoption of the numerical targets and benchmarks, the city manager shall report to the city council on progress in reaching adopted climate action goals as follows:

- (1) Provide a progress report every two years.
- (2) Provide a comprehensive report every five years that includes an assessment of greenhouse gas emission reductions to date and the status in reaching the established targets and benchmarks. If the five-year comprehensive report indicates that the city is not reaching the adopted targets and benchmarks, the city manager or the manager’s designee shall:
  - (a) Conduct an analysis of possible actions to get back on track to achieve the next adopted benchmark, together with a triple bottom line analysis of those options.
  - (b) Develop for council consideration potential revisions to the plan that reflect the necessary actions to achieve the next adopted benchmark.
- (3) Update the community climate and energy action plan and the internal climate action plan every five years, which shall be based on the updated greenhouse gas inventory.

**Section 2.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein,

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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**Action:** 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, 9.2775, 9.6775, and 9.8030; and Providing an Effective Date (City File CA 13-3)

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Meeting Date: July 28, 2014  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 6  
 Staff Contact: Alissa Hansen  
 Contact Telephone Number: 541-682-5508

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### ISSUE STATEMENT

The City Council will take action 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.

### City Council Process

Following the Planning Commission 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. Accordingly, on

June 16, 2014, a public hearing was held on the revised ordinance. A diversity of testimony was received during the open comment period that reflected the opinions and concerns of individuals who have been very involved in Envision Eugene, as well as individuals who may have first heard about this through a notice delivered to their homes. Some expressed support for the new proposal and felt it more closely aligned with the intent of “protect, repair and enhance” while others expressed concern that the proposal moves away from the other stated priority pillars such as “Provide Housing Affordable to all Income Levels.” Under housing affordability, Envision Eugene directs staff to “expand housing variety and choice by facilitating the building of smaller, clustered and attached housing.”

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. During the open record period, Mr. Conte submitted a set of concepts and tentative proposed standards that would allow secondary dwellings on some larger flag lots. At a work session on June 14, 2014, the City Council requested that these concepts be incorporated into the ordinance for final action. In consultation with Mr. Conte, staff drafted code language to meet the intent of these concepts and incorporated this language into the revised ordinance (Attachment A). As a result, secondary dwellings would be allowed on existing flag lots 12,500 square feet or greater that have an individual or combined access pole of at least 25 feet in width, subject to revised development standards (including building height and sloped setbacks).

Staff previously prepared a matrix that contains a summary comparison of the current land use code provisions, the amendments contained in the Planning Commission’s recommendation and the alternative proposal (as contained in the revised ordinance). At the July 14, 2014, work session, the City Council asked that the matrix be updated to reflect the proposal to allow secondary dwellings on some larger flag lots. The updated matrix is provided as Attachment B. In summary, the revised ordinance includes the following changes from the Planning Commission’s recommendation:

- Increase the minimum lot size required for construction of a secondary dwelling, and include secondary dwellings in density calculations. [As a result, approximately 4,532 lots within the city will no longer be eligible for a secondary dwelling.]
- Limit the building size of secondary dwellings and dwellings on alley access lots to 10 percent of the total lot area, not to exceed 800 square feet.
- Limit secondary dwellings on larger flag lots and add new development standards. [As a result, approximately 40 to 50 percent of the 300 existing larger flag lots within the city would no longer be eligible for a secondary dwelling.]
- Change the maximum building height/interior yard sloped setback for secondary dwellings and for dwellings on existing alley access lots to be identical to those adopted as part of the University Area Interim Protection Measures.
- Not allow the creation of new alley access lots.
- Limit the size of accessory buildings to 10 percent of the total lot area.
- Establish maximum building height of 25 feet for all accessory buildings, and change the interior yard sloped setback to be identical to that adopted as part of the University Area Interim Protection Measures.
- Limit extent of adjustment reviews.

Previously, these code amendments were considered part of the land use efficiency measures to accommodate additional single-family housing within the current urban growth boundary.

However, based on the elimination of new alley access lots, the increase in minimum lot size required for secondary dwellings and the limitation of secondary dwellings on some larger flag lots, these amendments result in a reduction in the number of housing units expected within the current urban growth boundary. The final number assigned will be dependent on the analysis of the final adopted package.

### **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**

Following deliberations, the City Council may consider the following options:

1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

Following the council's deliberations on this request, the City Manager recommends approval of the ordinance as provided in Attachment A.

### **SUGGESTED MOTION**

Move to adopt the ordinance concerning single-family code amendments for accessory buildings, alley access lots and secondary dwellings.

### **ATTACHMENTS**

- A. Revised Ordinance and Findings
- B. Summary Comparison Matrix

### **FOR MORE INFORMATION**

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## 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, 9.2775, 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
<b>Residential</b>					
<b>Dwellings.</b> (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.**

~~[(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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
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>	<b>See (18)</b>	--	--	--	--
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] <b>See (16)</b>	20 feet	25 feet	30 feet	30 feet
<b>Secondary Dwelling</b>	<b>See (17)</b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
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	--	--	--	--
<b>Interior Yard Setback for Accessory Buildings in R-1</b>	<b>See (16)</b>	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area-Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>	--	--	--	--
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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)4-1~~(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 a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.*
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.** *Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:*
  - 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.*

11. **Additional Standards for Secondary Dwellings on Flag Lots.** *Secondary dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).*
- (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.** *Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:*
    - 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 [Sloped] 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)4-(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 EG 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 9.2775 of the Eugene Code, 1971, is amended to provide as follows:

**9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.**

- (1) **Purpose.** Residential flag lots allow lots to be created in cases where there is adequate lot area to divide the property into 2 or more lots but not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. The standards require access for fire protection. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings are ~~[prohibited]~~ **limited** because of limited access and the greater impacts these uses would place on abutting sites.
- (2) **Measurements.**
- (a) Flag Lot Dimensions. Residential flag lot width dimension is measured from the mid-point between two opposite lot lines of the flag portion of the lot.
- (b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted. **(See Figure 9.2775(2) Residential Flag Lot Description.)**
- (3) **Land Division Regulations.**
- (a) Flag Lot Area. The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet. The original lot, prior to creation of the flag lot, shall be at least 13,500 square feet.
- (b) Lot Dimensions. The minimum average lot width is 50 feet.
- (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.
- (d) Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion.
- (e) Land Division Review. All applicable regulations for the type of land division process being used must be met except where the residential flag lot standards create different requirements.
- (4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except~~[-for]:~~
- (a) **Home occupations are not allowed on** residential flag lots ~~[of]~~ less than 13,500 square feet~~[-, there is no allowance for home occupations or a secondary dwelling.];~~
- (b) **Secondary dwellings are not allowed on flag lots less than 12,500 square feet; and**
- (c) **Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to \_\_\_\_\_ [effective date of ordinance].**

**(5) Development Standards.**

- (a) Generally. All base zone requirements must be met, unless otherwise stated in this section.
- (b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines. **Except for secondary dwellings, [X]the special flag lot setback standard does not apply to flag lots that received final plat approval by December 25, 2002.**
- (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. **Except as provided in subsection (e) below for secondary dwellings, [X]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.
  2. Driveways serving the flag lots and parking areas shall be constructed of at least 4 inch thick Portland Cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of ¾ inch compacted crushed rock base, or an approved equal. Base placement of driveways and parking areas shall be approved by the city manager prior to final surfacing. If an abutting property's access drive is used:
    - a. An access easement-maintenance agreement is required, which shall be recorded in the Lane County office of Deeds and Records, and
    - b. The abutting property shall meet off-street parking requirements for that property.
  3. If access is provided via an existing unimproved alley, a petition for improvement is required. The alley must be able to provide automobile and emergency vehicle access to a public street.
  4. Whether or not the portion of the flag lot with public street frontage is used for access, it shall remain free of structures and be available for possible future access to a public street.
  5. Each rear lot or parcel shall have 2 off-street parking spaces located outside of the pole portion of the flag lot.
- (e) Additional Standards for Secondary Dwellings on Flag Lots.
1. **Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to \_\_\_\_\_ [effective date of ordinance] that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.**
  2. **Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole**

or combined poles.

3. **Building Height/Interior Setback.**

- a. ***Interior yard setbacks shall be at least 10 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 for detached secondary dwellings and the maximum building height of the primary dwelling for attached secondary dwellings.***
- 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.***
- c. ***This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).***

4. **Driveway Standards.**

- a. **Paving.** ***The driveway paving width shall be as follows:***
  - (1) ***For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.***
  - (2) ***For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.***
- b. **Driveway Setbacks.** ***The driveway paving shall be setback from the edge of the pole as follows:***
  - (1) ***For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.***
  - (2) ***For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.***
- c. **Driveway Use.** ***Parking is not allowed on any portion of the pole.***
- d. **Landscaping.** ***The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:***
  - (1) ***The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;***
  - (2) ***The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and***
  - (3) ***In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above***

grade.

5. **Exceptions.** *Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.*
6. **Adjustments.** *The standards at EC 9.2775(5)(e)4.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)(d).*

**Section 8.** 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 9.** 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.*
- (d) **Secondary Dwellings on Flag Lots.** *Where natural features or other physical conditions make it impracticable to comply with the driveway setback and landscape screening requirements, the following adjustments are allowed:*
1. *Except as provided in 2. below, the driveway setback may be reduced to no less than four feet; however, in no event shall the setback be reduced more than is necessary to enable the driveway to meet the minimum driveway width, or*
  2. *The driveway setback may be reduced to no less than one foot, and screening requirements may be reduced or eliminated, where*
    - a. *The zoning of the adjacent property does not allow for residential uses; and*
    - b. *The impacts of the adjacent uses would not be significantly worse under the reduced setback or lessened screening.*
- (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 10.** The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 11.** 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 12.** 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 13.** 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**

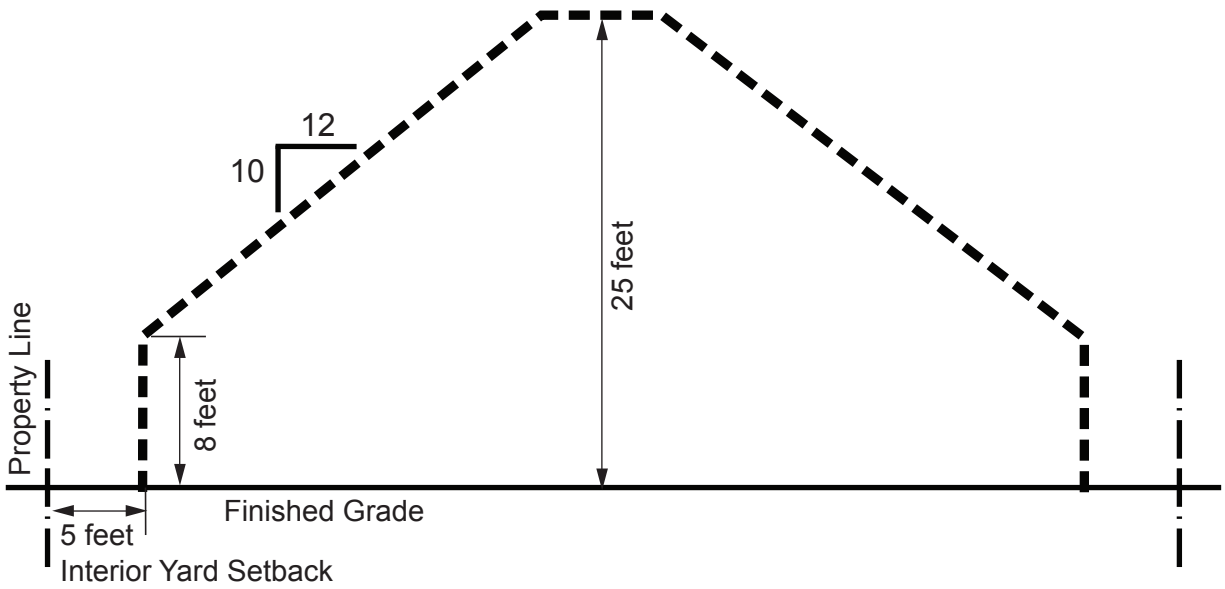
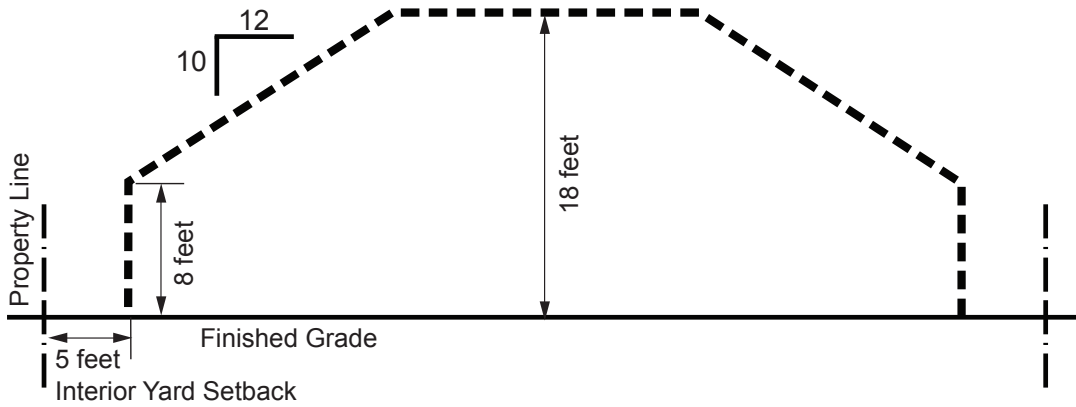


Figure 9.2751(16)(b)3.

**Building Height/Interior Setbacks for:**

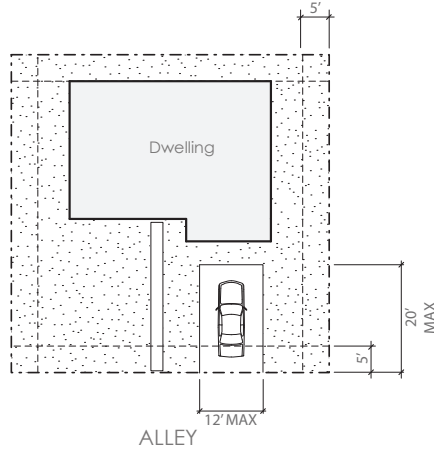
- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)



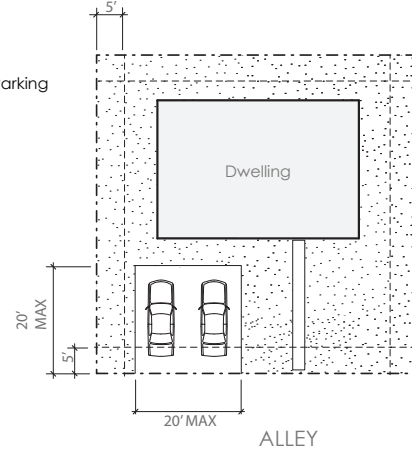
**Figure 9.2751(18)(a)11.**

# Parking and Driveway for Alley Access Lots

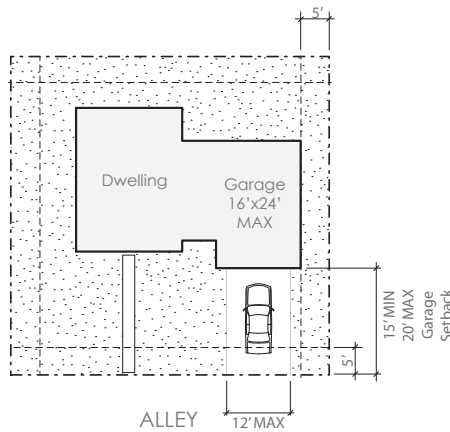
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



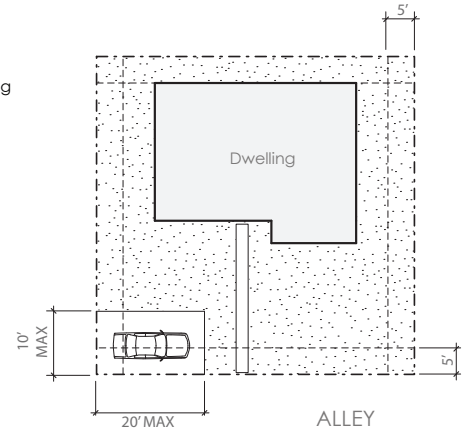
**OPTION B:**  
Side by Side Parking  
400 SF MAX



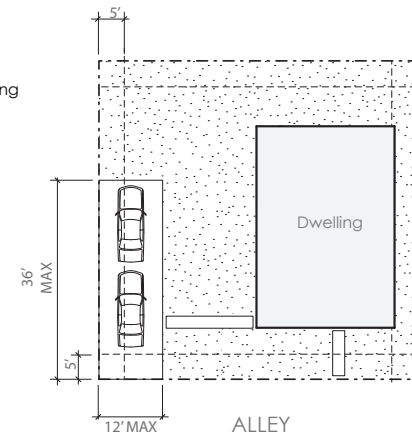
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Exhibit D

**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.

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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 certain 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.*

*OAR 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*

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*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

## Exhibit D

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). Approximately half of these flag lots would no longer be eligible for a secondary dwelling due to the limitation of secondary dwellings on certain larger flag lots.

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 14 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 14 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.*



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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.

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*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)*

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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.*

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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

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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*

## Exhibit D

*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.*

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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.

**Secondary Dwellings**

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 1**

Secondary Dwellings				
Development Standard	Current Code	Planning Commission Recommendation	Alternative Proposal (Revised Ordinance)	Implications of Alternative Proposal
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Originally, the proposal was to prohibit SDUs on all flag lots. As revised, the proposal would allow for SDUS on flag lots that contain at least 12,500 square within the flag area of the lot and have a minimum (single or combined) flag pole width of 25 feet. Other setback, driveway and landscaping standards would also apply.</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 4,780 lots within the UGB or approximately 10% of all lots eligible for an SDU would no longer be eligible for an SDU.</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs. If SDUS are allowed on flag lots as per the revised proposal, then approximately 150 to 180 of the 300 existing larger flag lots would be eligible for a secondary dwelling.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet from a property line.</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs often include garage, basement or other conversions of existing homes. For lots that are not located in the traditional block/rectilinear lot pattern commonly found in Eugene’s closer in neighborhoods (such as larger or hilly lots in the south hills, and larger lots north of the river) this may be problematic for conversations depending on the location of the existing home.</p> <p>If an existing home located greater than 60 feet from the street exceeds 18 feet in height, a conversion would not be allowed. Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently create an attached SDU through conversion.</p>
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	<p>For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of</p>	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	<p>The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.</p> <p>Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.</p>



		6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.		
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	<p>Allows for adjustment review in limited situations: temporary leave, to allow conversion of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>To allow for conversion, if the structure meets all SDU standards except the sloped setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>For conversion of existing structures, would place additional limits on building size and height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through conversion of an existing home.</p>

**Alley Access Lots**

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on alley lots, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 2**

<b>Alley Access Lots</b>				
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Planning Commission Recommendation (to apply to existing and newly created lots)</b>	<b>Alternative Proposal (Revised Ordinance) (to apply to existing lots; prohibit new lots)</b>	<b>Implications of Alternative Proposal</b>
Creation of new lots	Not currently allowed.	Allow for creation of new alley access lots, subject to compatibility standards.	Do not allow for creation of new alley access lots	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less.  Homes on alley access lots will be smaller than secondary dwellings in most cases. Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy.  The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.  Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.	Provide for adjustment review to allow dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.	Existing alley access lots are typically less than 5,000 square feet and are generally 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a very small home, it is unlikely a property owner would need or desire to seek an increase in height.

**Accessory Buildings**

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 3**

Accessory Buildings				
Development Standard	Current Code	Planning Commission Recommendation	Alternative Proposal (Revised Ordinance)	Implications of Alternative Proposal
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 sq ft or less in area, interior yard setbacks shall be at least 5’. In addition, at a point that is 12’ above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22’</p> <p>On development sites greater than 13,500 sq ft in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12’ above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from property line (as opposed to 25 feet from property line).</p>
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.

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# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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Action: An Ordinance Concerning Sick Leave; Adding Sections 4.570 through 4.580 to the Eugene Code; Amending Section 4.996 of that Code; and Providing for an Effective Date

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Meeting Date: July 28, 2014  
 Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 7  
 Staff Contact: Jason Dedrick  
 Contact Telephone Number: 541-682-5033

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### ISSUE STATEMENT

The City Council will take action on a proposed ordinance that would establish minimum standards for employers to provide earned paid sick time to employees.

### BACKGROUND

In February 2014, the council initiated a process to pursue a paid sick leave ordinance. Staff was directed to convene a task force of community members to discuss key components of a potential ordinance. The council received a final report from this group with their considerations at a work session on June 18, 2014. At this same meeting, the council approved a motion directing staff to create a draft ordinance related to sick leave. The draft ordinance is included as Attachment A. Over 60 community members provided testimony on the draft ordinance at a public hearing on July 21, 2014. The council also discussed the ordinance at the July 28, 2014, work session.

### COUNCIL OPTIONS

The City Council may consider the following options:

1. Adopt the ordinance.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

### SUGGESTED MOTION

Move to adopt Council Bill 5125, an ordinance concerning sick leave contained in Attachment A.

### ATTACHMENTS

- A. Draft Ordinance

**FOR MORE INFORMATION**

Staff Contact: Jason Dedrick  
Telephone: 541-682-5033  
Staff E-Mail: [jason.p.dedrick@ci.eugene.or.us](mailto:jason.p.dedrick@ci.eugene.or.us)

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING SICK LEAVE; ADDING SECTIONS 4.570 THROUGH 4.580 TO THE EUGENE CODE, 1971; AMENDING SECTION 4.996 OF THAT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** Sections 4.570 through 4.580 of the Eugene Code, 1971, are added to provide as follows:

**SICK LEAVE**

- 4.570** ***Sick Leave - Purpose.*** *The purpose of sections 4.570 through 4.580 of this code is to promote a sustainable, healthy, and productive workforce by establishing minimum standards for employers to provide sick leave and to ensure that all persons working in the City of Eugene will have the right to earn and use paid sick leave. Allowing employees to earn and take sick leave will maintain a healthy workforce and promote a vibrant, productive, and resilient city.*
- 4.572** ***Sick Leave - Accrual of Sick Leave.***
- (1)** *Except as otherwise provided in sections 4.570 through 4.580 of this code or in the administrative rules adopted pursuant to section 4.578 of this code:*
    - (a)** *If an employer is located within the city, the employer shall provide its employees with a minimum of one hour of paid sick leave for every 30 hours of paid work performed by the employee; and*
    - (b)** *If an employer is located outside the city but sends an employee into the city to perform work, the employer shall provide that employee with a minimum of one hour of paid sick leave for every 30 hours of paid work performed inside the city.*
  - (2)** *For purposes of sections 4.570 through 4.580 of this code, an employer is located within the city if the employer owns, leases or rents property within the city at which one or more employees works.*
  - (3)** *Subject to subsection (1) of this section, employers shall allow employees to accrue a minimum of 40 hours of paid sick leave in a year.*

- (4) ***Sick leave accrued by an employee that is not used in a calendar year may be used by the employee in the following year, except that employers are not required to allow employees to use more than 40 hours of paid sick time in a year.***
- (5) ***Employees shall begin to accrue sick leave from an employer on July 1, 2015, or commencement of employment, whichever is later.***
- (6) ***An employer with a sick leave or paid time off policy that provides the employee with accrual of leave that equals or exceeds the requirements of this section is compliant with this section.***

**4.574 Sick Leave - Use of Sick Leave.**

- (1) ***An employee becomes eligible to use sick leave when he or she has been employed by the employer for 90 days or more.***
- (2) ***Nothing in sections 4.570 through 4.580 of this code requires an employer to compensate an employee for accrued unused sick leave upon the employee's termination, resignation, retirement, or other separation from employment.***
- (3) ***An employer with a sick leave or paid time off policy in effect that provides the employee with use of leave that equals or exceeds the requirements of this section is compliant with this section.***

**4.576 Sick Leave – Exercise of Rights Protected; Retaliation Prohibited.**

- (1) ***It shall be unlawful for an employer to interfere with the exercise of any right protected under sections 4.570 through 4.580 of this code.***
- (2) ***An employer shall not take retaliatory action or discriminate against an employee because the employee has exercised rights protected under sections 4.570 through 4.580 of this code.***

**4.578 Sick Leave – Administrative Rules. The city manager shall adopt, and as necessary amend, rules in the manner prescribed in section 2.019 of this code to assist in the implementation of sections 4.570 – 4.580 of this code, including but not limited to:**

- (1) ***Establishing conditions under which an employee may use sick leave, such as for an illness of the employee or family member, or circumstances related to domestic violence, sexual assault or stalking;***
- (2) ***Adopting definitions including but not limited to “employee,” “employer,” “paid time off” and “paid work”;***
- (3) ***Identifying record-keeping, accrual, and use of sick time requirements;***
- (4) ***Establishing enforcement protocols for administrative civil penalties and private rights of action;***
- (5) ***Defining an equivalent or better policy that would be deemed in compliance with this ordinance, such as paid time off, collective bargaining agreements and building trade protocols;***



- (6) ***Providing a methodology for establishing when an employee whose employer is located outside the city, is considered to be working within the city;***
- (7) ***Adopting provisions to ensure that employers may establish and enforce reasonable policies for employees in order to maintain workplace productivity and prevent possible abuse, while prohibiting employers from retaliating against employees for using sick leave; and***
- (8) ***Establishing a grace period after July 1, 2015, during which time compliance will be sought through education rather than imposition of fines and penalties.***

**4.580 Sick Leave – Enforcement.**

- (1) ***The city may contract with the Oregon State Bureau of Labor and Industries or another entity to enforce sections 4.570 through 4.580 of this code.***
- (2) ***Subject to the administrative rules adopted pursuant to section 4.578 of this code, any employee claiming to be aggrieved by an employer's violation of sections 4.570 through 4.580 of this code shall have a cause of action for damages and such other remedies as may be appropriate. The court may grant such relief as it deems appropriate.***

**Section 2.** Subsection (7) of Section 4.996 of the Eugene Code, 1971, is amended to provide as follows:

**4.996 Administrative Civil Penalty.**

- (7) ***In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340, [~~and~~] section 4.430 **and sections 4.570 through 4.580** of this code, **and violations of administrative rules adopted under sections 4.570 through 4.580 of this code**, an administrative civil penalty as provided by section 2.018 of this code.***

**Section 3.** The City Manager shall adopt the administrative rules required by Section 4.578 of the Eugene Code, 1971 ("EC") not later than January 31, 2015. In addition to other requirements imposed by EC 2.019 for administrative rule-making, as part of this initial administrative rule adoption process, the City Manager shall consider

at a minimum: (a) the findings in the Sick Leave Task Force report dated June 18, 2014; (b) similar ordinances adopted by other cities; and (c) input from a broad array of stakeholder perspectives including representatives of the business community, labor organizations and other workers, and advocates (both supporters and opponents).

**Section 4.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, the provisions of this Ordinance shall become effective on July 1, 2015, except that EC 4.578 and Section 3 of this Ordinance related to administrative rulemaking shall become effective in the normal course as provided in the Eugene Charter.

**Section 5.** On or before July 1, 2017, the City Council shall review the sick leave program adopted by this Ordinance.

**Passed by the City Council this  
\_\_\_ day of July, 2014**

**Approved by the Mayor this  
\_\_\_ day of July, 2014**

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**City Recorder**

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**Mayor**