

MINUTES

Eugene City Council Virtual Work Session Eugene, Oregon 97401

September 15, 2021
12:00 p.m.

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

Mayor Vinis opened the September 15, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION AND ACTION: An Ordinance Concerning Accessory Dwellings; Replacing the Term “Secondary Dwelling” with “Accessory Dwelling” Throughout the Eugene Code 1971; Making Additional Amendments to Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 and 9.8030 of that Code; Addressing the Oregon Land Use Board of Appeals’ Remand of Ordinance Nos. 20594, 20595, and 20625; and Providing an Effective Date

Senior Planner Jeff Gepper gave a PowerPoint presentation on Finalizing Compliance for Accessory Dwelling Units, outlining the ADU Code Amendment history and options for Council action. Deputy City Attorney Emily Jerome reminded the councilors that the motions from the July 12 work session were on the table.

Amendment 1

Revise the draft ordinance to eliminate the current code’s requirement that ADUs screen their garbage areas, by striking current sections EC 9.2751(17)(b)4., EC 9.2751(17)(c)19., and 9.3811(1)(e)4.

VOTE ON MOTION TO AMEND #1: PASSED 8:0

Amendment 2

Revise the draft ordinance’s proposed building height/interior setback requirements and maximum building height pertaining to ADUs that are not above a garage or on a sloped lot to change the proposed 10-foot and 18-foot height measurements to, instead, 15-foot and 25-foot height measurements by:

- revising the second sentence in the proposed ordinance’s 9.2751(17)(a)2.b.(1) and EC 9.2751(17)(b)5.a. to state as follows: “In addition, at a point that is 15 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 25 feet.”

- AND -

- revising the second sentence in the proposed ordinance’s EC 9.2775(5)(e)1.a. to state as follows: “In addition, at a point that is 15 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 25 feet for detached accessory dwellings and the maximum building height of the primary dwelling for attached accessory dwellings.”

- AND -

- revising EC Figure 9.2751(16)(b)3 to change the 10-foot and 18-foot height measurements to 15-foot and 25-foot height measurements, respectively. [See Exhibit A – Page 1 for what that figure would look like if the motion passed]

Council Discussion

- Councilor Semple – asked how the numbers in the motion were developed; said she felt accessory buildings should be smaller than the main building.
- Councilor Groves – said he worked hard to understand the different perspectives on this proposal and acknowledged his struggle with the proposed motion.
- Councilor Clark – agreed with Councilor Groves and noted that a consequence of infill is the loss of direct sunlight on a property; advocated more opportunities for housing of all types.
- Councilor Zelenka – noted the conflict between being a good neighbor and ensuring more housing.
- Councilor Syrett – shared that the proposed amendments are the result of testimony and stakeholder input; said the issue before Council is a fundamental decision about housing availability versus property rights.
- Councilor Clark – reminded the Council of prior decisions to not expand the Urban Growth Boundary and said both infill and expansion are needed to meet housing goals.
- Councilor Semple – supported incentivizing ADUs and said that cities grow from the inside out; said she felt the number of ADUs actually built in the city’s core may be negligible; supported increasing the number of parks and community gardens if densifying is allowed.
- Councilor Zelenka – agreed that the Council’s action will not result in a lot of new ADU development and the impact of ADUs on housing stock will be minimal; opposed the proposed amendment because it impacts scale and livability.
- Councilor Syrett – agreed that a decision was made by Council to not expand the UGB and it therefore has a responsibility to create and increase housing types.
- Mayor Vinis – said the amendment addresses Council’s responsibility to act on climate change and comply with state law.

VOTE ON MOTION TO AMEND #2: PASSED 6:2, councilors Zelenka and Clark opposed.

Amendment 3

Revise the draft ordinance’s proposed building height/interior setback requirements pertaining to a backyard ADU that is above a garage or on a sloped lot to increase the proposed height at which the roofline may begin to slope upwards from 18 feet to 22 feet, by:

- revising the text in the proposed ordinance’s EC 9.2751(17)(a)2.b.(2)(B) so that the second sentence of that subsection states as follows: “In addition, at a point that is 22 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.”
- AND-
- revising EC Figures EC 9.2751(17)(a)2.b.(2)(A) and EC 9.2751(17)(a)2.b.(2)(B) to change the 18-foot height measurement to a 22-foot height measurement. [See Exhibit A – Pages 2 and 3 for what that figure would look like if the motion passed]

VOTE ON MOTION TO AMEND #3: PASSED 8:0

Amendment 4

Revise the draft ordinance to eliminate the current code’s “maximum wall length” for detached ADUs by striking current sections EC 9.2751(17)(b)(6) and EC 9.2571(17)(c)(20).

Council Discussion

- Councilor Syrett – noted that the original proposed language adds to the cost of construction and has no practical purpose; supported prioritizing housing development over aesthetics.
- Councilor Zelenka – said the original language represents a very slight increase in costs to create a visual break.
- Councilor Clark – said he felt that aesthetics were less important than loss of rights for a neighbor.

VOTE ON MOTION TO AMEND #4: PASSED 7:1, Councilor Zelenka opposed.

Amendment 5

Revise the draft ordinance’s proposed building height/interior setback requirements for ADUs to make the sloped setback requirements inapplicable where a property line abuts a public right-of-way or private street, by:

- Adding a phrase to EC 9.2751(17)(a)2.b.(1), 9.2751(17)(a)2.b.(2)(B), 9.2751(17)(b)5.a., 9.2775(5)(e)1.a., 9.2775(5)(e)1.b.(2) so that the text that currently provides “In addition, at a point that is . . .” is changed to: “In addition, except where the setback is from a property line abutting a public right-of-way or private street, at a point that is . . .”

Council Discussion

- Councilor Zelenka – said he felt the proposed amendment would have only a minor impact.
- Councilor Semple – asked clarifying questions about the differences between alleys, streets, and other types of rights-of-way.
- Councilor Syrett – asked about the general width of an alley and shared that the amendment was the result of her conversation with contractors.
- Councilor Keating – thanked Councilor Syrett for her proactivity in proposing the amendment; said that most fears about ADUs are unwarranted and hoped the council and community would embrace opportunities to create livable, affordable housing, including rental properties.
- Councilor Groves – agreed that livability applies to both homeowners and renters in the community.

VOTE ON MOTION TO AMEND #5: PASSED 8:0.

Main motion as amended on table.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Clark, moved to substitute the following motion for the motion to adopt the ordinance as amended: Move to direct the City Manager to prepare an ordinance that comprises the proposed ordinance in Attachment A as amended, but revised by substituting for Section 10 amendments to the SC-Chambers Special Area Zone and sections 18 and 19 amendments to the SJW-Jefferson Westside Special Area Zone, the amendments for the SC and SJW zones dated August 23, and August 21 respectively, as submitted by Ted Coopman on behalf of the JWN and to provide the required public notice, required DLCD notice and to schedule a public hearing regarding the revised ordinance

Council Discussion

- Councilor Clark – supported the substitute motion and said the staff proposal does not comply with the Comprehensive Plan, noting it treats households differently; encouraged action now and expressed concern that without the substitute motion the council’s actions will be doomed to remand; asked questions about Department of Land Conservation and Development notice requirements.

- Councilor Semple – clarified that a constituent requested that she bring the motion forward and she was trying to ensure transparency; noted that the language is legal and affects a very small area of the city.
- Councilor Syrett – expressed concern that the Jefferson-Westside Neighbor’s goal was not to facilitate or ease passage of the ordinance; said there is no justification for one neighborhood to be exempt from citywide standards; encouraged council to not be afraid of the threat of remand.
- Councilor Evans – supported the autonomy of neighborhoods, noting that the impacts of ADU regulations will affect neighborhoods differently.
- Councilor Zelenka – said the Jefferson-Westside proposal was too much of a change provided too late in the process; said all neighborhoods are unique and JWN is not more special than others.
- Councilor Yeh – opposed the substitute motion and conveyed her enthusiasm for Council to take action on the amended ordinance.
- Mayor Vinis – disagreed that neighborhoods should be autonomous and said the intent of the proposed action on ADUs is to create a citywide planning landscape.
- Councilor Clark – said consistent rules are needed and the staff proposal creates inconsistencies among neighborhoods.
- Councilor Evans – said the deadline to take action is looming and encouraged Council to act while it can still control the narrative.

VOTE ON MOTION TO SUBSTITUTE: FAILED 3:5, councilors Keating, Zelenka, Yeh, Syrett, and Groves opposed.

Council Discussion

- Councilor Clark – said he was opposed to the main motion as it does not comply with the Comprehensive Plan; repeated his belief that the issue will be remanded on substance.
- Councilor Evans – said despite his support for the substitute motion, he would vote in favor of the main motion as amended.

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:2, councilors Semple and Clark opposed.

Mayor Vinis adjourned the meeting at 1:20 p.m.

Respectfully submitted,



Beth Forrest
City Recorder

Link to the webcast of this City Council meeting [here](#).