

MINUTES

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

**October 23, 2019
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Vinis opened the October 23, 2019, work session of the Eugene City Council by outlining the meeting format.

1. WORK SESSION AND POTENTIAL 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, 9.3060, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410, and 9.8030 of that Code; and Addressing the Oregon Land Use Board Of Appeals’ Remand of Ordinance Nos. 20594 And 20595.

Principal Planner Alissa Hansen provided background on the topic that led to the work session.

Discussion

- Councilor Clark – said he looked forward to a future conversation on incentives that would make building accessory dwelling units more affordable; expressed concern about quality of life in neighborhoods with more people parking on the street.
- Councilor Syrett – said she was interested in putting forward a motion to limit minimum lot sizes; asked for clarification on minimum setback requirements; said she thought land owners with smaller lots were being discriminated against under current ordinance.
- Councilor Taylor – said she wanted to work with other communities to refuse to comply with State’s regulations; change in parking was sufficient to warrant another public hearing.
- Councilor Zelenka – asked about the elimination of maximum number of bedrooms requirement as it relates to density and maximum occupancy requirements.
- Councilor Clark – said shrinking minimum lot size would result in more units per acre than the current density; agreed with Councilor Taylor that the State should not have imposed House Bill 2001 on the City and supported efforts to fight it.
- Councilor Taylor – said she thought accessory dwellings should be connected to the main house and require owner occupancy; noted air quality was a concern with increased density; thought property owners should be able to depend on their zoning not changing; hoped Eugene would resist the State’s law

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to untable her own motion from the September 16, 2019, council work session on ADUs. **PASSED 5:2**, Councilors Taylor and Clark opposed.

RE-READ OF THE MOTION: Councilor Yeh (seconded by Councilor Syrett) moved to direct the City Manager to revise the draft ordinance to eliminate the ADU

standards for the AG, R-1, R-2, R-3, R-4 and S-E zones that apply only to flag lots, making ADUs on flag lots in those zones subject to the same lot standards that apply on regular (non-flag lot) lots in the same zone.

- Councilor Yeh – said she thought it was unreasonable to treat flag lots as if they were fundamentally different from another type of lot.
- Councilor Semple – said she thought flag lots were fundamentally different because they were landlocked and wanted to protect green space and privacy.
- Councilor Zelenka – asked for clarification about lot size minimums for ADUs built on flag lots; asked whether the Land Use Board of Appeals challenge covered issues pertaining to flag lots; asked how many lots there were that met the minimum and what was challenged related to flag lots in the LUBA remand; said he doubted the motion would accomplish much.
- Councilor Syrett – said she thought owners of flag lots should not be more restricted in developing their land than owners of lots with different shapes; shared her intent to support the motion.
- Councilor Taylor – said she preferred to postpone the entire conversation about ADUs; supported reviewing each proposed change individually.
- Councilor Clark – said his intention in proposing the R-1 code amendments in 2014 was to protect the rights of property owners and the quality of life in R-1, rather than to limit ADUs or the ability of land owners.
- Councilor Pryor – said he thought the R-1 code amendments were designed to limit owners' ability to develop their land; wanted to continue to uplift livability while accommodating a growing population in accordance with Senate Bill 100.
- Mayor Vinis – noted the Climate Recovery Ordinance called on council to find ways to live and grow within the urban growth boundary, which would require more people to live in the city's neighborhoods; said she thought flag lots were an opportunity to add infill.
- Councilor Taylor – said she felt changing zoning was dishonest to current property owners.

VOTE: FAILED 3:4, Councilors Clark, Taylor, Semple and Zelenka opposed.

MOTION: Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to revise the draft ordinance to allow ADUs on alley-access lots in the R-1, R-2, R-3, and R-4 zones, subject to the same ADU standards that apply on regular (street access) lots in the same zone.

- Councilor Clark – said he wanted a plan to catch up on the list of unimproved roads in need of repair; noted the motion, if passed, would result in increased wear on alleys.
- Councilor Semple – asked whose responsibility it was to maintain the alleys; expressed concern about access to the home for people in wheelchairs when alleys were unpaved.
- Councilor Zelenka – said ADUs aren't the panacea for the affordable housing crisis, but the details for how they would be built would impact neighbors; said he thought the impact of HB 2001 in the university area would be dramatically different than for other neighborhoods; voiced concern about marginal housing being razed and multiplexes being built on the same land; said he did not intend to support the motion.
- Councilor Taylor – said she thought the legislation would impact the whole city—not just the university neighborhood—and result in higher housing prices for renters and buyers.
- Councilor Syrett – noted that additional cars being driven on the alleys would only occur if the land owner provided an on-site parking spot for the ADU; expressed concern that the work session would result in the City being in violation of HB2001; said she was discouraged by the tenor of the conversation.

- Councilor Yeh – said ADUs were not the cure-all or the curse of the city, but the issue pointed to different land use philosophies; said she thought it reasonable that land owners on alleys, even if there are few of them, should have the same rights to develop their land as people on street-front lots; expressed disappointment about the conversation.
- Councilor Pryor – noted that the conversation was symbolic; said he was invited by LUBA to sit on the advisory body to create the rules for HB2001; supported taking a proactive approach to shaping the impact of the law.
- Councilor Semple – asked how many more alley lots could be created; asked about parking requirements in alleys; said she thought future appeals and caselaw would give guidance; voiced concern about the impact in the university neighborhood, especially on historic buildings; supported moving on to the issues presented by HB2001, including neighborhood outreach.
- Mayor Vinis – asked for clarification on the number and location of alley access lots in R-1.

VOTE: FAILED 3:4, Councilors Clark, Taylor, Semple and Zelenka opposed.

MOTION: Council Yeh, seconded by Councilor Syrett, moved to direct the City Manager to revise the draft ordinance to remove the barriers to above-garage ADUs in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback.

- Councilor Yeh – said she thought building ADUs above garages was challenging under current code and utilizing an already-existing footprint to build one would be desirable.
- Councilor Semple – supported adding a second level to a garage; asked for clarification about interior setbacks.
- Councilor Clark – supported the motion because it did not alter the footprint; supported requiring onsite parking for the above-garage ADU.
- Councilor Zelenka – said he thought motion would increase density and result in privacy issues; asked about provisions for screening and windows that would remedy privacy concerns.
- Councilor Semple – asked for clarification about why a resident could not build a two-story ADU under current code.
- Councilor Taylor – said she thought the motion required more thought because of threats to privacy.

VOTE: PASSED 6:1, Councilor Taylor opposed

MOTION: Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to revise the draft ordinance to remove barriers to ADUs on sloped lots in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback.

- Councilor Yeh – said she hoped to remove a common barrier to building ADUs for anyone who owned a sloped lot.
- Councilor Semple – supported the motion and thought it would open up more lots to ADUs.
- Councilor Clark – asked what the steepest allowable slope would be; asked for clarification on whether there would still be a height restriction; said he thought the motion would have a detrimental impact on neighborhood parking.
- Councilor Zelenka – asked for further clarification about the height restriction.
- Councilor Taylor – said she thought council should be more aware about the reasons there were restrictions on slopes and get the neighborhood associations involved.

VOTE: PASSED 5:2, Councilors Clark and Taylor opposed.

- Mayor Vinis asked Councilors Taylor, Syrett, and Zelenka for clarification regarding each of their intended motions.
- Councilor Syrett – said she would introduce a motion to remove minimum lot sizes for ADUs.
- Councilor Zelenka – expressed intention to introduce two motions: one to retain the maximum bedroom requirement in the university area and a second to retain the maximum occupancy requirement for ADUs in the university area

MOTION: Councilor Taylor, seconded by Councilor Semple, moved to postpone action on ADUs until the following steps have been taken: (1) every neighborhood organization has had the opportunity for a facilitated discussion of the proposed changes, including the implications for their neighborhood, and (2) another public hearing has been held.

- Councilor Taylor – said she would like to see well-advertised discussions about ADUs at the neighborhood level; supported facilitated neighborhood association meetings to give residents information and answer questions; said she thought the changes to parking required another public hearing and the City should resist preemption of local authority.
- Councilor Clark – expressed support for the sentiment and not the motion itself; said he thought people understood the idea of ADUs but did not understand the implications; supported moving past the ADU conversation because so few people would actually build them, and they would not contribute to more affordable housing.
- Councilor Syrett – said she was not in favor of the motion and did not think the parking changes warranted a public hearing; opposed waiting until every single neighborhood had a facilitated discussion as that process could take years.
- Councilor Semple – pointed out that the state required the parking changes; said it would take an enormous amount of time to facilitate discussions with all neighborhoods and that would be useful for the HB2001 discussion but wanted to move on from ADUs; said she did not support the motion.
- Councilor Pryor – agreed with Councilor Semple; said the change on parking did not require a public hearing; noted a need for ongoing community engagement on growth management.
- Councilor Zelenka – asked for clarification on the process going forward; did not think council needed another public hearing about the topic because it was not required, and upcoming public forums could serve as opportunities for residents to provide input; said he did not support motion.
- Councilor Taylor – supported voting on each change proposed individually.
- Councilor Clark – asked for clarification of the motion on the table.

VOTE: FAILED 1:6, Councilors Clark, Yeh, Pryor, Semple, Syrett and Zelenka opposed.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Cas Casados)

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