

## MINUTES

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

**October 9, 2019  
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka (*via phone*), Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor, Greg Evans

Mayor Vinis opened the October 9, 2019, work session of the Eugene City Council.

### **1. WORK SESSION: Parks and Recreation System Development Charge Methodology Update**

Public Works Operations Manager Carolyn Burke, and Deborah Galardi of the Galardi-Rothstein Group presented to council about the Parks and Recreation System Development Charge Methodology. This work session was an opportunity for City Council to further discuss the draft methodology.

#### Council Discussion:

- Councilor Clark – Discussed appreciation for goals surrounding park system despite conflicting community needs; discussed challenges of park SDCs, other permits and fees and the challenges of building housing with these fees in place; would like to see a comparison of surrounding cities’ permits and fees for building.
- Councilor Syrett - Asked staff to discuss how reimbursement fees work.
- Councilor Pryor – Discussed “three legs of the stool”: the need for park SDCs, capacity of community to finance the need, and the timeline to accomplish the need; expressed appreciation for the work staff has done and the need for council to use that information; expressed desire to address this SDC differently than transportation.
- Mayor Vinis – Asked how staff imagines this methodology phasing in over time; requested a list of SDC, permit, and other charges the city is already using for development, in addition to what is being considered now and to come; expressed desire for more information to see the bigger picture of these SDCs fit in with other fees.
- Councilor Clark – Discussed nuances behind conversation; asked what total fees collected would be if council left current SDCs alone; discussed difficulty of building affordable housing while increasing fees for building in Eugene.
- Councilor Syrett – Expressed desire for more information from staff, public hearing, and comments from the public before coming to a conclusion; discussed previous question to staff about when the most recent SDC rate increases took place and what they were; appreciated nuance of conversation and anticipation of further conversation.

## **2. WORK SESSION: Small Cell Technology in the Right-of-Way**

Public Works Director Sarah Medary and Public Works Maintenance Director Scott Milovich presented to council an overview of the existing small cell technology installation program to regulate and permit small cell installations in City right-of-way as well as a description of current and pending installations.

### Council Discussion:

- Councilor Taylor – Inquired about the two locations permits were denied; discussed neighborhood placement of poles and asked why the City did not consider aesthetic limitations before permitting new towers; discussed council’s role in discussing aesthetics as well as the public’s input; inquired why property owners are not notified of placements in neighborhoods citing an example in a local neighborhood; inquired if council can ascertain the preferences of property owners; discussed if notices should be able to affect the outcome of a placement of a tower; discussed regulation of aesthetics particular to neighborhoods; supported further discussion of what power council has to regulate aesthetics of towers.
- Councilor Clark – Discussed intention for work session and potential outcomes, i.e., “what can we do”, “what can’t we do”, and “what should we do” when it comes to regulating placements; expressed desire for better information from staff about whether council should be regulating placements, and what the opportunity costs are for regulating or not regulating; discussed with the City Attorney the challenges of regulating towers based on health standards which the City does not have the authority to regulate.
- Councilor Evans – Inquired about EWEB’s standard for permitting as compared with the City of Eugene standards; discussed EWEB’s process and the City’s need for alignment; asked staff how the public can determine if a pole belongs to EWEB or the City; inquired if EWEB poles are those in front of homes and schools; inquired whether EWEB is required to comply if the council puts out a new aesthetic requirement; asked staff if, based on placement standards, the City can deny or reroute a pole in other locations that do not impact residents as directly; inquired about the impact of an ordinance that would regulate placement of towers to industrial and commercial areas as opposed to residential areas; asked what would happen if council drafted an ordinance prohibiting placements of towers in residential areas.
- Councilor Pryor – Expressed confusion about regulation due to aesthetic standards versus banning technology; inquired if staff has assembled any authoritative information to determine if technology needs to be banned; discussed desire to talk about the technology before making decisions; discussed aesthetics of different utility pole installations; discussed desire to have further conversation deliberately; discussed nuances of conversation surrounding banning installations based on aesthetics.
- Councilor Zelenka – Inquired how many poles are owned by the City versus EWEB; discussed City’s current role in challenging FCC regulations and state legislation regarding health effects of 5G technology; inquired if staff has any sense of when state research would surface for the City to use; inquired of staff what “aesthetic” means related to the City’s limitation of regulation to aesthetics and how far the City

could take that as a means for limiting installation; inquired if limitation of towers to industrial and commercial areas would limit ability of service in residential areas; inquired what the “three prong test” means.

- Councilor Yeh – Expressed appreciation for where the City is now in the process; clarified that it doesn’t matter who owns what poles, the outcomes are the same; clarified that there is no 5G in Eugene currently and there would be need for a new permit for new radio frequency; asked about the usage of 5G products in residential areas; discussed implications of banning technology in residential areas; expressed appreciation for Councilor Zelenka’s inquiry about Oregon HB 3375 and difficulty in doing research on one’s own; discussed fears surrounding new technology and appreciation for staff’s perspective.
- Councilor Syrett – Expressed appreciation for Councilor Yeh’s clarifications and comments; inquired about operational poles and use of current 4G technology; echoed Councilor Yeh’s comments about staff’s measured response and City Attorney’s administrative approach to regulation to be more nimble in the City’s response to FCC regulation and citing; reiterated conversation about fears surrounding new technology; asked staff to resend information sent to council regarding a list summarizing what other communities have done.
- Councilor Semple – Clarified permitting for turning on 5G technology on new and existing poles; inquired what authority the council or the City has to regulate emissions; asked who has authority over determining aesthetic standards; discussed public frustration and fears of public; asked if council will have research from HB 3375 before technology is upgraded.

#### **MOTION AND VOTE**

Councilor Clark, seconded by Councilor Evans, moved to extend the meeting.  
**PASSED 8:0.**

- Councilor Clark – Clarified that most installations are on EWEB poles; clarified permit requirements related to permission of placement on poles; clarified if pole owner has authority to deny permits and City’s role in facilitating placement.
- Councilor Taylor – Referenced and discussed Councilor Pryor’s comments regarding aesthetics of current transformers; discussed aesthetic standards and whether it’s possible to remove a device if it is aesthetically displeasing; inquired if council can initiate a requirement for separation and setbacks between devices and homes and if the regulation could be retroactive; discussed desire to know what council can do regarding permitting and installation; asked why exact like-standards are not applied to each installation.
- Councilor Zelenka - Discussed standards around aesthetics for various installations of technology in the city; asked staff to send information on aesthetics especially related to the three-pronged test; asked several questions of the City Attorney about the legal impacts of banning installations in residential areas for aesthetics reasons and potential outcomes and timing.
- Councilor Evans – Asked what is known about the status of the litigation against the FCC regarding usurping home rule, as well as the status of moving a bill addressing the topic through the U.S. Congress.

The meeting adjourned at 1:48 p.m.

Respectfully submitted,

*Beth Forrest*

Beth Forrest  
City Recorder

*(Recorded by Samantha Roberts)*

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