

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

May 18, 2022
12:00 p.m.

Councilors Present: Claire Syrett, Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Emily Semple, Alan Zelenka, Greg Evans

Mayor Vinis opened the May 18, 2022, work session of the Eugene City Council in a hybrid in-person/virtual format.

Council resumed discussion of the motion postponed during the May 11, 2022, work session.

MOTION RESTATED: Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to schedule a work session on the Solar Lot Access Ordinance and Tree Preservation Ordinance including planting new trees and tree canopy potential.

Council Discussion:

- Mayor Vinis – stated this discussion will be limited to one-minute rounds from councilors.
- Councilor Clark – asked staff to clarify tree preservation in lot coverage and if existing tree protection ordinances stay in place; asked if tree protections impact only single family or only middle housing; stated the information in the staff presentation regarding trees was unclear; asked which tree preservation specifics apply to the code provisions being discussed.
- Mayor Vinis – noted that the motion on the table is whether staff should bring back information for a work session on the topic of solar access and tree preservation which would provide Council time to explore and discuss the specific details of those items.
- Councilor Zelenka – advised that the motion was intended to clarify tree preservation and solar access and to have a conversation about these topics; stated that both topics are not well understood and changes are needed to improve the code related to them; noted this ordinance does not change existing tree preservation, although the protections are weak; said that tree canopy discussions will require a work session to work toward an ordinance for tree planting and preservation codes.
- Councilor Evans – said he has had issues with tree planting in his neighborhood; noted the importance of tree preservation and canopy, and intentional planting; noted his concern over planting the wrong trees in the wrong places risking damage to property, both public and private; said a work session is necessary to address the planting and tree canopy issues.
- Councilor Syrett – requested the motion be restated.
- Councilor Groves – supported a work session on the matter; said he has concerns about lot coverage impacting tree canopy and noted his concern with overreaching into private property use.

- Councilor Semple – asked how soon a work session on this topic can be scheduled; indicated a preference to schedule the work session for this and other topics without delay.
- Councilor Zelenka – said he thinks short-term rentals should also have a work session scheduled.

MOTION TO AMEND: Councilor Zelenka, seconded by Councilor Keating, moved to amend the motion to include short term rentals as a third work session for City Council.

- Councilor Clark – asked if it is the intention of the motion to require scheduling the work sessions prior to the middle housing implementation deadline; noted his concern about voting on middle housing without having the tree preservation issue settled; asked if the maker of the motion would accept a friendly amendment to require scheduling the work sessions prior to the vote on middle housing; said he is in favor of scheduling the work sessions but believes work sessions after voting on middle housing would be fruitless, and he seeks more clarity around tree preservation prior to voting on middle housing.
- Councilor Syrett – asked to clarify the topics of the work session requests on the table; said she will not support amended motion.
- Councilor Semple – voiced concern over the timeline of work sessions in the motion; said she would move to separate if the amended motion passed.

VOTE ON MOTION TO AMEND: PASSED 5:3 (opposed by Councilors Syrett, Evans, and Clark.)

MOTION TO DIVIDE: Councilor Semple, seconded by Councilor Keating, moved to divide the motion to schedule work sessions on the Solar Access ordinance, Tree Preservation ordinance and Short-Term Rentals into three separate motions: tree preservation, solar access, and short-term rentals. **VOTE: PASSED 7:1** (opposed by Councilor Zelenka.)

MOTION 1 – SOLAR ACCESS: Move to direct the City Manager to schedule a work session on the Solar Lot Access Ordinance. **VOTE: PASSED 8:0**

MOTION 2 – TREE PRESERVATION: Move to direct the City Manager to schedule a work session on a Tree Preservation Ordinance including planting new trees and tree canopy potential.

Council Discussion:

- Councilor Clark – asked if the tree preservation work session can be completed prior to the middle housing vote; said he will not support the motion since the work session cannot be held prior to middle housing vote.
- Councilor Zelenka – asked if Council already has a tree canopy work session approved and scheduled; suggested this topic could be included with the urban forestry work session that has been scheduled for June 27, 2022, noting he intended for this discussion to be part of that work session when he drafted the motion.

- Councilor Groves – agrees with Councilor Clark regarding how the tree preservation and middle housing are intertwined; will support the motion; believes it is important to discuss this topic in more detail.

VOTE ON MOTION 2: PASSED 7:1 (opposed by Councilor Clark.)

MOTION 3 – SHORT TERM RENTALS: Move to direct the City Manager to schedule a work session on short-term rentals.

Council Discussion

- Councilor Clark – asked for confirmation that Council had a recent work session on short-term rentals; said he will vote against the motion since the short-term rental issue was already addressed in previous work sessions.
- Councilor Syrett – asked the City Manager and City Attorney for the status of the short-term rental report back; said she would like Council to follow through on previous discussions on short-term rentals, wait for report and schedule a work session if warranted after report back is done; said she will not support the motion.
- Councilor Zelenka – said that middle housing could drastically increase the number of short-term rentals in Eugene and that additional discussion is required to determine if the middle housing ordinance should apply to short-term rental; supported waiting for the report back on data from the previous discussion.
- Councilor Semple – indicated that future discussion regarding short-term rentals could apply backwards into middle housing.
- Councilor Clark – asked the City Attorney if it is a potential Measure 49 claim if a short-term rental building permit is declined by the City; voiced concern over being in jeopardy of violating Measure 49 by prohibiting short-term rentals in middle housing; supported the premise of work sessions and encouraged further discussion; said he has concerns over the timing of work sessions with relation to the middle housing vote.
- Councilor Zelenka – noted that Council can amend the middle housing code later; said short-term rental restrictions do not have to be retroactive and could be applied to new construction only; noted that previous restrictions that were discussed would have applied retroactively without Measure 49 issues.

VOTE ON MOTION 3: PASSED 6:2 (opposed by Councilors Clark and Syrett.)

Middle Housing Staff Presentation

City Manager Sarah Medary introduced Principal Planner Terri Harding and Senior Planner Jeff Gepper who presented information regarding Council-requested changes to the proposed middle housing code from the [May 11, 2022](#), work session.

Council Discussion:

- Councilor Clark – asked staff to clarify if there would be tree protection for trees outside of the setback area if the 75 percent lot coverage is approved; expressed concern that with 75 percent lot coverage, trees are not protected and land can be developed up to the setback area.
- Councilor Zelenka – clarified that the majority of comments he had received are actually regarding HB2001 and eliminating R1 zoning, which Council has no say over; noted that

Council objected to the state legislation; said he believes that the items Council is considering are modest tweaks in relation to the profound change of allowing duplexes, triplexes and townhouses in all residential areas; noted that the code has allowed for three-story building in residential lots for the last 16 years; outlined true lot coverage of 75 percent allowance is 66 percent coverage post setbacks.

- Councilor Semple – stated that the change from 50 to 75 percent lot coverage does make a difference; voiced concerns about preserving green space for outdoor enjoyment.
- Councilor Syrett – asked staff if the change made to parking incentives would apply to future EmX stations automatically; asked if amendments would be needed for future EmX station impacts; expressed disappointment that the parking incentive was removed from small middle housing units; said she believes lot coverage should remain at 75 percent as recommended by staff.

MOTION: Councilor Clark, seconded by Councilor Semple, moved to direct the City Manager to come back with ordinance reflecting a 50 percent lot coverage instead of a 75 percent lot coverage.

Council Discussion:

- Councilor Clark – said this is a big issue and needs more discussion with community involvement; restated his support to enact the minimum necessary for HB2001 and hold more conversation on the issues being proposed; noted that he would support 75 percent lot coverage if the concerns over tree canopy can be addressed and the community can be more involved in the conversation.
- Councilor Groves – voiced interest in seeing the results of the tree canopy work session; noted the deadline for implementing HB2001 is June 30, 2022; asked staff to verify that starting with 50 percent lot coverage would not preclude amending to 75 percent at a later date.

Following clarification from the City Attorney, the motion was withdrawn.

- Councilor Semple – noted that she had previously been told that an analysis for the entire city had been done, and asked where this analysis is; inquired what measures will be taken to ensure even distribution of middle housing throughout the city and neighborhoods; shared concerns about the existing infrastructure and its ability to support the increased density of housing; asked who would be required to pay for infrastructure upgrades needed to support the new development of middle housing; asked if the staff proposal is different from the minimum standards of HB2001 for ensuring sufficient infrastructure exists; inquired how the Greenway will be protected; said she has heard public concerns about building too close to river; asked staff if a multiplex could be built in the Greenway under the current code and later under the middle housing code; inquired if a motion can be added to protect the Greenway; expressed interest in more time to discuss the how to protect the Greenway; stated she feels pressure regarding public confusion and concern around this ordinance; said she will not make a motion, apologized to those who wanted a motion brought forth to protect the Greenway.

- Councilor Clark – asked if a sufficiency study was done to show current infrastructure can support middle housing development; asked if Public Works completed an analysis to confirm the ability to support middle housing; asked if a study has been done to determine the amount of middle housing units that can be accommodated with the current infrastructure.
- Councilor Zelenka – noted the permit process for infrastructure is already in place to upgrade services for new construction when needed; noted it is unfeasible to study every line and service; noted that Greenway protection is not a prohibition of construction; advised Councilor Semple that she could request a work session to increase Willamette Greenway protections; said he would be interested a work session around the Greenway protection.
- Councilor Syrett – said infrastructure is the same as the current situation and middle housing would have the same process as currently required for single-family construction; noted that outside of the urban growth boundary there is no infrastructure; stated there would be no net gain in avoiding infill and spreading out the urban growth boundary would cost more overall.
- Councilor Clark – asked the City Attorney to remind Council of its obligation to the state law about comprehensive plans and Goal 11; asked if the community has an obligation for future growth analysis and infrastructure; voiced concern that the work is being done to build more housing which could lead to infrastructure issues causing a stall in the housing goals.

MOTION: Councilor Syrett, seconded by Councilor Keating, moved to adopt an Ordinance Concerning Middle Housing, including Exhibits A and B attached thereto, as set forth in its entirety as Attachment C to the May 18, 2022, Agenda Item Summary.

Council Discussion:

- Councilor Semple - noted that people in the public are upset about not being heard; said she believes that the outreach was innovative and valuable; stated that she believes it is her job as a City Councilor to ensure that her constituents are heard; stated that there is a divided Council and community surrounding middle housing and it is Council's duty to hear the community regardless of the topic; noted that technical difficulties have reduced public input and there is a need for more time in a public forum.

MOTION: Councilor Semple, seconded by Councilor Evans, moved to postpone the vote to a date certain, Wednesday, May 25, 2022.

- Mayor Vinis – proposed the option to call a special session on Tuesday, May 24, 2022.
- Councilor Clark – said he intends to make a motion but will be absent from the meeting briefly for technical update and will return when possible.
- Councilor Groves – said he was also bothered about the technical issues that occurred during the public hearing on April 18 and believes that another opportunity to get public input is needed; inquired if it is possible to schedule a public hearing prior to the vote; noted his support for allowing the voices of the public to be heard.
- Councilor Zelenka – requested clarification on the date and time of postponement.

Councilor Clark lost virtual connection the meeting.

- Councilor Syrett – inquired if a friendly amendment was needed to change the date certain to May 24; clarified that if the motion fails, this topic will bump other scheduled topics from the work session agenda on May 25, 2022. The friendly amendment was accepted by the maker and seconder of the motion.
- Mayor Vinis – polled the councilors about their availability for a special work session on May 24 at 5:30 p.m.

RESTATED MOTION (*with friendly amendment*): Councilor Semple, seconded by Councilor Evans, moved to postpone action until Tuesday, May 24, 2022, for a special meeting at 5:30 p.m. **VOTE: 7:0**

- Councilor Syrett – announced that she sent a text to Councilor Clark and confirmed his availability for the special session.
- Councilor Semple – clarified that a motion to amend can be made at the special session.
- Councilor Zelenka – requested clarification of the acceptable motions for change at the May 24 meeting such as surgical amendments, similar to 50 to 75 percent lot coverage change; stated it would be good to know if there are other issues that should be raised before the special session.

Mayor Vinis adjourned the meeting at 1:38 p.m.

Respectfully submitted,



Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).