



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

October 24, 2022

7:30 p.m. CITY COUNCIL MEETING

As the state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of October 24, 2022;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Greg Evans, President
Mike Clark
Randy Groves
Jennifer Yeh

Matt Keating, Vice President
Alan Zelenka
Emily Semple

7:30 p.m. CITY COUNCIL MEETING

- 1. CEREMONIAL MATTERS**
- 2. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 3. CONSENT CALENDAR 1**
 - A. Approval of City Council Minutes**
 - B. Approval of City Council Tentative Working Agenda**
- 4. PUBLIC FORUM**
- 5. ACTION: An Ordinance Concerning Multiple-Unit Property Tax Exemptions and Amending Section 2.946 of the Eugene Code, 1971.**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, 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.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: October 24, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This item is to acknowledge awards and achievements and inform the public of proclamations signed by the Mayor. No action is required by the City Council.

BACKGROUND

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: October 24, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work sessions on September 26, and September 28, 2022, meetings on September 26, 2022 and a special meeting on October 5, 2022.

ATTACHMENTS

- A. September 26, 2022 Work Session
- B. September 26, 2022 Meeting
- C. September 28, 2022 Work Session
- D. October 5, 2022 Special Meeting

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

MINUTES

**Eugene City Council
Work Session
Eugene, Oregon 97401**

**September 26, 2022
5:30 p.m.**

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

Mayor Vinis opened the September 26, 2022, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. EXECUTIVE SESSION

The executive session was held pursuant to ORS 192.660(2)(h) consultation with legal counsel about litigation.

2. WORK SESSION: Public Health Overlay Zone Concepts and Other Tools

City Manager, Sarah Medary introduced Development Investment Liaison, Allie Camp, Building and Permit Services Director, Lydia Bishop and Planning Director, Alissa Hansen who presented information regarding the public health overlay zone concepts and other tools.

Council Discussion:

- Councilor Clark –stated he would like to know if there are other concerns to consider beyond the risks that are already known based on previous issues with J.H. Baxter; noted he would like to see a map that indicated any residential areas immediately adjacent to or near industrial zoned lands to know where any potential conflicts exist; noted that there are other zones, such as agriculture that may also need to be considered for potential risk factors; asked staff to create a map with the potential risk areas shown.
- Councilor Evans – asked staff to explain I1, I2 and I3 zoning differences; asked staff what percentage of west Eugene identifies as Latino/Latina; asked how many more people of color reside in Ward 6 now versus ten years ago and what the economic impact of this on the area is; asked staff for maps that can address the information he is requesting.
- Councilor Syrett – asked if the work session for the vibration ordinance has been scheduled yet; noted that the public health overlay does not have to create new regulations and could be a framework of allowed activities; noted that the screening tool provided by staff is helpful; noted that this work session was initiated to find ways to reduce the negative impacts on residents in the community; stated that she is intrigued by the actions that Minneapolis took.
- Councilor Zelenka – noted regulating pollution is handled by Department of Environmental Quality and the Environmental Protection Agency; stated his concern is to prevent another situation like the one that occurred with J.H. Baxter; noted that it is

difficult to correct the balance in legacy areas where residential and industrial zones have met; noted that in undeveloped areas like Clear Lake, issues can be prevented; stated that he would like to see mechanisms in place to hold companies and people accountable for any damages, including J.H. Baxter; stated he is in favor of setback and buffer zones to prevent future issues.

- Councilor Groves – noted the risk bonds work session was intended to look at holding companies accountable for damages in the future; noted that the Department of Environmental Quality has a fund that helps to assist residents to repair damages caused by an industrial issue; stated the health overlay zone is designed to put a separation between residential occupancy and industry that could cause harm; noted that he would like to see a strategy for engaging business and industry; stated that he spoke with a representative from Department of Environmental Quality about the overlay zone; noted he has concerns about chemical exposures for residents.
- Councilor Yeh – stated that no Eugene resident’s health should be at risk due to the location of their home; noted that there should be a combination of land use code changes, incentives, and other mitigation efforts; stated support for buffer zones; questioned how to implement buffer zones in developed areas; asked staff if the overlay zone would focus on developed areas, undeveloped areas, or both; asked staff to bring back information on how land use would be regulated.
- Councilor Keating – noted that pollution impacts residents throughout Eugene; stated support for expanding the overlay zone throughout the city; asked if it is better to ban specific uses or review uses as they are proposed; stated interest in Minneapolis’ action on clean green zones; stated he is interested in learning more about air protections from Department of Environmental Quality and Lane Regional Air Protection Agency; stated favor for a smog check system in Eugene, asked if the City has the authority to enforce this process; noted that there is not an Lane Regional Air Protection Agency process for smog checks at this time; noted that actions taken by other municipalities provide a good starting point; noted that this issue requires public participation and input.
- Councilor Evans – asked staff to follow-up with the human rights office for a robust outreach to the Latinx community regarding this topic to bridge the language and cultural gap; noted the importance of having input from residents; noted a desire for a robust outreach to the Trainsong neighborhood; stated he would like to involve 4J and Bethel School Districts to ensure there is efficient outreach and education on this topic.
- Councilor Groves – noted appreciation for Councilors Syrett and Evans for their work on this topic and finding solutions to this issue; noted that he wants Council to continue the work on this topic and see it through to the end.

Mayor Vinis adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

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

MINUTES

**Eugene City Council
Meeting
Eugene, Oregon 97401**

**September 26, 2022
7:30 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 26, 2022, meeting of the Eugene City Council in a hybrid format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Mayor Vinis – stated that she attended a Peace Day Festival on September 25 at the Nobel Peace Park to share a proclamation for peace.
- Councilor Keating – noted his appreciation for the Strategic Planning Workshops on September 23 and September 24; discussed his attendance at the Mayor’s Teen Art Show on September 23; discussed his attendance at the closing night of the musical Hamilton at the Hult Center.
- Mayor Vinis – encouraged people to attend the Mayor’s Teen Art Show; shared information about the Youth Advisory Council’s climate event on Saturday, October 1.
- Councilor Semple – discussed her history of working with Councilor Syrett; stated her appreciation for Councilor Syrett’s insight and dedication.
- Councilor Zelenka – shared his compliments of Councilor Syrett; noted his disapproval of the use of the recall process for Councilor Syrett; stated his appreciation for the work he and Councilor Syrett did on ordinances concerning sick leave.
- Councilor Evans – stated that he was proud to have served with Councilor Syrett; shared encouragement for Councilor Syrett’s future; noted his recognition of Councilor Syrett’s representation of constituents.
- Councilor Yeh – stated her admiration of Councilor Syrett’s approach to her work and her perspective; noted Councilor Syrett’s impact on the community; shared her well wishes for Councilor Syrett’s future.
- Councilor Clark – noted his appreciation for Councilor Syrett’s kindness despite their disagreements on policy.
- Councilor Groves – shared his appreciation for Councilor Syrett’s insight and work; noted Councilor Syrett’s respectful approach to council discussions and her contributions to find common ground to make the community better and safer; noted he enjoyed working with Councilor Syrett to address the dioxin contamination in the Bethel area in the last year; shared his well wishes for Councilor Syrett’s future.
- Councilor Keating – noted Councilor Syrett’s work on several city policies; recognized Councilor Syrett’s commitment to duty over polarizing opinions; stated that Councilor Syrett has dutifully and honorably served the community.

- Mayor Vinis – stated that she has looked to Councilor Syrett for insight and advice since before she was elected Mayor; noted Councilor Syrett’s commitment as a city councilor through the recall process; noted Councilor Syrett’s commitment to her deepest values; stated that Councilor Syrett has been, and will continue to be, a force for good in the community.

2. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- June 13, 2022 Work Session
- July 13, 2022 Work Session
- September 12, 2022 Work Session
- September 12, 2022 Meeting
- September 14, 2022 Work Session

B. Approval of City Council Tentative Agenda

C. Adjustment to Effective Date of City Manager Compensation Increase

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 1. **PASSED 8:0**

3. PUBLIC FORUM

1. Lin Woodrich – noted her appreciation for Councilor Syrett; stated her support for the public health overlay.
2. Michael Cunningham – spoke in opposition to the fireworks ban.
3. Trish Krambeal – spoke in opposition to the fireworks ban.
4. Richard Locke – discussed waste along the Amazon bike path.
5. Marilyn Arney – spoke in opposition to the fireworks ban.
6. William Smith – spoke about wireless safety.
7. Aya Cockram – spoke in favor of building electrification and climate policies.
8. Robert Karnuth – expressed concerns about homelessness, drugs, and immigration.
9. Michael Martinez – spoke in opposition to the fireworks ban.
10. Jim Neu – stated support for electric postal fleet vehicles; spoke in favor of fireworks ban.
11. Monte Loyd – spoke in opposition to the fireworks ban.
12. Joshua Korn – discussed concerns about 5G and aircraft pollution.
13. Cayce Calder – spoke in opposition to the fireworks ban.
14. Jason Trout – spoke in opposition to the fireworks ban.
15. Natalie Crowder – expressed a desire for better communications with Council.
16. Steve Zagar – discussed issues not being enforced by the District Attorney; spoke in opposition to fireworks ban.
17. Harry Sanger – spoke in opposition to the fireworks ban.
18. Eric Jackson – discussed parks violations; stated opposition to the fireworks ban.
19. John Crowder – stated opposition to the fireworks ban; discussed communications concerns with constituents.
20. Juan Martinez – spoke in opposition to the fireworks ban.
21. Shellee Koch – stated opposition to the fireworks ban; shared firework safety information.
22. Ed Forsythe – spoke in opposition to the fireworks ban.

23. Rebecca Selander – spoke in opposition to the fireworks ban.
24. Audrey Delauder – spoke in opposition to the fireworks ban.
25. Mason Tyler – spoke in favor of building electrification.
26. Tim Selander – spoke in opposition to the fireworks ban; stated safety concerns near River Road.
27. Caleb Selander – spoke in opposition to the fireworks ban.
28. Mike Arney – spoke in opposition to the fireworks ban.
29. Shannon Derby – spoke in opposition to the fireworks ban.
30. Darin McKeegan – spoke in opposition to the fireworks ban.
31. Nancy Ahnert – spoke in favor of building electrification.
32. Marina Moyce – discussed concerns about climate change; spoke in favor of building electrification.
33. Timothy Spencer – spoke in opposition to the fireworks ban.
34. Josh Delauder – spoke in opposition to the fireworks ban.
35. Rebecca Hicks – spoke in opposition to the fireworks ban.
36. Anthony Hopper – spoke in opposition to the fireworks ban.
37. Jill Rainer – spoke in opposition to the fireworks ban.
38. Kevin Benson – spoke in favor of building electrification and climate change policy.
39. Sara Nicholas – spoke in opposition to the fireworks ban.
40. Thomas Newman – discussed land use, funding, and renaming Lane County.
41. Aaron Taylor – spoke in opposition to fireworks ban; discussed communications concerns for constituents.
42. Dennis Hebard – spoke in opposition to the fireworks ban.
43. Pat Koch – spoke in opposition to the fireworks ban.

Council Discussion

- Councilor Keating – discussed a radio advertisement that resulted in impressive speaker turnout about the fireworks ban; noted his disagreement of some of the language in the radio advertisement; shared data regarding firework safety and fire hazards; stated his support for the fireworks ban.
- Councilor Semple – noted the amount of testimony received about the fireworks ban, both for and against the ban; stated that many emails click generated and did not provide ward information; stated that she read every email she received about the fireworks ban but was unable to respond to all of them.
- Councilor Groves – stated that councilors are listening to public testimony; asked how difficult it would be to pull a year’s worth of emails regarding fireworks; noted that council previously received a large volume testimony in favor of the fireworks ban; discussed potential discrepancies in the data for firework-related fires on the night of the 4th of July; stated that a house was destroyed this year because of improper disposal of legal fireworks; noted that the biggest problem is illegal fireworks; proposed measures for increased enforcement of illegal fireworks; noted that Lane County has a fireworks ban that goes into effect during fire season.
- Councilor Syrett – asked who would enforce the fireworks ban; requested clarification of the penalties of the proposed ban; stated that the Interim Fire Chief and Police Chief indicated in work sessions that this ban would provide better means for enforcing illegal fireworks; stated that Councilors have received testimony for and against the fireworks ban; noted that people writing emails in favor of the ban have shared personal stories about the negative impacts of

fireworks on their families; stated that a ban of this kind is not a violation of first amendment constitutional rights.

- Councilor Evans – stated that he previously supported a total ban of fireworks but has since changed his stance; proposed that legal fireworks remain legal, but to create a requirement for providing instructions on the safe usage and disposal of these fireworks; stated that he is more concerned about the fire danger from illegal fireworks; noted interest in a middle ground that allows people to safely celebrate 4th of July with legal fireworks.

4. ACTION – AN ORDINANCE CONCERNING FIREWORKS RESTRICTIONS AND AMENDING SECTION 4.934 OF THE EUGENE CODE, 1971.

City Manager Sarah Medary provided background information and introduced the topic.

MOTION: Councilor Syrett, seconded by Councilor Keating, moved to approve An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971 as proposed in Attachment A.

Council Discussion

- Councilor Clark – noted that he will have a motion to amend following Councilor Evans’ motion; stated that he will vote against the motion as stated; believes that regulating how people celebrate is an overburden on free speech; stated that the fireworks causing most of the fire damage and trauma to people are already illegal; noted that he does not see a clear improvement to those problems by banning legal fireworks; noted that there is more fire danger from illegal fire pits in backyards.

MOTION TO SUBSTITUTE: Councilor Evans, seconded by Councilor Clark, moved to direct the City Manager to revise the proposed ordinance and schedule a public hearing on the revised ordinance to delete the city-wide prohibition on all sales and use of consumer fireworks and instead require all consumer fireworks vendors to 1) provide consumers with written instructions on safe use and disposal of fireworks and 2) to provide every customer, spending \$25 or more on consumer fireworks, with a plastic water bucket to be used for fireworks disposal.

Council Discussion

- Councilor Groves – stated that he was hoping to discuss the illegal fireworks problem first; noted that his orientation is to look out for the safety, health, and welfare of this community; noted his support for veterans; stated that he has a motion ready to direct the City manager to come back with a public education and implementation plan for increased dedicated enforcement of illegal fireworks and to revisit the proposed ban in one year’s time.
- Councilor Yeh – noted that she voted against the ban when she first joined Council; stated that her family used fireworks to celebrate veterans previously; noted that large fireworks can cause trauma for some veterans; stated that she believes it is important to listen to the fire chief’s advice and experience; stated that she will vote against Councilor Evans’ motion to substitute because it does not address the illegal

fireworks; noted that she will support the ban, but is willing to try alternatives to address illegal fireworks.

- Councilor Keating – stated that Councilor Evans’ motion is substantively different from the ban that has been noticed; reminded Council that the proposed ban is similar to the ban from two years ago that received a unanimous vote; stated his concern about another fire like the Holiday Farm or Cedar Creek; noted that he does not support the substitute motion; noted that he looks forward to a larger discussion on how to celebrate the 4th of July in a controlled manner; stated that Council should take action tonight.
- Councilor Clark – stated that he will vote in favor of Councilor Evans’ motion; noted that he is in favor of better enforcement for illegal fireworks.
- Councilor Evans – requested clarification from Councilor Groves as to whether he was suggesting a friendly amendment to his motion to substitute to approve it for one year and revisit it.

MOTION TO SUBSTITUTE (with a friendly amendment): Councilor Groves, seconded by Councilor Evans, moved to direct the City Manager to revise the proposed ordinance and schedule a public hearing on the revised ordinance to delete the city-wide prohibition on all sales and use of consumer fireworks and instead require all consumer fireworks vendors to 1) provide consumers with written instructions on safe use and disposal of fireworks and 2) to provide every customer, spending \$25 or more on consumer fireworks, with a plastic water bucket to be used for fireworks disposal and direct the City Manager to develop and implement a multi-media public outreach and enforcement plan addressing the use of illegal fireworks in our community.

Council Discussion

- Councilor Clark – requested clarification that the friendly amendment proposed by Councilor Groves was not part of the original ban but for Councilor Evans’ motion to substitute.
- Mayor Vinis – requested clarification that without action the existing ban on fireworks in the South Hills will expire.
- Councilor Syrett – noted that she thinks it is not proper to put a substitute motion for an ordinance that council has already had a public hearing on; stated that she thinks the proper course of action would be to vote on the main motion as amended; if the vote on the main motion failed, a new motion could be proposed.
- Councilor Semple – requested a restatement of the motion to be voted on.

VOTE ON MOTION TO SUBSTITUTE (with friendly amendment):
FAILED 3:5, opposed by Councilors Syrett, Yeh, Keating, Semple, and Zelenka.

Council Discussion

- Councilor Zelenka – stated that he initially voted against bans on fireworks; noted that the fireworks ban has been on council agenda for years and they have received testimony from many people on this topic; stated that he is in favor of the ban

primarily because of the fire danger, in addition to concern for veterans and pets; expressed growing concern about fire danger due to climate change; noted his disagreement that lighting fireworks is a free speech expression.

MOTION TO AMEND: Councilor Clark, seconded by Councilor Groves, moved to amend the proposed ordinance to change the effective date to be effective upon approval by the voters in a city-wide election.

Council Discussion

- Councilor Clark – stated that he disagreed that supporters of the ban are the majority; noted that he is not opposed to continuing the ban in the South Hills, but is not in favor of extending it city-wide; believes the ban should be determined by the voters because of the volume of testimony received; requested clarification on the referendum process; discussed the potential for a referendum by the voters if the council moves forward on the ban.
- Councilor Zelenka – requested clarification on when such an election would occur.
- Councilor Semple – asked whether fireworks sellers would still be allowed to sell fireworks for the upcoming year.

VOTE ON MOTION TO AMEND: FAILED 4:5, opposed by Councilors Yeh, Syrett, Keating, Zelenka and Mayor Vinis with the tie-breaking vote.

Council Discussion

- Mayor Vinis – stated that she opposed the motion to amend because she does not want the ban in the South Hills to expire.
- Councilor Clark – requested clarification on whether the ban in the South Hills would expire with this motion to amend.
- Councilor Groves – stated that an emergency motion should be added for the South Hills exclusion area.
- Councilor Evans – stated that he does not want to see the South Hills ban expire.

MAIN MOTION RESTATED AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971 as proposed in Attachment A. **PASSED: 6:2**, opposed by Councilors Clark and Evans.

Council Discussion

- Councilor Semple – asked if there will be a work session to address illegal fireworks.

MOTION: Councilor Zelenka, seconded by Councilor Evans, moved to direct the City Manager to provide city council with an inventory of community 4th of July celebrations and potential options for city participation prior to July 2023.

Council Discussion

- Councilor Zelenka – noted that there are many events in the community that the City could participate in.

VOTE: PASSED 7:1, opposed by Councilor Clark.

MOTION: Councilor Groves, seconded by Councilor Evans, moved to direct the City Manager to develop and implement a multi-media public outreach and enforcement plan addressing the city-wide ban on the sale and use of fireworks of any kind.

Council Discussion

- Councilor Zelenka – requested clarification on what the City Manager would do with that motion; shared an idea by Councilor Clark to allow people to put in affidavits to report the use of illegal fireworks; noted that similar ideas could be used for enforcement.
- Councilor Clark – noted that the technology exists for his previous idea but does not work from a legal perspective; suggested that the council might consider other methods of reporting; stated that he is not in favor of the current motion.

VOTE: PASSED 7:1, opposed by Councilor Clark.

Councilor Syrett gave a statement of thanks to the Mayor, her fellow councilors, and specific city staff for the support they have offered over the years. Councilor Syrett noted that she is proud of her accomplishments as a City Councilor and shared several of her concerns about the recall process and its impact.

Mayor Vinis adjourned the meeting at 10:28 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Olivia Clark)

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

MINUTES

**Eugene City Council
Work Session
Eugene, Oregon 97401**

**September 28, 2022
12:00 p.m.**

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

Councilors Absent: Greg Evans

Mayor Vinis opened the September 28, 2022, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. WORK SESSION: Climate-Friendly and Equitable Communities Rules: Parking Regulation

City Manager, Sarah Medary, introduced Building and Permit Services Director, Lydia Bishop and Land Use Supervisor, Reid Verner who presented information regarding the Climate-Friendly and Equitable Communities Rules: Parking Regulation.

Council Discussion:

- Councilor Clark – noted the options for motions regarding this topic; asked staff to outline the consequences if the City does not meet the deadlines from the State of Oregon.
- Councilor Zelenka – asked about the rationale for parking reductions from Land Conservation and Development Commission and the Department of Land Conservation and Development perspective; noted that the state is on track to meet the greenhouse gas goals by 2035, and believes that rushing action is not needed; noted concern for the unintended consequences of this type of regulation; asked staff to clarify what is due on the dates provided in the presentation; asked staff clarify if the half mile to transit is walking distance or a straight line; asked how it compares to the middle housing code that was adopted earlier this year; asked if the minimum parking could be zero spaces with this regulation.
- Councilor Syrett – noted that unbundling parking spaces from tenant rent does not mean that parking spaces will not be built; asked to verify that the Reach Code is optional and has not been adopted yet; asked staff to elaborate on how the options would intersect with the climate-friendly areas; questioned if designating all of downtown would fulfill the requirements; noted that she had given testimony regarding this regulation and made it clear that the City is not in favor of this mandate.
- Councilor Yeh – asked to clarify the mandate timeline and extension requests; asked if an extension request is a real option; asked staff if the mandate timeline would allow for realistic community engagement; noted that an extension is needed to have time for

meaningful engagement with the community; asked staff to elaborate on the difference between the proposed motions in the agenda item summary.

- Councilor Keating – noted that Council was deliberate during the middle housing code amendments related to parking; noted that frequent transit corridors in the south hills of Eugene are not feasible walking distances due to the various elevation changes and inclines; asked if Council has the option to consider elevation issues and impacts on walkability; stated he has concerns about the unbundling of parking with rental properties and the impact on costs; expressed that discussion to reverse this mandate on a state level may be possible after the election.
- Councilor Groves – stated that the regulations are not clear and create confusion; noted the importance of making it known that Council does not agree with this mandate; asked staff how electric vehicle charging would work with these regulations; asked staff to confirm that this mandate will not impact the RV street parking issues the City is facing; noted his frustration with this unfunded mandate and the timelines laid out.
- Councilor Semple – asked staff to confirm that joining other cities in the lawsuit to fight this mandate would not change timelines; asked what the different options will require; noted that lifting the minimum parking regulations would be the fastest and most simple option; asked if Council must adopt the parking rules and climate-friendly areas; asked if downtown already has the rules to qualify as a climate-friendly area; asked staff if climate-friendly areas will still be required if parking mandates were eliminated.
- Mayor Vinis – asked how these mandates align with projects that staff are already working on and about potential overlap; asked if Housing and Urban Development has parking limits or requirements; stated that she has concerns about how this will impact low-income renters.
- Councilor Clark – asked staff to confirm that the deadline to apply for an extension is the same for all cities; asked what authority a new governor would have to slow or stop this mandate; asked how many state statutes would require adjustment to alter Land Conservation and Development Commission’s time dependent orders based on current statutory authority; stated that the most effective path to have meaningful community engagement would be to lobby the next legislature to alter or extend the timeline.
- Councilor Zelenka – noted that there are some good parts in this mandate however the timeline is problematic; stated that he has concerns about the feasibility of meaningful community outreach and engagement; noted a recent rule, the Clean Fuels Program Expansion, was not taken into consideration when this mandate was created; asked what the consequences would be if the City ignored the timeline and did the work at a more convenient pace.
- Councilor Keating – asked about the rapid timeline set by the Department of Land Conservation and Development; asked if a motion is required to direct staff to explore a request for extension; asked for clarification on motions required to move forward.
- Councilor Syrett – noted that it would be prudent to comply with the mandate while working toward amending the mandate; noted that the argument for public engagement is a strong case for requesting altered timeline; asked to clarify if omitting parking requirements would only apply to new construction; noted that option B would repeal parking mandates for schools; noted that there are implications for any option Council chooses; favors the motion that does not state which option will be adopted, just that the City of Eugene will comply.

- Councilor Yeh – noted she is not in favor of non-compliance; noted that some of the unintended consequences of the mandate would create inequities; asked if Council chose option 1, would the unbundling of parking be required; asked if incentives for electric vehicle parking would be prohibited by this mandate.
- Councilor Groves – asked if home additions and remodels would be considered as new construction and be bound to this mandate; noted his disapproval that the state is creating unfunded mandates and is not following the mandates in Measure 110 for treatment centers.
- Councilor Semple – asked if Council chose the no minimum option, would there be both a Planning Commission and Council public hearing on the topic.
- Councilor Zelenka – asked to confirm that staff will be requesting a timeline extension and lobbying the legislature for change, regardless of the motion chosen; noted concern for the limited public engagement that would take place; suggested extending an invitation to Land Conservation and Development Commission to come to the City for a community forum on the topic; stated his favor of moving forward on option 3.

MOTION: Councilor Syrett, seconded by Councilor Keating, moved to direct the City Manager to initiate a land use code amendment to comply with electric vehicle charging and the state option to adopt either the Fair Parking Pricing Policy approach or Reduced Regulation Parking Management approach, consistent with the Climate-Friendly and Equitable Communities rules and to apply for an alternative timeline to allow for additional community engagement.

Council Discussion:

- Councilor Semple – noted that she is in favor of keeping all options open; stated she would not support staff completing a large amount of work toward an option or route that would not be adopted.
- Councilor Zelenka – inquired if an invitation to Land Conservation and Development Commission would require a motion.
- Councilor Yeh – noted she would be in favor of option 1 to provide the most flexibility.
- Councilor Clark – noted that his preference would be to not comply and send a message to the legislature that the timeline is not realistic; noted he will not vote in favor of any of the options.
- Councilor Semple – asked if all options would include the request for an alternate timeline.
- Mayor Vinis – noted that she would not be in favor of option 3 and would support an option that provides staff the ability to explore all possibilities.

VOTE: FAILED 1:6 (opposed by Councilors Clark, Groves, Keating, Semple, Yeh and Zelenka)

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to direct the City Manager to initiate a land use code amendment to comply with electric vehicle charging and parking Climate-Friendly and Equitable Communities rules and to apply for an alternative timeline to allow for additional community engagement. **VOTE: PASSED 4:3** (opposed by Councilors Clark, Keating and Groves)

- Councilor Zelenka – asked if a motion was needed to invite the Department of Land Conservation and Development and the Land Conservation and Development Commission to take part in a public forum in Eugene to act as part of the engagement process.
- Councilor Syrett – noted that she would prefer that invitation and coordination be handled by Intergovernmental Relations Committee.

Mayor Vinis adjourned the meeting at 1:31 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

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

MINUTES

**Eugene City Council
Special Meeting
Eugene, Oregon 97401**

**October 5, 2022
12:00 p.m.**

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

Mayor Vinis opened the October 5, 2022, special meeting of the Eugene City Council in a virtual format at 101 W 10th Avenue, Eugene OR 97401.

1. SPECIAL MEETING: Process for Appointing Interim Ward 7 Councilor

City Manager Sarah Medary introduced City Recorder, Katie LaSala to outline the proposed process for appointing an Interim Ward 7 Councilor.

Council Discussion:

- Mayor Vinis – asked Councilors to state their preferences on the proposed process for appointing an interim Ward 7 Councilor in order of ward; outlined the processes that will be followed for the meeting.
- Councilor Semple – stated that she is not in favor of a direct appointment due to the amount of requests City Council has received for more public notification; noted her preference is to have an application process; stated that traditional voting for the candidate aligns better with public expectations; noted that the deadlines presented are reasonable; suggested that Council finalize the application at the October 12 Work Session and give Ward 7 residents an opportunity to engage Council during this process.
- Councilor Keating – noted the application period should be as long as possible to allow time for a wide array of qualified applicants; noted his support for the timeline and process laid out by staff.
- Councilor Zelenka – stated that City Council needs to be as thorough, deliberate, and open as possible through this important process; noted that an application process with an adequate timeline is his preference; noted that he wants people to understand the residency requirements; stated that this process is consistent with the boards and commissions process; noted that the first supplemental question is actually two different questions; stated that the application should include a question about parking because it is a topic City Council will be discussing over the next year; stated his preference for the standard voting system.
- Councilor Yeh – stated that direct appointment of a Councilor is not appropriate; noted her support for the standard voting process to avoid confusion; is in favor of the proposed timeline; stated her support for dividing the first supplemental question into two questions; noted that the application should not imply that living in Ward 7 for a longer period makes someone a better candidate; shared that her experience with this process was challenging but fair.

- Councilor Clark –asked staff what part of the process occurs in July 2023; asked if the start date of the elected Councilor is in code; noted preference for a quick, yet deliberate process to give Ward 7 residents representation; stated his support for the proposed timeline; asked whether there would be an official city process to engage residents of Ward 7.
- Councilor Evans – stated his support for the application process; stated his preference for simple majority voting, but he is open to ranked voting; stated that the residency requirements are important; favors knowing how long applicants have lived in Ward 7; noted that Council should not be involved in community forums.
- Councilor Clark –requested that any preliminary voting done by Council for the Interim Ward 7 Councilor be made public as soon as possible.
- Councilor Groves – stated that an important part of recruitment for the Interim Ward 7 Councilor is that candidates understand the election process that will follow if they wish to remain on City Council; noted his concern about community engagement; stated his preference for a simple majority vote; noted his support of the proposed timelines; stated his interest in public engagement during this process, and support for community forums hosted by neighborhood associations.
- Mayor Vinis – clarified that City staff cannot organize political candidate events; stated that neighborhood associations must organize these events themselves.
- Councilor Keating – noted his recognition of Councilors’ concerns about the proposed supplemental questions, particularly about residency in Ward 7.

MOTION: Councilor Keating, seconded by Councilor Groves, moved to approve the interim appointment plan as presented in the attachments, with the following changes to Attachment B: 1) strike “if yes, how long have you resided in Ward 7?” 2) separate question one into two questions and 3) separate question four into two questions.

Council Discussion:

- Councilor Keating – noted that the two parts in supplemental question four are different enough to be separated and approving this motion would create one question for each Councilor; noted that the motion maintains the ranked choice voting system that was used in 2017; stated that the voting process should be as transparent as possible.
- Mayor Vinis – clarified that the supplemental questions are part of the application, not the interview process.
- Councilor Clark – stated his support for the motion; noted his hope for robust engagement from the community for the appointment process, but he will give the most consideration to input from Ward 7 residents.
- Councilor Zelenka – stated that length of residency in Ward 7 is an interesting fact for Council to consider; asked if Councilor Keating would reconsider striking that question as a friendly amendment; asked if Councilor Keating would consider a friendly amendment to change the preference voting to standard voting; asked for the plan for outreach to Eugene residents; requested greater outreach through the network established by the Office of Equity and Community Engagement.

MOTION TO AMEND: Councilor Zelenka, seconded by Councilor Evans, moved to amend the motion to change out preference voting for a standard voting methodology used for boards and commissions.

Council Discussion:

- Councilor Yeh – asked which voting type was used in 2017; spoke in favor of keeping the voting system that was used in 2017 for transparency.
- Councilor Evans – stated that there has never been a consistent format for voting for the appointment; noted that ranked choice voting was a new process for the 2017 appointment of Councilor Yeh; stated that the process needs to be as understandable for the public as possible.

VOTE ON MOTION TO AMEND: PASSED: 6:1, opposed by Councilor Keating.

Council Discussion:

- Councilor Semple – stated that it is useful to know the length of residence in Eugene and Ward 7; stated that Council’s efforts to be open and transparent are critical; noted that people will bring forward their questions and concerns about the process at public forums; stated that it would be useful to know the wards of people who submit comments.
- Councilor Evans – asked how residency will be verified.
- Councilor Keating – clarified that the motion includes questions about residency; noted that many emails from residents do not include ward information; stated that he looks up voter registration of constituents to verify their ward; requested that the City website ask residents to provide their address and ward information when they communicate with Councilors; noted that the City should not be sponsoring forums but should encourage neighborhood associations to do so.
- Councilor Clark – stated that although it is not a requirement, he would like to know how long applicants have lived in Ward 7; stated that length of residency in Ward 7 will inform his thinking about candidates.

MOTION TO AMEND: Councilor Clark, seconded by Councilor Zelenka, moved to amend the motion to retain “if yes, how long have you resided in Ward 7?”

Council Discussion:

- Councilor Zelenka – stated his support for the question about length of residency in Ward 7; noted that it is not a requirement, but it would inform his consideration of candidates.
- Councilor Groves – stated his support of Councilor Zelenka’s statements.
- Councilor Yeh – spoke in opposition to the motion to amend; noted her concern that Councilors statements make it appear as though length of residency in Ward 7 is a criterion; believes that adding this criteria will discourage diverse applicants by creating a barrier.

VOTE ON MOTION TO AMEND: PASSED: 4:3, opposed by Councilors Keating, Yeh, and Evans.

Council Discussion:

- Councilor Zelenka – asked about political restrictions on City Council in this appointment process.
- Councilor Groves – noted his concern about relying on outside organizations to engage the community; encouraged Councilors to find opportunities to help engage the community.
- Councilor Evans – stated that Council should listen to all feedback they receive from the community on this process.
- Councilor Yeh – clarified that Council is not holding an election for this appointment; stated that Ward 7 voters will have that opportunity in May 2023; spoke in opposition to Council taking actions that make this process seem like an election.
- Councilor Zelenka – noted his agreement that Council should not take actions to make this process seem like an election; stated that notifying the public about the application should be as broad as possible; stated that the interview process is similar to a community forum because it is a public meeting; noted that many people will give input to Councilors on this process.

MOTION RESTATED AS AMENDED AND VOTE: Councilor Keating, seconded by Councilor Groves, moved to approve the interim appointment plan as presented in the attachments with the following changes to Attachment B: 1) separate supplemental question one into two questions, 2) separate supplemental question four into two questions, and 3) replace ranked choice voting with a direct vote process. **VOTE: PASSED 7:0**

Council Discussion:

- Councilor Keating – asked if the Council Vice President can do the roles and duties of Council President before one is officially in place; asked if an acting Co-Vice President could be appointed as part of a leadership transition team.
- Mayor Vinis – stated that there is a process for the rotation of Council President; stated that the Councilor who has served as Council President the longest ago would be next for nomination

MOTION: Councilor Clark, seconded by Councilors Groves, moved to nominate Greg Evans as Council President to fulfill the unfinished term of the Ward 7 President.

Council Discussion:

- Councilor Zelenka – stated that it's clear that Councilor Keating cannot serve as Council President until January; stated that it is inappropriate for one Council Officer to share the load of President and Vice President; noted that he seconded the motion because Councilor Evans should be next in line to be Council President.
- Councilor Semple – asked if Councilor Evans would like to be Council President for the next two and half months.
- Councilor Evans – stated that he would like to be Council President; noted he is awaiting the birth of his grandchild in November; stated that he is able to help with the baby and be Council President.

- Councilor Keating – stated his support for Councilor Evans accepting his nomination; stated that he looks forward to serving with Councilor Evans.

VOTE: PASSED 7:0

Council Discussion:

- Mayor Vinis – congratulated Councilor Evans; stated she looks forward to working with him; thanked Councilor Evans for his willingness to step into the role; thanked the Council for their work to clarify this process for the public.

Mayor Vinis adjourned the meeting at 1:03 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Olivia Clark)
Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: October 24, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Brooke Freed
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

This is a routine item to approve the 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.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. City Council Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Brooke Freed
Telephone: 541-682-5010
Staff E-Mail: bfreed@eugene-or.gov



City Council Tentative Agenda

Updated October 19, 2022

As our state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held using hybrid and virtual meeting technology. Materials and information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

October 2022					
Date	Day	Time	Title	Length	Dept. Contact
24-Oct	Monday	5:30 pm	Police Auditor Selection Process/Feedback (Work Session)	45 mins	Becky DeWitt, CS
			Renter Protections, Phase 2 (Work Session)	45 mins	Genevieve Middleton, PDD
		7:30 pm	Committee Reports and Items of Interest Public Forum Ord. Concerning Multiple-Unit Property Tax Exemptions (Action)		Dylan Huber-Heidorn, PDD
<i>Expected absences for 10/24: none</i>					
26-Oct	Wednesday	12 pm	Decarbonization Roadmap, Part 2 (Work Session)	90 mins	Ian Penn, PW
<i>Expected absences for 10/26: none</i>					

November 2022					
Date	Day	Time	Title	Length	Dept. Contact
9-Nov	Wednesday	12 pm	Riverfront Urban Renewal (Work Session, Possible Action)	45 mins	Amanda D'Souza, PDD
			TBD (Work Session)	45 mins	
<i>Expected absences for 11/9: none</i>					
14-Nov	Monday	5:30 pm	Sustainability Commission Annual Report and Work Plan (Work Session)	30 mins	Ian Penn, PW
			Human Rights Commission Annual Report and Work Plan (Work Session)	30 mins	Daniel Charles, CS



Work Session



Action



Public Hearing



Public Forum



Consent Calendar

















Committee Reports/Items of Interest









Ceremonial Matters







Pledge of Allegiance



			 Police Commission Annual Report and Work Plan (Work Session)	30 mins	Holly Matthews, EPD
		7:30 pm	 Pledge of Allegiance  Committee Reports and Items of Interest  Public Forum  Ord. Vacating a Portion of the East 5th Avenue Right-of-Way (Action)  Ord. Concerning Clear and Objective Approval Criteria for Housing (Action)		Jeff Gepper, PDD Althea Sullivan, PDD
<i>Expected absences for 11/14: none</i>					
16-Nov	Wednesday	12 pm	 Alternative Response Study, P.2 (Work Session)	90 mins	Kristie Hammitt, CS
<i>Expected absences for 11/16: none</i>					
21-Nov	Monday	5:30 pm	 Ord. re Comcast Cable Franchise (Public Hearing)  Ord. Amending Interfering with a Police Officer (EC 4.907) for Consistency with State Law (Public Hearing)  Ord. re Noise Control Regulations for Business and Industry (Public Hearing)  Ord. re Electrification of Low-Rise Residential Buildings (Public Hearing)		Pam Berrian, CS Travis Smith, CS Lydia Bishop, PDD Lydia Bishop, PDD
<i>Expected absences for 11/21: none</i>					
23-Nov	Wednesday	12 pm	<i>No meeting</i>		
28-Nov	Monday	5:30 pm	 Commercial Electrification (Work Session)	90 mins	Lydia Bishop, PDD Mark Whitmill, PDD
		7:30 pm	 Committee Reports and Items of Interest  Res. Authorizing a Biennial (24-month) Budget Pursuant to ORS 294.323 (Consent Calendar)		Vicki Silvers, CS

			 Public Forum  Res. of the URA Authorizing a Biennial (24-month) Budget Pursuant to ORS 294.323 (Action)  Ord. Amending Interfering with a Police Officer (EC 4.907) for Consistency with State Law (Action)  Ord. re Comcast Cable Franchise (Action)		Vicki Silvers, CS Travis Smith, CS Pam Berrian, CS
<i>Expected absences for 11/28: none</i>					
30-Nov	Wednesday	12 pm	 Engaging Community in Decarbonization of Buildings (Work Session)  TBD (Work Session)	45 mins 45 mins	Staff, PDD & PW Staff
<i>Expected absences for 11/30: none</i>					

December 2022					
Date	Day	Time	Title	Length	Dept. Contact
5-Dec	Monday	5:30 pm	 Interim Council Appointment Interviews, Ward 7 (Special Meeting)	TBD	Katie LaSala, CS
<i>Expected absences for 12/5: none</i>					
7-Dec	Wednesday	12 pm	 Interim Council Appointment Interviews, Ward 7 - as needed (Special Meeting)		Katie LaSala, CS
<i>Expected absences for 12/7: none</i>					
7-Dec	Wednesday	5:30 pm	 Budget Committee: Review of FY23 Supplemental Budget (Budget Committee)		Vicki Silvers, CS
12-Dec	Monday	5:30 pm	 Interim Council Appointment, Ward 7 (Work Session, Possible Action)	45 mins	Staff, CS
			 TBD (Work Session)	45 mins	Staff
		7:30 pm	 Committee Reports and Items of Interest  Res. Acknowledging Receipt of FY22 Annual Comprehensive Financial Report		Finn Cronin, CS

			 Public Forum  Urban Renewal Agency Res. Acknowledging Receipt of FY22 URA Annual Financial Report (Action)  Urban Renewal Agency FY23 December Supplemental Budget (Public Hearing and Action)  City of Eugene FY23 December Supplemental Budget (Public Hearing and Action)		<p>Finn Cronin, CS</p> <p>Liz Butterfield, CS</p> <p>Liz Butterfield, CS</p>
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Expected absences for 12/12: none

14-Dec	Wednesday	12 pm	 Police Auditor Recommendations: Civilian Oversight System (Work Session)  Library Levy Report (Work Session)	<p>45 mins</p> <p>45 mins</p>	<p>Leia Pitcher, PA</p> <p>Staff, LRCS</p>
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Expected absences for 12/14: none

Council Break December 15 – January 8

UPCOMING PUBLIC HEARINGS			
Date	Topic/Title	Description	Staff Contact
Nov 21, 5:30 pm	Ord. re Comcast Cable Franchise	Public hearing to consider an extension of the Rights of Way use for the Comcast Cable Franchise. Proposed Ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Pam Berrian, CS 541-682-5590
Nov 21, 5:30 pm	Ord. Amending Interfering with a Police Officer (EC 4.907) for Consistency with State Law	Public hearing to consider amending an ordinance related to Interfering with a Police Officer (EC 4.907) for Consistency with State Law. Proposed Ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Travis Smith, CS 541-682-8447
Nov 21, 5:30 pm	Ord. re Noise Control Regulations for Business and Industry	Public hearing to consider an ordinance regulating noise including vibration. Proposed Ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Lydia Bishop, PDD 541-682-5482
Nov 21, 5:30 pm	Ord. re Electrification of Low-Rise Residential Buildings	Public hearing to consider an ordinance regulating fossil fuel infrastructure in low-rise residential buildings. Proposed Ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Lydia Bishop, PDD 541-682-5482
Dec 12, 7:30 pm	Urban Renewal Agency FY23 December Supplemental Budget	Public hearing pertaining to Urban Renewal Agency FY23 Supplemental budget.	Liz Butterfield, CS 541-682-5512
Dec 12, 7:30 pm	City of Eugene FY23 December Supplemental Budget	Public hearing pertaining to City of Eugene FY23 Supplemental budget.	Liz Butterfield, CS 541-682-5512

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Fossil Fuel Risk Bonds – TBD	Groves, Syrett	10/21/21
Gas Stations – TBD	Keating	4/15/22
Bethel Area Plan – TBD	Evans	7/22/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: October 24, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

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: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Multiple-Unity Property Tax Exemptions and Amending Section 2.946 of the Eugene Code, 1971.

Meeting Date: October 24, 2022
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Dylan Huber-Heidorn
Contact Telephone Number: 541-682-5475

ISSUE STATEMENT

Council is asked to adopt an ordinance that updates a code reference in the Multi-Unit Property Tax Exemption program to incorporate a change made by the State of Oregon. (See Attachment A for the proposed ordinance.) The proposed change is an update to the name of the special energy code referenced in the Multi-Unit Property Tax Exemption program's green building requirements.

BACKGROUND

Multi-Unit Property Tax Exemption is an incentive program to encourage high-quality, multi-unit housing in the downtown. Both rental housing and multi-unit housing for home ownership are eligible; student housing and transient accommodations (i.e., short-term rentals) are ineligible. Enabled by state law, the program provides a 10-year property tax exemption on the value of new construction for qualified multi-unit housing investments that occur within the program boundary, that meet program requirements, and that are reviewed and approved by City Council. Council passed the ordinance that established the current Multi-Unit Property Tax Exemption program in 2015. (See Attachment B for a summary of the Multi-Unit Property Tax Exemption program.)

Proposed Multi-Unit Property Tax Exemption projects must demonstrate Green Building Features as one of their required public benefits. To comply with this requirement, approved projects must perform at least 10% more efficiently than the energy code adopted by the State of Oregon. The Multi-Unit Property Tax Exemption ordinance and administrative rules specifically reference the energy code that must be used to meet this criterion. The state's adopted energy codes have changed several times in recent years. When the bulk of the Multi-Unit Property Tax Exemption program rules were passed in 2015, the Oregon Energy Efficiency Specialty Code was in effect. In 2019, the state adopted the Oregon Zero Energy Ready Commercial Code, and Council updated the Multi-Unit Property Tax Exemption code provisions to reflect the change in May 2020. In 2021, the state adopted a new version of the Oregon Energy Efficiency Specialty Code, so the Multi-Unit Property Tax Exemption green building code provisions now must also be updated to reference the Oregon Energy Efficiency Specialty Code.

Multi-Unit Property Tax Exemption projects must perform 10% better than the current specialty energy code. The proposed ordinance (Attachment A) updates the reference to the specialty energy code, keeping the program requirements current with changes by the State of Oregon.

Council held a public hearing on the ordinance on October 17, 2022. No public testimony was given.

Next Steps

If Council approves the ordinance, staff will then initiate an update of the program's administrative rules to reflect the code changes.

PREVIOUS COUNCIL DIRECTION

[July 13, 2015 Work Session](#)

Council approved an ordinance amending and reinstating the Multi-Unit Property Tax Exemption program.

[May 26, 2020 Meeting](#)

Council approved an ordinance updating references to the State's adopted energy code in the Multi-Unit Property Tax Exemption code from Oregon Energy Efficiency Specialty Code to Oregon Zero Energy Ready Commercial Code.

COUNCIL OPTIONS

1. Adopt the proposed ordinance in Attachment A amending Eugene Code section 2.946 to update the reference to the energy code adopted by the State of Oregon from the Oregon Zero Energy Ready Commercial Code to the Oregon Energy Efficiency Specialty Code.
2. Request modifications to the proposed ordinance in Attachment A amending Eugene Code section 2.946 to update the reference to the energy code adopted by the State of Oregon from the Oregon Zero Energy Ready Commercial Code to the Oregon Energy Efficiency Specialty Code.
3. Do not adopt the proposed ordinance in Attachment A.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the proposed ordinance in Attachment A amending Eugene Code section 2.946 to update the reference to the energy code adopted by the State of Oregon from the Oregon Zero Energy Ready Commercial Code to the Oregon Energy Efficiency Specialty Code.

SUGGESTED MOTION

Move to adopt an Ordinance Concerning Multiple-Unit Property Tax Exemptions and Amending Section 2.946 of the Eugene Code, 1971.

ATTACHMENTS

- A. Proposed Ordinance
- B. Multi-Unit Property Tax Exemption Program Summary

FOR MORE INFORMATION

Staff Contact: Dylan Huber-Heidorn
Telephone: 541-682-5475
Staff E-Mail: dhuber-heidorn@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING MULTIPLE-UNIT PROPERTY TAX EXEMPTIONS AND AMENDING SECTION 2.946 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (2)(f) of Section 2.946 of the Eugene Code, 1971, is amended to provide as follows:

2.946 Multiple-Unit Housing – Threshold Criteria and Public Benefits.

.....

(2) *Criteria for Approval.* No exemption may be approved under subsection (7) of section 2.945 of this code unless all of the following criteria are met:

.....

(f) *Green Building.*

1. Green building requirements apply only to the residential occupancy areas and common areas such as hallways, stairwells, centralized HVAC or hot water heating, and laundry facilities. The requirements do not apply to the commercial areas or ancillary amenities such as parking garage, swimming pools, and recreation centers.

2. The project will perform at least 10% more efficiently than the performance established in the ~~Oregon Zero Energy Ready Commercial Code (OZERCC)~~ Oregon Energy Efficiency Specialty Code (OEESC).

a. Green building requirements for one to three story multiple-family buildings are as follows:

(1) Obtain LEED v4 for homes low-rise multiple-family basic certification and modeled at least 10% above current ~~OZERCC~~ OEESC; or

(2) Obtain earth advantage multiple-family silver level certification and provide a commissioning report.

b. Green building requirements for four stories and above multiple-family buildings are as follows:

(1) Obtain LEED for homes midrise basic certification and modeled at 10% above current ~~OZERCC~~ OEESC; or

(2) City review of the project demonstrates that:

(A) Model building energy performance, utilizing the LEED for homes midrise energy modeling methodology, shows that the building will perform 10% above current ~~OZERCC-OEESC~~ performance;

(B) The building is constructed to modeled plans;

(C) Commissioning report will be provided within 18 months following issuance of certificate of occupancy; and

(D) Applicant commits to working with city to report multiple-family occupancy energy use data to city for the tax exempt period.

(3) Projects that will provide onsite parking are required to install conduit for future electric vehicle charging stations.

.....

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
___ day of _____, 2022

Approved by the Mayor this
___ day of _____, 2022

City Recorder

Mayor

Summary of MUPTE Program

MUPTE Program

The Multi-Unit Property Tax Exemption (MUPTE) is an incentive program to encourage high quality, multi-unit downtown housing especially in areas well served by public transit. Both rental housing and multi-unit housing for home ownership are eligible; student housing, transient use, and vacation occupancy is ineligible. Enabled by state law, the program provides a 10-year property tax exemption on qualified new multi-unit housing investments that occur within a specific, targeted area, that meet program requirements, and that are reviewed and approved by Council. The objective strongly aligns with several of the pillars of Envision Eugene. Increasing the amount of multi-family housing in the downtown helps reduce pressure on urban growth boundary (UGB) expansion, protects existing neighborhoods, and takes advantage of existing infrastructure.

During the exemption period, property owners still pay taxes on the assessed value of the land and any existing improvements on the property. Council can deem commercial portions of a project to be a public benefit and include them as part of the exemption along with the residential portion.

In 2015 Council revised the program criteria, process, and boundary. The program changes:

- Removed student housing as an eligible project type
- Increased the required energy efficiency
- Required higher quality design, with design at approval attached to the resolution
- Expanded neighborhood involvement
- Added a moderate-income housing contribution
- Added local economic impact plan
- Added review by an independent financial consultant to determine the proposed project's financial need for the exemption
- Added a community member third-party review (MUPTE Review Panel described below)

The 2015 revision also specified that Council should review the program after the exemption has been used in the creation of 1,500 units. As of 7/1/22, 177 exempted units have been constructed, and 381 more are in the design and construction phase.

See below for the process diagram and boundary map. The Required Public Benefit criteria are:

- Compact Urban Development
- Green Building Features (*ensuring building energy performance is 10% above code*)
- Local Economic Impact Plan (*including support for local businesses, minority- and women-owned business enterprises, and ensuring compliance with labor laws*)
- Moderate-Income Housing Contribution
- Project Design and Compatibility (*including scale, form, and quality of the building; mixture of project elements; relationship to the street and surrounding uses; and parking and circulation*)
- Historic and Existing Housing Sensitivity
- Project Need

MUPTE Review Panel

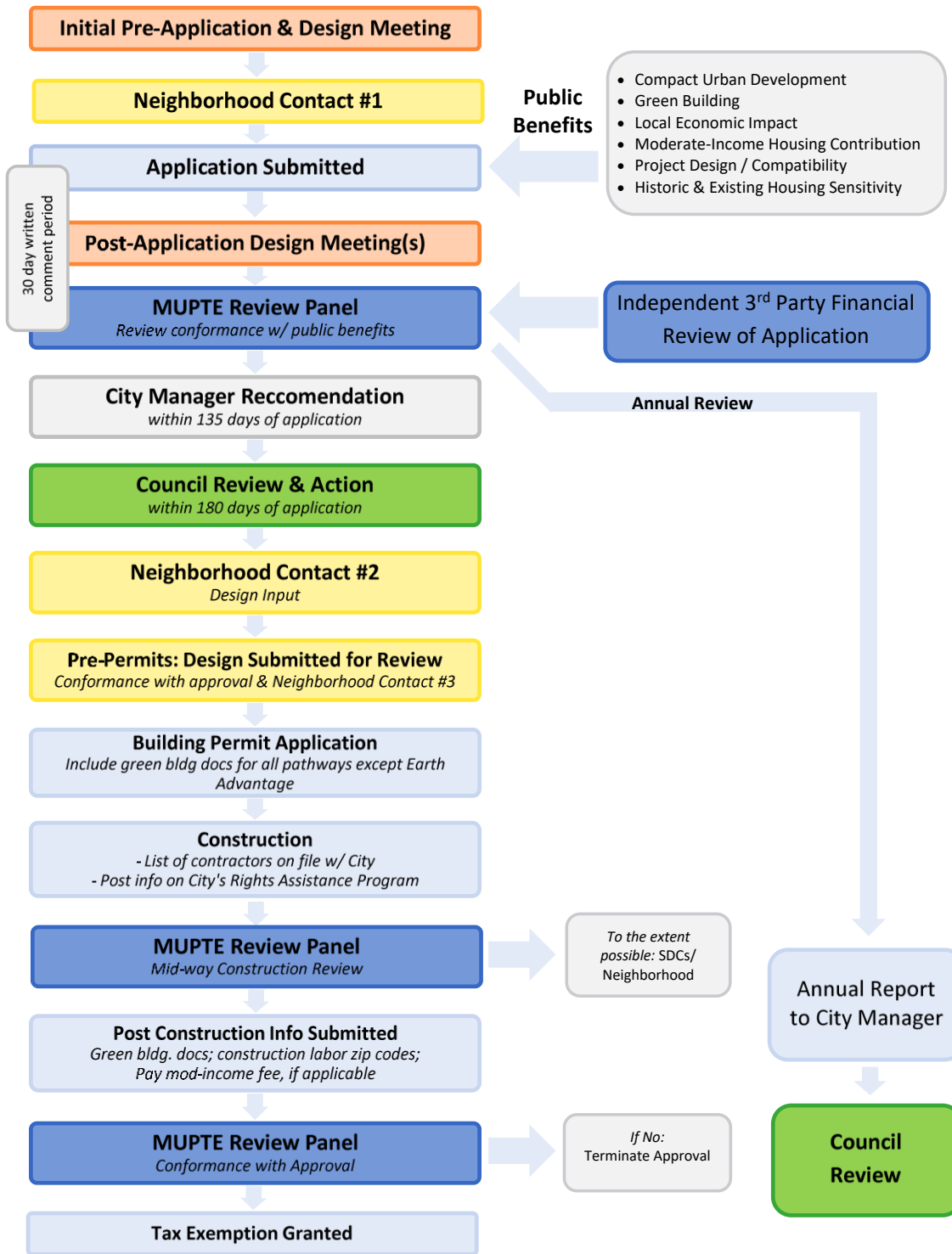
The MUPTE Review Panel is tasked with providing a third-party review of individual applications and the overall program for the City Manager. The Review Panel:

- Reviews the project applications, including the consultant's review of the project's financial projections.
- Reviews the applicant's conformance with the Required Public Benefits and makes recommendations regarding approval/denial of the tax exemption to the City Manager.
- Reviews the projects' conformance with approval requirements midway through construction, at completion of construction, and during the exemption period.
- Assists the City Manager in preparing an Annual Report on progress of the approved projects, program volume cap, and reporting documentation.

The Review Panel consists of two at-large neighborhood representatives selected by neighborhood association boards, an additional two representatives selected by the board of the neighborhood association in which the proposed project is located, and six technical professionals selected by the City Manager from the following six groups: architects/green building specialists; building trades union; developers; environmental professionals; public health professionals; and human rights representatives. Prior Review Panel reports can be found at www.eugene-or.gov/MUPTE

MUPTE Boundary





Annually:

- Moderate-income housing: Pay fee in years 3 – 10 or update lease rates on mod-income units & submit docs.
- BPS pathway energy usage, if applicable.