



## **Eugene City Council**

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[www.eugene-or.gov](http://www.eugene-or.gov)

# **EUGENE CITY COUNCIL AGENDA**

**July 11, 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>

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### **Meeting of July 11, 2022; Her Honor Mayor Lucy Vinis Presiding**

#### **Councilors**

Claire Syrett, President  
Mike Clark  
Randy Groves  
Jennifer Yeh

Matt Keating, Vice President  
Greg Evans  
Emily Semple  
Alan Zelenka

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## **7:30 p.m. CITY COUNCIL MEETING**

### **1. COMMITTEE REPORTS AND ITEMS OF INTEREST**

### **2. CONSENT CALENDAR 1**

#### **A. Approval of City Council Minutes**

- April 18, 2022 Public Hearing
- May 9, 2022 Work Session
- May 9, 2022 Meeting
- May 11, 2022 Work Session
- May 18, 2022 Public Hearing
- May 24, 2022 Special Meeting
- June 8, 2022 Work Session
- June 15, 2022 Work Session

#### **B. Approval of City Council Tentative Agenda**

#### **C. Action- Appointment of Civilian Review Board Representative to Police Commission**

### **3. PUBLIC FORUM**

### **4. CONSENT CALENDAR 2**

#### **A. RESOLUTION ANNEXING LAND AT RIVER LOOP 1 ROAD AND RIVER LOOP 2 ROAD FOR THE SANTA CLARA COMMUNITY PARK**

### **5. POSSIBLE ACTION- RENTER PROTECTIONS – PHASE 1**

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](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: July 11, 2022  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2A  
Staff Contact: Sara McKinney  
Contact Telephone Number: 541-682-8497

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### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### SUGGESTED MOTION

Move to approve the minutes for the Public Hearing on April 18, 2022 and May 18, 2022, Work Sessions on May 9, May 11, May 18, June 8 and June 15, 2022, May 9, 2022 Meeting and the Special Meeting on May 24, 2022

### ATTACHMENTS

- A. April 18, 2022 Public Hearing
- B. May 9, 2022 Work Session
- C. May 9, 2022 Meeting
- D. May 11, 2022 Work Session
- E. May 18, 2022 Public Hearing
- F. May 24, 2022 Special Meeting
- G. June 8, 2022 Work Session
- H. June 15, 2022 Work Session

### FOR MORE INFORMATION

Staff Contact: Sara McKinney  
Telephone: 541-682-8497  
Staff E-Mail: [smckinney@eugene-or.gov](mailto:smckinney@eugene-or.gov)

## MINUTES

### Eugene City Council Virtual Public Hearing Eugene, Oregon 97401

**April 18, 2022  
7:30 p.m.**

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

**Councilors Absent:** Greg Evans

Mayor Vinis opened the April 18, 2022, meeting of the Eugene City Council in a virtual format.

**1. PUBLIC HEARING: An Ordinance Amending Section 4.990 of the Eugene Code, 1971, Adding a Penalty for the Willful Violation of Section 4.830 (Portion of Street Reserved for Vehicular Traffic) of that Code.**

City Manager Sarah Medary provided background and introduced the topic.

Mayor Vinis opened the Public Hearing.

1. Bridget Butler - urged Council to reject the proposed penalty amendments to EC 4.990.
2. Brooklyn - said she has empathy for the unhoused in our community; opposed ordinance.
3. Nathan - expressed opposition to add fines and jail time.
4. Rachel Smith-Anderson - shared her family toured the Eugene Mission, neutral on issue.
5. Heather Marek - urged Council to reject the proposed amendments.
6. Susan Connelly - shared downtown has a problem with vehicles stored on streets.
7. McKenzie Ni Flainn - urged rejection of the ordinance; shared a story of elderly couple.
8. Lynn Porter - said the proposal is stupid, unconstitutional, and morally disgusting.
9. Jeff Wolfe - opposed criminalizing sleeping; said living on the streets is not by choice.
10. Eli Brown - asked Council to vote against the ordinance as it was recommended by EPD.
11. Julianne - asked Council to reject this amendment, noting she does homeless outreach.
12. Pamela Kittleson - said she does not support increasing fines and jail time.
13. Robyn Matsumoto - said criminalizing homelessness will not result in compliance.
14. Ashley - said she was unsure whether to call Eugene her home tonight; opposed ordinance.
15. Mike Lewis - said allowing current conditions has gone on far too long.
16. Gabriele Hayden - urged Council to reject the motion.
17. Sandra Shotridge - shared she has been homeless; unsure how this can be considered.
18. Nancy Forrest - shared she does street outreach with Carry if Forward, opposed motion.
19. Sarai Johnson - urged Council to reject the motion doubling fines and adding jail time.
20. Roger Jensen - said he runs street outreach and urged Council not to pass the amendment.
21. Tom Bruno - said he opposes the motion and shared a story about an RV fire.

Council Discussion:

- Councilor Keating - asked if a broken-down vehicle or trailer that has been converted into a habitat count as enforceable.
- Councilor Semple - stated this ordinance will not solve homelessness and she does not want tents, building construction and other belongings in the ; said she does not feel that increasing fines and adding jail time is the right way to mitigate the issue; stated she needs to think about this issue.
- Councilor Zelenka - asked what willful violation means and how someone would avoid getting an ordinance violation.
- Councilor Groves - asked whether a parked vehicle that is protruding into the travel lane would apply under this ordinance; stated this ordinance can mitigate safety hazards.
- Councilor Keating - stated judges have the authority to levy community service and a fine; said he has reservations about the focus on willful violation and he would like to see a community service component; asked why community service is not on the table and if it is possible to weave that into the conversation before the vote on the ordinance change.

Mayor Vinis closed the Public Hearing.

2. **PUBLIC HEARING: An Ordinance Concerning Middle Housing; Making a Text Amendment to the Eugene-Springfield Metropolitan Area General Plan; Replacing Variations of the Terms “One Family” and “Single Family” with “Single-Unit,” Replacing Variations of the Term “Two Family” with “Duplex,” Replacing Variations of the Term “Three Family” with “Triplex,” Replacing Variations of the Term “Four Family” with “Four Plex,” and Replacing Variations of the Terms “Multiple Family” and “Multi-Family” with “Multiple Unit” Throughout the Eugene Code; Amending Sections 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3910, 9.3915, 9.6105, 9.610, 9.6420, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8085, 9.8205, 9.8210, 9.8215, 9.8220, 9.8325, 9.8423, 9.8505, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, 9.8810, 9.8865, and 9.9500 of the Eugene Code, 1971; Deleting Sections 9.2705, 9.2735, and 9.2737 of that Code; Adding Sections 9.550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, and 9.8199 to that Code; and Providing an Effective Date.**

City Manager Sarah Medary provided background and introduced the topic.

Mayor Vinis opened the Public Hearing.

1. Ken Beeson - requested Council’s support for the Planning Commission proposal.
2. Dan Isaakson - stated the proposal is pro racial justice and pro affordable housing.

3. Mike McFarlane - discussed the urban tree canopy and unintended impacts.
4. Ted Coopman - said he opposed the approach, lacks data for more effective strategies.
5. Ralph McDonald - said SHNA would like large, healthy tree protection with HB 2001.
6. Nancy Meyer - shared a recent story in the *Register-Guard* about Eugene neighborhoods.
7. Katie Hall - shared the opportunity to own a duplex is limited, need housing for workforce.
8. Bandana Stressa - stressed the importance of addressing missing Middle Housing.
9. Kaarin Knudson- said the community needs housing and supported Middle Housing.
10. Julie Fahey - appreciated the innovative approach to encourage public engagement.
11. Gerry Menneghan - urged Council to implement the minimum requirements of HB 2001.
12. Sherry Schaefer - asked Council to support the proposed Middle Housing code.
13. Eric Lundberg - shared he is a big supporter of smaller housing such as Amazon Cottages.
14. Samantha Roberts - asked Council to support Planning Commission recommendations.
15. Charlcie Kaylor - said the League of Women Voters supports the Middle Housing code.
16. Susan Connelly - asked Council to slow down and make the Middle Housing code right.
17. Alan Hancock - stated Eugene is not the first City to consider reducing parking minimums.
18. Hillary Kittelson - stated 11 people wrote Council a letter posing four questions.
19. Pam Wooddell - asked Council to adopt Middle Housing code, not exceed the minimums.
20. Carmel Perez-Snyder - stated AARP supports the proposal from the Planning Commission.
21. Emily Fox - said she supports the minimal standards and not what the City is proposing.
22. Tom Bruno - said HB 2001 proposal lacks predictive analysis like parking.
23. Tim Morris - said Springfield-Eugene Tenant Association unanimously supports the code.
24. Barbara Braden - said three Middle Housing issues need to be fairly addressed.
25. Jose Martinez - shared the phases and involvement of the community review panel.
26. Paul Conte - asked whether this free market approach will make things better or worse.
27. Carolyn Jacobs - asked that the code be written to regulate vacation rentals.
28. Patty Hine - stated on behalf of 350 Eugene that climate policy is housing policy.
29. Lisa Fragala - said she supports the City of Eugene's draft code on Middle Housing.
30. Michele Corlette - stated she does not believe she has been well-informed by the City.
31. Lawrence Siskind - said the amendment is in direct conflict with Oregon planning goals.
32. Dylan Lamar - shared the C Street Co-op is an example of how Middle Housing can work.
33. Jeanne Gunnar - asked if the City's response to HB 2001 will result in affordable housing.
34. Jeremy Star - stated he strongly supports the Planning Commission's proposal.
35. Debra McGee - shared her daughter's struggle with finding affordable housing.
36. Kari Parsons - supported compatible infill and said she hopes to build an ADU.
37. Jim Lettichan - opposed the amendments to HB 2001, as they will not accomplish goal.
38. Matt Purvis - urged Council to adopt the amendments necessary to conform with HB 2001.
39. Joann Shotola - shared her experience and asked the City to make it cheaper to build.
40. Sabra Marcroft - supported the proposed amendments from the Planning Commission.
41. Janice Gotchall - asked Council to adopt the minimum standards for now.
42. Lynn Porter - shared that up-zoning will incentivize affordable housing.
43. Karen Beckman - supported the code but it's no guarantee to increase affordable housing.
44. Dennis Hebert - read an excerpt of a transcript concerning HB 2001 from Councilor Yeh.
45. Jill Baxter - said she supports HB 2001 yet questions the City's extra code amendments.
46. Sadie Mae Palmatier - said she supports the Planning Commission's recommendations.

47. Eliza Kashinsky - said she sees a clear articulation of what the community values in code.
48. Wyn Swafford - urged Council to adopt the Planning Commission's recommendations.
49. Miaya - shared City has a history of making important decisions without enough data.
50. Lauren Halett - said more affordable housing is needed; supported the PC recommendations.
51. Harry Sanger - stated the reality will be three-story behemoths towering over neighbors.
52. Gabriele Hayden - said denser middle housing can reduce local carbon footprints.
53. Rene Kane - opposed the proposed code because of the negative impact on neighborhoods.
54. Kathy Ging - shared that the new plan could impact the use of solar power on homes.
55. Mimi Stewart - stated she is leaving Seattle due to the negative impacts of up-zoning.
56. Mark Beach - stated he is against the proposal; supported minimum standards.
57. Mike Lewis - supported adopting minimum standards as they not yet proven.
58. Bill Aspegren - said the Middle Housing parking plan is unworkable.
59. Kay Rose - opposed the proposal and supported adopting minimum standards.
60. Sandy Sanders - stated she is opposed to the plan and enjoys a low-density environment.
61. Thomas Newman - supported affordable housing around EmX transit stations.
62. Julie Huelm - supported Middle Housing that is affordable with clear path to ownership.
63. Lark Wadsworth - supported adopting the minimum standards for HB 2001.
64. Sarai Johnson - urged Council to adopt the Planning Commission's recommendations.
65. Isaac Judd - supported the Planning Commission's proposal for Middle Housing.
66. Terry - noted the code changes are connected, so ensure short-term rentals are regulated.
67. Hope Vatcher - supported the DLDC model code because it is a middle ground to test.
68. Nir Pearlson - said to look towards the future and support the Commission's proposal.
69. Lina Houston-Davidson - supported adopting the minimum standards.
70. Charles Woodward - said other issues need attention; opposed the code change.
71. Suzanne Whitney - opposed the code amendments; supported nature, not lot coverage.
72. Cindy Allen - said HB 2001 is unprecedented and will create a housing monopoly.
73. Christopher Deal - supported the Middle Housing amendments recommended by staff.
74. Clay Neal - said Middle Housing provides additional opportunity for home ownership.
75. Alexis Biddle - supported the draft code amendments and direction for future growth.
76. Carlis Nixon - supported infill when it's well-regulated; code amendments are too radical.
77. David Barajas - said he supported the recommended code amendments.
78. Gary Heldt - said zone changes added to HB 2001 will have unintended consequences.
79. Steve Pringle - opposed the code amendments as they will not produce affordable housing.
80. Rachael Latimer - supported passing the minimum code and draft amendments later.
81. Barbara Miller - supported following state guidelines for code amendments.
82. Rachel Smith Anderson - said outreach was poor; supported minimum standards.
83. Steven Baker - said there is a serious housing shortage; supported minimum standards.
84. Tom Albertson - said he supports the recommendations from staff.
85. Daniel Ivy - said he supported the code changes from the Planning Commission.
86. Gwen Jaspers - said the proposed code changes do not guarantee affordability.
87. Sandra Bishop - opposed the code amendments; supported minimum standards.
88. Louise Al - said the proposed code amendments seem like a land grab.

Mayor Vinis closed the Public Hearing.

Council Discussion:

- Councilor Clark - stated the amount of public interest on this issue may have been underestimated; said he hoped more ways can be found to engage with the public before moving forward; stated he was shocked by one of the Planning Commissioner's comments; said he hoped Council will take adequate time to deliberate.
- Councilor Zelenka – asked for more information from Commissioner Isaacson about his comments; thanked staff for moderating meeting.
- Councilor Keating – thanked the public, staff, Planning Commission, and stakeholders for this process; said he shares people's the concerns expressed about parking and tree canopy preservation and he looks forward to reading the Eugene Sustainability recommendations regarding the tree code; suggested a tweak in the proposed parking reduction incentives from one half mile to one quarter mile from an EMX line and to eliminate the on-street parking incentive within a quarter mile of a fixed bus route; stated the recommendations could help alleviate an influx of on-street parking on the already crowded and narrow south hills streets.
- Mayor Vinis - noted there is time to consider peoples' concerns.

The meeting was adjourned at 12:01 a.m.

Respectfully submitted,

Brooke Freed  
AIC City Recorder

*(Recorded by Niyah Ross)*

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

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

**May 9, 2022**  
**5:30 p.m.**

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

**Councilors Absent:** Greg Evans

Mayor Vinis opened the May 9, 2022, work session of the Eugene City Council in hybrid in-person and virtual format.

**1. WORK SESSION: Biennial Budget Process**

City Manager Sarah Medary introduced and gave a presentation on the topic with Assistant Finance Director Vicki Silvers.

**Council Discussion:**

- Mayor Vinis - recalled that the next step was to dive into assessing what each department is currently doing and asked if that is an ongoing process.
- Councilor Clark - commented that he prefers a zero-based budget approach and would like to start from zero each year because of the flexibility and capacity to change direction rather than the possibility of spending issues in a two-year budget; shared it is hard to decide which way is better and asked for details on the difference between both processes; appreciated the creativity given to the process.
- Councilor Zelenka - stated priorities are set when the budget is set, and history and investments matter; commented that investments are made in services because of their importance, and rarely do they become unimportant; shared an example of a budget process where the dedicated funding is separated out; noted they continually have conversations about how to spend money from small amounts of the budget rather than talking about priority services; asked how the new process differs from a services-based approach as was done in the past.
- Councilor Groves - said as a department head, a biennial budget process would have been be great because there is a longer horizon in which to plan; commented that as soon as a budget process is finished it is started again and with limited staff capacity; said he is interested in exploring what a new process might look like and seeing continuity in the budget; asked how this process would line up with areas where the City works with other jurisdictions that might be on an annual budget schedule; asked if this can be constructed in a way that doesn't create another layer of complexity; commented that the year-by-year approach is choppy and he would like to have a long-term view.
- Councilor Keating - asked what the role the citizen members of the Budget Committee play in a biennial budget process and whether an incoming councilor could potentially

touch or influence a budget twice in a four-year period; asked if there any best practices or pitfalls that the City could utilize or avoid by examining other municipalities.

- Councilor Clark - commented he could see this interacting differently with bond and levies over time as they come back for approval at different times throughout the year; said things could get complicated when there is down cycle year in the budget when cuts are made; shared an example of a library levy and how the funding cycle could get complicated with the biennial budget process; asked if this will be less of a problem with a two-year budget because issues can be anticipated or if it will exacerbate the issue.
- Councilor Zelenka - said a priority-based budget has a limited amount of revenue with modest increases and is a zero sum budget; asked how this changes in priority-based budgeting; said he looked forward to having more discussion; shared that most of his budget experience has been with a one-year process but he had the opportunity to work with a two-year budget and felt input and accountability do not change much; noted the time and effort staff have to put into the process can change significantly.
- Councilor Semple - commented she likes that the public engagement comes before the planning of the budget; said she feels this is more inclusive and friendly approach.

## **2. WORK SESSION AND POSSIBLE ACTION: Jail Services Update**

City Manager Sarah Medary introduced the topic. Court Operations Supervisor Sarah Callegari gave a presentation on the topic along with Judge Greg Gill.

### Council Discussion:

- Councilor Clark - commented on an old senate bill that changed where people served their sentences depending on the length of the sentence and asked if Judge Gill was familiar with that bill; asked how many beds would be needed if the jail had capacity to hold people until their hearing; commented that he hears complaints from police officers that there is not capacity to hold people until their hearing; asked if would it be worthwhile to construct Eugene-specific jail cells; asked what Council can do to help get more available beds; asked how Judge Gill would handle a local version of Measure 11 that allowed the Judge to mandate sentences; encouraged staff to look into what the state is doing on Measure 110 in terms of budgeting.
- Councilor Keating - asked if the defendants are getting justice by not being seen in-person; asked if virtual appearances for court are here to stay; asked Judge Gill to share his thoughts about assessing jail time or fines and how the community service piece is connected.
- Councilor Syrett - clarified that OSH stands for Oregon State Hospital in reference to mental health behavioral issues; asked what the cost of operating the Springfield jail is.
- Councilor Groves - asked how long the Springfield and Lane County jails will be operating with limited capacity; asked if the Lane County jail has talked about increasing the number of beds; asked if there have been any discussions with Lane County about building more available beds within the existing footprint of the facility; asked if there are any collaborative efforts between Springfield and Lane County to increase capacity for mental health and addiction services; asked about another wing opening at the state hospital in Junction City; commented that ballot measure 110 stipulates that there will be 15 state-wide drug treatment centers built, and asked how

the state can violate the rule; asked if there is discussion with League of Oregon Cities about starting legal action; shared his interest in starting legal action to hold the state accountable for dropping the ball.

- Councilor Semple - commented that pre-pandemic the jail was used to capacity and asked why the empty space in the jail is not being used; asked how a person who is arrested on a felony gets sentenced to jail if there is no space; asked how many beds there are for females; asked about community service programs and what some examples of diversion and problem-solving court would be; asked if community court use is increasing now that the pandemic is slowing.
- Councilor Yeh - commented that she is proud to be in a community where the court's focus is on how to get the best outcome for people and when jail time is appropriate; asked for clarification on jail beds not being available; asked if there is a timeline for when jail bed capacity becomes a critical problem and what solutions are being worked on; shared she feels uncomfortable having this conversation without a solution in sight, and feels that this is not something the Judge can correct; asked if funding is sufficient to contract with other county jails.
- Councilor Clark - shared that ballot measure 110 was discussed in a neighborhood association meeting and asked why nothing is set up; suggested that staff give examples of what drug treatment looks like and mandate drug treatment once the standard is set; commented that he hopes Eugene can play a part in defining the standard of appropriate drug treatment.
- Councilor Groves - asked if virtual hearings and arraignments could happen in a jail located between Eugene and Portland.
- Councilor Keating - asked about the single best thing that is happening or can happen to reduce recidivism; shared some history about Springfield jails and his concern about where a person is placed based on gender identity; asked what mechanisms are in place in terms of equity and safety for a person who might be in transition and identified as LGBTQIA.
- Mayor Vinis - stated it is clear that Council would like the opportunity to be actively engaged in both the question of capacity and the delivery of mental health services and drug addiction services.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Brooke Freed  
Deputy City Recorder

*(Recorded by Niyah Ross)*

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

**MINUTES**

**Eugene City Council  
Hybrid Virtual/In-Person Meeting  
Eugene, Oregon 97401**

**May 9, 2022  
7:30 p.m.**

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

Mayor Vinis opened the May 9, 2022, meeting of the Eugene City Council in a hybrid in-person and virtual format.

**1. CEREMONIAL MATTERS**

- Mayor Vinis recognized the following ceremonial matters:
  - Top Ten Award for Outstanding Performance in the Field of Public Works from the American Public Works Association Award Presentation to City Engineer Jenifer Willer.
  - Public Works Week Proclamation
  - Emergency Medical Services Week Proclamation

**2. COMMITTEE REPORTS AND ITEMS OF INTEREST**

- Councilor Semple - commented regarding the Public Forum sign-up deadline; shared that she was receiving text messages from constituents who were unable to join the meeting although they signed-up for the public forum.
- Councilor Syrett - shared that it was also Nurses Week to honor nurses across the country; shared she has been working with the City Manager on a motion around the Mims House, also known as the NAACP headquarters; asked the City Manager to speak to the technical details before putting forth a motion for a zone change for the Mims House.

**MOTION AND VOTE:** Councilor Syrett, seconded by Councilor Keating, moved to use up to \$7,500 of Council contingency funds to pay the City application fees for the establishment of a special area zone, historic zone for the Mims property at High Street and Third Alley. **PASSED 8:0**

- Councilor Keating - disclosed that he is a donor to the local Chapter of the NAACP.
- Councilor Yeh - commented about the recent news about abortion rights; commented the current level of abortion access is already not acceptable and the thought that the country is going backwards is incomprehensible; said abortion is nothing to be ashamed about and is a common medical procedure.
- Councilor Groves - acknowledged the contributions of nurses, firefighters, paramedics, and the City Engineer; stated the country is facing emotional and divisive issues; commented that although the issues are occurring on a national level, they are felt at home and there is a need to be mindful and sensitive to people's feelings of fear.
- Councilor Semple - shared that there are no longer library fines for late fees; commented that research has shown more people check books out and return them when there are no fines.
- Councilor Syrett - commented on the recent leaking of a draft Supreme Court decision on abortion and that the nation is now confronted with the reality of the reversal of Roe versus Wade and the denial of a constitutional right; shared more facts about women's health and

reproductive choices; said she is proud Council adopted a resolution affirming the City's commitment to making sure access to abortion is protected and available as a routine part of healthcare services; shared the motion was passed in October 2019 when the City Manager was directed to have the City of Eugene participate in legal challenges of Roe versus Wade and that the City would be a place where people could access the support and health care procedure without stigma; supported the Northwest Abortion Access Fund that provides direct financial support to people seeking abortion; asked for an update on any actions that may have been taken after the passage of that resolution.

- Mayor Vinis - shared her lived experience during a time when abortion was illegal in Ohio and only legal in New York and California; shared it was devastating and traumatizing and recalled the struggles of some classmates trying to find access; commented that the idea the next generation could have similar horrible experiences is an outrage; urged people to support women's reproductive rights.
- Councilor Zelenka - shared he was appalled by the Supreme Court's preliminary decision; shared a quote from one of the judge's opinions about abortion not being a constitutional right and noted that since women were not considered in the constitution there may be other rights in jeopardy if that thought process is followed on other issues; stated the Supreme Court has made reversals but only to expand rights for American citizens, not to takeaway rights; expressed hope that this reversal will not stand.

### 3. CONSENT CALENDAR 1

#### A. Approval of City Council Minutes

- March 14, 2022, Work Session
- April 11, 2021, Work Session
- April 11, 2022, Council Meeting
- April 18, 2022, Work Session

#### B. Approval of City Council Tentative Agenda

#### C. FY23 Metropolitan Wastewater Management Commission Budget Ratification

#### Council Discussion

- Councilor Groves - asked for the April 13, 2022, minutes to be removed from the Consent Calendar because the wording was switched around and he would like it to be corrected to accurately reflect what was said.

### 4. PUBLIC FORUM

1. Jenny Jonak- said that Thomas Hiura would be a good person on the Human Rights Commission.
2. Patty Hine- said the timeline before a climate crash is short; move quickly on electrification.
3. Mark Hurwit - spoke on 5G and read some quotes from a study on cancer caused by 5G.
4. Jeremy Aasum - stated west Eugene and Bethel need more support for clean air, water, and soil.
5. William Smith - said that wireless safety, broadband infrastructure exposure needs to be limited.
6. Michelle Corlett - said she is opposed to the HB 2001 amendments.
7. Amanda McClelland - said it is essential to act quickly to reduce gas emissions.
8. Gerry Meenaghan - opposed the City staff proposal for HB 2001; adopt the minimum.
9. Lin Woodrich - shared she is collecting surveys and volunteers for a Bethel area plan.
10. Suzanne O'Shea - said that Highway 99 is rundown; asked for Bethel to be next for an area plan.
11. Harry Sanger - said he is sick of politics and partisanship; encouraged listening to constituents.

#### Council Discussion

- Councilor Evans - asked for Bethel to move up in priority for an area plan; said he is putting in a work session request on this issue and is looking for support from fellow Councilors, noting 40 years is far too long; stated Bethel is an area in the city that is neglected and has lack of proper

residential development and commercial development such as retail, restaurants and other amenities; asked for more effort from City staff on moving in this direction.

- Councilor Semple - stated she expected would have more people to sign up to speak; stated the technology issue that prevented people from speaking needs to be fixed.
- Councilor Syrett - shared her frustration that people who signed up to testify were not able to speak; apologized to people who were not able to join the meeting and said she looks forward to moving to in-person and virtual meetings; shared her experience with having protestors on her property and does not support protests at the homes of public officials; shared the pleas for help from residents at the Ya-Po-Ah Terrace and requested that the Chief respond and connect with the manager there.
- Councilor Groves - commented on his frustration with the technology glitches not allowing people to access the meeting and is hopeful this will be figured out; shared that he supported Councilor Evans' comments on the need for a Bethel Area Plan and would like to join in that effort; stated that not all the public testimony has been opposed to HB 2001 and that there are comments from both sides.
- Councilor Keating - commented that Highway 99 is a gateway to the community and he has been advocating for an expansion of the Urban Renewal Zone in that area and would like to partner with colleagues to see that come to fruition sooner rather than later; stated it is unacceptable to ignore and be silent on the erosion of fundamental rights and equitable access to reproductive health care; stated he stands with Council's resolution and stated abortion is healthcare.

## 5. CONSENT CALENDAR 2

- A. **Approval of Resolution Annexing Land to the City of Eugene (Assessor's Map 18-03-03-20, Tax Lot 1308 Located on East 25<sup>th</sup> Avenue, West of Henderson Avenue) (City File: Jasper Mountain; A21-16)**
- B. **Approval of Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-23-11, Tax Lot 00103 Located at 1304 Andersen Lane) (City File A22-1)**
- C. **Approval of Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-08-00, Tax Lot 01000, Located South of Airport Road and West of Highway 99 North) (City File: A22-3)**

### Council Discussion

- Councilor Keating - stated he was going over notes of what was said and wanted to make it clear on attachment D, page three that San Diego City has not banned natural gas on all new buildings; it was the City of Encinitas in San Diego County; shared he wanted to appropriately recognize the communities that have banned natural gas in new construction.

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

**MOTION AND VOTE:** Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 2. **PASSED 8:0**

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Brooke Freed  
Deputy City Recorder

*(Recorded by Niyah Ross)*

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

## MINUTES

### Eugene City Council Hybrid Work Session Eugene, Oregon 97401

May 11, 2022  
12:00 p.m.

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

Mayor Vinis opened the May 11, 2022, work session of the Eugene City Council in a hybrid in-person/virtual format.

#### 1. WORK SESSION – Middle Housing

City Manager, Sarah Medary, introduced Planning and Development Senior Planner Jeff Gepper who presented middle housing updates.

##### Council Discussion:

- Mayor Vinis - thanked staff for their work on this project; outlined the meeting speaking time to allow time to address multiple motions being brought forth by Council.
- Councilor Semple - stated that Council has a problem and needs to take more public testimony into account; stated Council should go with minimum code implementation for HB2001, Middle Housing, and review in the future to make adjustments to the code; stated the technical difficulties experienced during past meetings have reduced the public input; agrees with parts of the proposed plan and disagrees with other parts.

**MOTION:** Councilor Semple, seconded by Councilor Evans, moved to direct the City Manager to revise the proposed middle housing ordinance to: (1) make the ordinance consistent with the “State Minimum Standards” set forth in the first column of Attachment C to the May 11, 2022, Middle Housing work session Agenda Item Summary; (2) to reduce the maximum lot coverage for duplexes, triplexes and fourplexes from 75% to 50%; and, (3) to revise any other standards in the proposed ordinance that go beyond the requirements of the Minimum Standards (Chapter 660, Division 46 of the Oregon Administrative Rules) to make them consistent with the Minimum Standards.

##### Council Discussion:

- Councilor Zelenka- clarified the process outline for the work session, stated public involvement has been tremendous and in a variety of formats over the last two years; believes that some discussion has become over-exaggerated, heated and misleading on this topic; stated belief that the majority of opposition is to HB2001, not Eugene’s middle housing proposed plan; is prepared to make motions in this work session.
- Councilor Clark- expressed appreciation to staff, agreed with Councilor Zelenka; agreed that misleading rhetoric has been rampant; stated belief that neither plan (HB2001 and Eugene staff proposed middle housing code) will create affordable housing due to

construction costs and inflation; suspects, based on his experience in real estate, that middle housing code will cause the destruction of housing that costs less in favor of smaller housing that costs more; believes City should implement the least option and reevaluate with public input as the process continues on.

- Councilor Groves- expressed appreciation to staff; has concern about the public confusion surrounding HB2001, middle housing; would like a second public hearing on the matter; has been seeking a way to implement HB2001; noted that HB2001 minimum standards will kick in if Council does not approve the proposed plan and does not feel pressure to approve a middle housing code; suggested a friendly amendment of a time specific review date in the motion set forth by Councilor Semple; stated transit corridors and usable land inventory and Eugene Urban Growth Boundary need to be reviewed alongside middle housing plans.
- Councilor Syrett- expressed appreciation to staff; will vote against the motion on the table; believes the plan put forth by staff has been well vetted and encourages diverse housing; is open to other motions regarding this topic; does not believe decisions should be further delayed; reminded Council that there will be another work session on this item and more time to receive public input.
- Councilor Evans- expressed appreciation to staff; believes there should be more discussion regarding the motion; asked Councilor Semple why the motion was to move from 75 percent to 50 percent lot coverage; thinks that Council is running out of time for implementing HB2001; is in favor of local control of middle housing; thinks Council should adopt planning commission recommendation before the state deadline for HB2001 implementation.
- Councilor Yeh- expressed appreciation to staff; agrees with Councilor Evans that there is more work to do; does not believe Council could feasibly review the impacts of HB2001 in 6 months; stated it will take years to see the impact of the code adoption; is impressed with public input and inclusion; noted the vast majority of feedback has been in favor of going above the minimum standard; believes that the statements about confusion is from people who are not getting what they want; stated Eugene is in a housing crisis, will not support the motion.
- Councilor Keating- expressed appreciation to staff; concurred with Councilor Yeh; will vote against the motion; looks forward to addressing key issues such as parking, tree canopy and building height, in middle housing code; in favor of local control of specifics codes related to HB2001.
- Councilor Groves- is not suggesting Council adopt HB2001 model without adjustments; wants to move forward with middle housing, would like to move forward with something and believes HB2001 minimum is a good place to start; interested in surgical precision of creating the code that works for Eugene; concerned with parking, lot coverage and building height.
- Councilor Zelenka- asked for clarification on motion processes for the work session.
- Councilor Semple- stated a second motion will be put forth if original motion is passed.
- Councilor Clark- clarified preference for minimum adoption is to allow more public comment and input; believes the nature of the issue calls for more robust and lengthy public comment and input.

**VOTE: FAILED 4:5** (opposed by Councilors Yeh, Keating, Syrett, Zelenka & Mayor Vinis)

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to revise the proposed middle housing ordinance to delete the “Reduced Parking for Small Dwelling Units,” “Reduced Parking for Income-Qualified Middle Housing,” and “Proximity to Transit” parking incentives and to revise the proposed middle housing ordinance to reduce the maximum building height in the R-1 zone for a duplex, triplex, fourplex, or townhouse from 35 feet plus an additional 7 feet for roof slopes of 6:12 or steeper to 30 feet plus an additional 7 feet for roof slopes of 6:12 or steeper and to revise the proposed middle housing ordinance to reduce the maximum lot coverage for duplexes, triplexes, and fourplexes from 75% of the lot to 50% of the lot and revise the proposed middle housing ordinance to add the following special use limitations: townhouses and middle housing located on a middle housing lot may not be used as short term rentals; and no more than one of the dwelling units in a duplex, triplex, fourplex or cottage cluster may be used as a short-term rental and to direct the City Manager to schedule a work session on Solar Standards and Trees.

**MOTION TO SEPARATE:** Councilor Clark, seconded by Councilor Zelenka, moved to separate the motion items put forth by Councilor Zelenka.

**VOTE: PASSED 8:0**

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to revise the proposed middle housing ordinance to delete the “Reduced Parking for Small Dwelling Units,” “Reduced Parking for Income-Qualified Middle Housing,” and “Proximity to Transit” parking incentives.

Council Discussion:

- Councilor Zelenka- indicated that parking is one of his issues with staff proposed plan and he has three possible revisions to the plan to address the issue; if the motion at hand were to fail he would put forth an alternate motion to address parking; noted parking incentive is to reduce cost and to get vehicles off the road to reduce greenhouse gases; said that if society is moving to electric vehicles greenhouse gases would not be an issue.
- Councilor Keating- concerned with incentives in proximity to transit; has a substitute motion.

**MOTION TO SUBSTITUTE:** Councilor Keating, seconded by Councilor Yeh, moved to substitute the following motion for Councilor Zelenka’s motion to delete certain parking incentives: Move to direct the City Manager to revise the proposed middle housing ordinance to replace the Proximity to Transit parking incentive with an allowance for no off-street parking spaces for middle housing dwelling units located within ¼ mile walking distance of an EmX stop.

Council Discussion:

- Councilor Syrett- interested in removal of parking requirement for income-qualified units; asked if substitute motion would remove that incentive; asked if the number of lots that would be impacted by this motion have been calculated, asked staff to bring the analysis of lots impacted to the next work session.
- Councilor Clark- understands the meaning behind motion; concerned that the recommendation by staff will permanently increase street parking; noted issue with emergency vehicles navigating roads with crowded street parking.
- Councilor Zelenka- stated ¼ mile was developed from walking distance to an EmX stop; believes all new vehicle sales will be all electric by 2035, which will require charging, concerned with no future option for charging electric vehicles and the impact on residents, especially for low-income residents who could be forced to pay to charge an electric vehicle.
- Councilor Semple- is concerned with electric vehicle charging availability for residents; will not support the substitute motion, is in favor of the original motion.
- Councilor Yeh- stated she is in support of the substitute motion because it narrows the impact to a smaller area of the city; stated it would apply for those who want to live in the area that this would apply to.
- Councilor Groves- will not support the substitute motion; noted with the housing vacancy rate at 1.5 percent, people cannot always choose where they can rent; is in favor of Councilor Zelenka's original motion; looks forward to further information brought in the next work session.
- Councilor Syrett- will support motion based on Councilor Yeh's statement; would prefer the distance to be ½ mile rather than ¼ mile walking distance to an EmX stop but will support the motion as is.

**VOTE ON MOTION TO SUBSTITUTE: PASSED 5:4:** (opposed Councilors Clark, Groves, Semple, and Zelenka)

**MAIN MOTION AS SUBSTITUTED (restated):** Councilor Keating, seconded by Councilor Yeh, moved to direct the City Manager to revise the proposed middle housing ordinance to replace the Proximity to Transit parking incentive with an allowance for no off-street parking spaces for middle housing dwelling units located within ¼ mile walking distance of an EmX stop.

**VOTE: PASSED 7:1** (opposed by Councilor Semple)

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to revise the proposed middle housing ordinance to delete the "Reduced Parking Small Dwelling Units" parking incentive.

**VOTE: PASSED 5:3** (opposed by Councilor Syrett, Keating, and Yeh)

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, moved to direct the City manager to revise the proposed middle housing ordinance to delete the "Reduced Parking for Income-Qualified Middle Housing."

#### Council Discussion:

- Councilor Syrett- concerned with items being deleted that were meant to incentivize lower cost development of housing; asked staff for data analysis on this matter; worried that Council is undermining its own values and original intentions for affordable housing.
- Mayor Vinis- reminded everyone that items are allowances, not requirements; reminds Council that they look to non-profit housing providers to make the decisions regarding those they serve and how best to do so; encouraged Council to consider not closing the door on income-qualified and allow the non-profit housing providers to craft plans accordingly, reminded Council that it has the ability to vote on those plans as they are presented by providers; believes the motion goes against the stated goals to increase affordable housing; encouraged Council to decline this motion.
- Councilor Zelenka- stated lowering affordable housing is a great concern but does not believe that this is the way to accomplish that goal; thinks this creates other issues and problems in the long-term creating congestion on the streets.
- Councilor Syrett- noted that an informed resident that is watching this work session advised her that Bluetooth technology for electric vehicle charging is in the works.
- Councilor Semple- stated a parking space can be used for other uses such as a picnic table or barbeque, having a parking place doesn't mean that you have to have a car in it, but you can if you wanted to.
- Councilor Clark- will support the motion; stated many neighborhoods are opposed to low-income housing and the increased street parking will give more reason to object to additional low-income housing development.
- Mayor Vinis- clarified middle housing refers to duplexes, triplexes and quadplexes, not large apartment complex units.

**VOTE: FAILED 4:5** (opposed by Councilors Syrett, Keating, Yeh, and Groves and by Mayor Vinis voting as a tie-breaker)

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, move to direct the City Manager to revise the proposed middle housing ordinance to reduce the maximum building height in the R-1 zone for a duplex, triplex, fourplex, or townhouse from 35 feet plus an additional 7 feet for roof slopes of 6:12 or steeper to 30 feet plus an additional 7 feet for roof slopes of 6:12 or steeper.

#### Council Discussion:

- Councilor Zelenka- noted that images that have been shared for dwelling types were built within 30 feet; stated that it has been possible for 16 years to build a 3-story building in residential areas; noted that HB2001 does not take away or increase that ability; noted that arguments in favor of the proposed plan make it easier to build a 3-story dwelling but it is already allowable; stated that 5 feet is not a big difference in the big picture; suggested revisiting the issue in the future after ordinance is approved.
- Councilor Keating- clarified this motion moves the encouraged 35 feet proposed by staff to match state model code of 30 feet, the minimum standard of HB2001.
- Councilor Groves- noted you can build 3-stories in 30 feet plus 7 feet for roof pitch; you can also build 3 stories and 2.5 stories where the living space is in the attic space with dormers reducing 5 feet of solar blockage.

- Mayor Vinis- asked for clarification about energy efficiencies noted in the plan associated with the 5-foot additional allowance.
- Councilor Zelenka- stated information given by staff is not accurate, advised compressed foam insulation can match the energy efficiencies; stated solar access ordinance does not go away with a height allowance change in place regardless of decisions made by Council.

**VOTE: PASSED 6:2** (opposed by Councilors Yeh and Keating)

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to revise the proposed middle housing ordinance to reduce the maximum lot coverage for duplexes, triplexes, and fourplexes from 75 percent of the lot to 50 percent of the lot.

Council Discussion:

- Councilor Zelenka- made the motion to initiate a conversation regarding lot coverage; does not intend to support the motion; believes 75 percent lot coverage option will result in better building proposals; noted that the increased lot coverage could reduce landscaping potential but trees protected under the tree ordinance would be protected and could not be cut down; would like a work session about requiring tree planting to strengthen the tree canopy.
- Councilor Clark- will likely support the motion; stated starting at 50 percent lot coverage would not prevent Council from moving to 75 percent later; noted the tree ordinance could prevent some lots from being developed at 75 percent.
- Councilor Semple- noted support for green space; noted that neither the minimum nor the model HB2001 plan grants 75 percent lot coverage; agreed with Councilor Clark's statement regarding future change to 75 percent; stated that those who do not want green space or lawns can live in a townhouse or apartment.
- Councilor Syrett- asked if there is a reason to change in 25 percent increments, what would be the impact of 60 percent lot coverage allowance; will not ask staff to provide an analysis for the 60 percent impact.
- Councilor Yeh- stated a livable home is feasible without a yard; believes the 75 percent coverage would give builders the opportunity to build more homes; noted the opportunity to buy a home, with a smaller lot, is a lot better than the alternative of not being able to own a home at all; will not support the motion.
- Councilor Semple- noted that the City of Eugene has a goal of smaller houses.
- Councilor Groves- supported analysis of 60 percent impact; feels personal value to having a yard to enjoy as a homeowner.
- Councilor Keating- stated Eugene does need more green space; would like a tree ordinance conversation; noted a lack of fines for removing trees and lack of incentive for planting new trees to strengthen the tree canopy; will not support the motion.
- Councilor Clark- stated Councilor Yeh's point swayed decision to support the motion; stated homeownership is a way to increase family wealth; noted an interest in seeing analysis for different percentage of lot coverage.
- Councilor Zelenka- inquired if the only lots that are limited with the 75 percent coverage are the really big lots and at 50 percent coverage almost all lots are limited;

asked what the lot coverage standard is currently; asked if the ability to build a larger percentage is intended to decrease the cost of ownership or create more affordable housing options; inquired if adding a duplex to a lot that has an existing single family home would increase the lot coverage allowance to 75 percent.

**VOTE: FAILED 0:8**

Council Discussion:

- Councilor Groves- noted that the chart provided by staff was extremely helpful in deciding about lot coverage allowance and limits.
- Councilor Clark- noted that the chart would be helpful for public knowledge as it helped him to decide which way to vote on this motion.
- Councilor Semple- inquired if Council could change the percent of lot coverage in the future if it were an issue in the future.

**MOTION and VOTE:** Councilor Zelenka, seconded by Councilor Clark, moved to extend meeting to 1:45 p.m.

**VOTE: PASSED 5:3** (opposed by Councilors Syrett, Keating and Evans)

- Councilor Evans- noted that he will need to leave the meeting before 1:45 p.m. to attend a prior commitment.
- Councilor Syrett- noted that another middle housing work session is scheduled for next week.

**MOTION:** Councilor Zelenka, seconded by Councilor Semple, move to direct the City Manager to revise the proposed middle housing ordinance to add the following special use limitations: townhouses and middle housing located on a middle housing lot may not be used as short term rentals; and no more than one of the dwelling units in a duplex, triplex, fourplex or cottage cluster may be used as a short-term rental.

Council Discussion:

- Councilor Zelenka- noted that Council has discussed short-term rentals in the past and feels that middle housing drastically changes the issue; believes that limiting middle housing for long term rental or owner occupied housing would be sensible considering the need for long term housing in Eugene; encouraged Council to place limits on middle housing allowed for short term rental use.
- Councilor Clark- has funded at least one dozen home purchases in the last year for short term rental usage; noted that there is a lot of people moving into short term rental market as a business income; not in support of the motion as it will limit what will get built and be on the market, reducing housing availability.
- Councilor Groves- asked if the motion would apply only to new construction, asked if an existing duplex owner could convert one side to a short-term rental.
- Councilor Semple- noted short-term rentals have gotten a lot of comments and appears to be a controversial issue; believes that middle housing will increase short term rentals, will vote in favor; noted preference for another work session on the matter;

asked if lots are divided and a triplex or quadplex is built, would only one unit be allowed to be a short-term rental.

- Councilor Syrett- noted that there is another work session on the issue and there was no need to extend this meeting; is against the motion; agrees with Councilor Clark's statement; believes this would place unfair restrictions on new development; stated placing restrictions on how private property is used should be a separate conversation/work session.
- Councilor Yeh- noted a different work session is needed regarding short-term rentals, will not support the motion.
- Councilor Keating- believes this would unfairly limit use of private property; asked Council and staff to research best practices from around the country regarding short-term rentals; outlined the City of Atlanta short-term rental limitations; believes Council can address short-term rental issues at a later work session.

**VOTE: FAILED 2:6** (opposed by Councilors Yeh, Keating, Syrett, Groves, Clark, and Evans)

Councilor Evans exited the work session.

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

**MOTION TO POSTPONE:** Councilor Syrett, seconded by Councilor Clark, move to postpone the motion to May 18, 2022 work session.

**VOTE: PASSED 6:1** (opposed by Councilor Zelenka)

Mayor Vinis adjourned the meeting at 1:39 p.m.

Respectfully submitted,

Brooke Freed  
Deputy City Recorder

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

## MINUTES

### Eugene City Council Hybrid Work Session Eugene, Oregon 97401

May 18, 2022  
12:00 p.m.

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

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

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

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

#### Council Discussion:

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

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

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

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

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

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

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

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

#### Council Discussion:

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

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

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

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

Council Discussion

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

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

**Middle Housing Staff Presentation**

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

Council Discussion:

- Councilor Clark – asked staff to clarify if there would be tree protection for trees outside of the setback area if the 75 percent lot coverage is approved; expressed concern that with 75 percent lot coverage, trees are not protected and land can be developed up to the setback area.

- Councilor Zelenka – clarified that the majority of comments he had received are actually regarding HB2001 and eliminating R1 zoning, which Council has no say over; noted that Council objected to the state legislation; said he believes that the items Council is considering are modest tweaks in relation to the profound change of allowing duplexes, triplexes and townhouses in all residential areas; noted that the code has allowed for three-story building in residential lots for the last 16 years; outlined true lot coverage of 75 percent allowance is 66 percent coverage post setbacks.
- Councilor Semple – stated that the change from 50 to 75 percent lot coverage does make a difference; voiced concerns about preserving green space for outdoor enjoyment.
- Councilor Syrett – asked staff if the change made to parking incentives would apply to future EmX stations automatically; asked if amendments would be needed for future EmX station impacts; expressed disappointment that the parking incentive was removed from small middle housing units; said she believes lot coverage should remain at 75 percent as recommended by staff.

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

Council Discussion:

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

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

- Councilor Semple – noted that she had previously been told that an analysis for the entire city had been done, and asked where this analysis is; inquired what measures will be taken to ensure even distribution of middle housing throughout the city and neighborhoods; shared concerns about the existing infrastructure and its ability to support the increased density of housing; asked who would be required to pay for infrastructure upgrades needed to support the new development of middle housing; asked if the staff proposal is different from the minimum standards of HB2001 for ensuring sufficient infrastructure exists; inquired how the Greenway will be protected; said she has heard public concerns about building too close to river; asked staff if a multiplex could be built in the Greenway under the current code and later under the middle housing code; inquired if a motion can be added to protect the Greenway; expressed interest in more time to discuss the how to protect the Greenway; stated she feels pressure regarding public confusion and concern around this ordinance; said she

will not make a motion, apologized to those who wanted a motion brought forth to protect the Greenway.

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

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

#### Council Discussion:

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

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

- Mayor Vinis – proposed the option to call a special session on Tuesday, May 24, 2022.
- Councilor Clark – said he intends to make a motion but will be absent from the meeting briefly for technical update and will return when possible.
- Councilor Groves – said he was also bothered about the technical issues that occurred during the public hearing on April 18 and believes that another opportunity to get

public input is needed; inquired if it is possible to schedule a public hearing prior to the vote; noted his support for allowing the voices of the public to be heard.

- Councilor Zelenka – requested clarification on the date and time of postponement.

Councilor Clark lost virtual connection the meeting.

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

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

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

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

Respectfully submitted,

Katie LaSala  
City Recorder

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

## MINUTES

### Eugene City Council Virtual Special Meeting Eugene, Oregon 97401

May 24, 2022  
5:30 p.m.

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

Mayor Vinis opened the May 24, 2022, special meeting of the Eugene City Council in a virtual format.

**1. Action on Motion to Adopt an Ordinance Concerning Middle Housing, Including Exhibits A and B Attached Thereto, as Set Forth in its Entirety as Attachment C to the May 18, 2022, Agenda Item Summary.**

Council resumed discussion of the motion postponed in the May 18, 2022, work session.

Council Discussion:

- Mayor Vinis – restated the motion postponed at the May 18, 2022, work session.

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

**MOTION TO AMEND:** Councilor Clark, seconded by Councilor Semple, moved to amend Ordinance Section 12, Table 9.2750's maximum lot coverage for lots with duplexes, triplexes or fourplexes, found on page 22 of the ordinance and page 29 of the May 18 council packet, to change the R-1 maximum lot coverage from 75 percent to 50 percent.

- Councilor Clark – stated his preference is to adopt the minimum standard of HB2001 then have scheduled work sessions to discuss specific items such as solar access and tree protections to ensure that tree protections intertwine with the middle housing codes; said he is willing to consider 75 percent lot coverage after tree protections are discussed and decided.
- Councilor Keating – noted Springfield and Bend approved 60 percent lot coverage for their ordinance around HB2001; asked if the maker of the motion would accept a friendly amendment to 60 percent lot coverage instead of 50 percent (*friendly amendment declined*).

**MOTION TO SUBSTITUTE:** Councilor Keating, seconded by Councilor Syrett, moved to substitute the following motion for Councilor Clark's motion to amend: Move to amend Ordinance Section 12, Table 9.2750's

maximum lot coverage for lots with duplexes, triplexes or fourplexes, found on page 22 of the ordinance and page 29 of the May 18 council packet, to change the R-1 maximum lot coverage from 75 percent to 60 percent.

- Councilor Evans – asked Councilor Keating for clarification on his proposal of 60 percent; said he will not support the motion to amend.
- Councilor Groves – said he has been looking for a compromise; noted he would like to start with minimum lot coverage and move forward in a thoughtful way; said he will consider the motion to substitute and amend.
- Councilor Syrett – made a point of order to remind councilors to direct remarks to the Mayor, not to each other; noted the 60 percent lot coverage number is based on data in a chart provided by staff; stated she does not know the rationale behind Springfield and Bend adopting 60 percent lot coverage; expressed concern over Council ignoring the work staff has done to plan a thoughtful code for HB2001; said it is important for Council to not completely dismiss the work that has been done and public input received; said she believes 60 percent lot coverage is a rational benchmark to set.
- Councilor Yeh – said she is comfortable with 75 percent but acknowledges that there are good arguments to support the 60 percent lot coverage and is willing to support the motion; noted that using 60 percent would create consistency with Springfield; said she shares people’s interest in saving the tree canopy; noted that lot coverage restrictions do not protect the trees and that Council could enact protections for trees if it wants; supported 60 percent coverage but believes that 50 percent lot coverage would be a mistake.
- Councilor Zelenka – stated that the 60 percent number comes from the chart provided by staff and noted 60 percent seems like a reasonable number; stated the tree canopy issue is a separate issue and this does not guarantee tree protection or planting; noted that there is no guarantee people will plant trees; noted that the tree canopy issue and regulation of tree removal and planting will be polarizing; stated his belief that achieving 30 percent overall tree canopy is possible with existing right-of-way and City-owned property without impacting private property; said he believes that 60 percent lot coverage is a fair compromise.
- Councilor Semple – said she is in favor of 50 percent lot coverage to preserve green space; noted 50 percent would impact all lot sizes; said she will support 60 percent proposal.
- Councilor Clark - stated that tree protection is not siloed and all of the ordinances being discussed have an impact on one another; stated his belief that if developers can build to capacity there is no room for tree protection or planting on the lot; said he believes that developers will opt to build to the fullest allowable lot coverage; noted that arguments in favor of middle housing state it will increase affordable housing which he feels is inaccurate; noted the cost per square foot does not change based on the size of the building; asked if amending an amendment is allowed.
- Mayor Vinis - noted that Council strives to reduce barriers to middle housing and the value of allowing more lot coverage is to provide some flexibility in building and development; stated that the Planning Commission and staff worked with local builders and architects to develop reasonable criteria for the middle housing proposal.

**VOTE ON MOTION TO SUBSTITUTE: PASSED 7:1** (opposed by Councilor Clark.)

**VOTE ON SUBSTITUTED MOTION TO AMEND : PASSED 8:0**

- Councilor Keating – clarified that the motion still on the table is the main motion as amended.
- Councilor Clark – stated he believed other councilors had intended to make motions to amend the main motion.
- Councilor Evans – outlined an email sent prior to the meeting to propose two motions to amend, one on infrastructure and one on Goal 15.
- Councilor Clark – noted that the comments in Councilor Evans’ proposed motions about infrastructure are similar to the concerns he has; asked what the impact would be if a motion was made to request more clear and definitive information about existing infrastructure’s ability to support middle housing; stated he does not believe that Council should vote for increased middle housing allowances until the infrastructure issue is vetted and determined sufficient enough to handle increased development.
- Councilor Evans – acknowledged that due to the late submission of the proposed motions it may be more appropriate to submit them at a later date; said he has concern about Goal 11, specifically infrastructure and its ability to support middle housing development; noted the topic of infrastructure may require more time than Council has in this meeting.
- Councilor Zelenka – noted that concern over infrastructure is unnecessary because vetting of proper infrastructure is a part of the existing planning and permitting process; stated that he feels additional requirements for analysis of infrastructure is not necessary; stated that the issues around Goal 15 in the suggested motion are already a standard process; noted that Council and staff have been looking at middle housing and code for HB2001 and he believes it is too late in this process to raise the suggested motions.
- Councilor Syrett – asked if middle housing will be discussed at a future time if Council passes the motion on the table; said she is sympathetic to Councilor Zelenka’s comments; noted that Springfield has passed their middle housing code and she feels that the City of Eugene is late to the game; said she does not feel the need to embed references to Goal 15 and infrastructure into the middle housing code; noted that if infrastructure is a serious concern, a work session should be scheduled for a future date.
- Councilor Clark – noted this is the last chance to change the middle housing ordinance prior to action and reminded Councilor Evans that he has the right to make motions at any time; stated that he often asks tough questions but it is never intended to insult or discount work done by staff or Council; said he does not believe that sufficient study has been done to show infrastructure is able to support the increased need for middle housing.
- Councilor Evans - noted his belief that if he made suggested motions they would fail; said he would like to have later work sessions to address infrastructure concerns; noted that Council can revisit and amend the code in the future if it chose to; asked that

Council be given the opportunity to discuss Goal 11 and 15; stated that staff has done a good job and worked hard on the proposal, however he feels that the infrastructure issue was not properly vetted; noted there are public concerns surrounding infrastructure that Council should address.

- Councilor Zelenka – said he is in favor of a public session to inform and educate the public about the processes in place for planning and permitting land use.
- Councilor Clark – asked when the ordinance would go into effect if approved in this meeting; asked if Council could amend to add an immediate effective date.

**VOTE ON MAIN MOTION AS AMENDED: PASSED 8:0**

Mayor Vinis adjourned the meeting at 6:13 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

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

## MINUTES

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

**June 8, 2022  
12:00 p.m.**

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

Mayor Vinis opened the June 8, 2022, work session of the Eugene City Council in a hybrid in-person/virtual format.

#### **1. Work Session: Growth Monitoring**

City Manager Sarah Medary introduced Heather O'Donnell, Senior Planner, who presented the Growth Monitoring Report Overview.

#### Council Discussion:

- Mayor Vinis - stated appreciation for the presentation and excitement for the information provided.
- Councilor Clark - expressed appreciation for the amount of work that staff put into this report; asked staff if Envision Eugene Technical Advisory Committee or Planning Commission did any comparative data gathering for surrounding communities to compare population growth in Springfield, Coburg, Creswell, Veneta or other communities; asked if surrounding communities outpaced Eugene in growth for the monitoring period; stated affordability of housing has a large impact on the population growth in surrounding areas; stated that neighboring communities should be considered in Eugene's growth monitoring process; noted a desire to have conversations about the character of the community, more families, fewer single people, etc.; asked for the percentage of residential land within the current buildable inventory that is currently unserved by utilities; noted a report that stated 48 percent of that inventory is unserved by any kind of pipeline or wired utilities; emphasized that half of the residential buildable land cannot be built on due to lack of utility service.
- Councilor Zelenka - thanked and commended everyone involved with creating the report; asked staff for the definition of a dwelling and whether it is determined by number of bedrooms or complete living units; noted that in the single family/multi-family dwelling split is a metric that was previously used when considering whether to expand the urban growth boundary and the split was decided at 55 percent single family and 45 percent multi-family; noted that the real multi-family dwelling percent between 2012-2018 monitoring period was 72 percent, or 1.6 times the 45 percent; asked staff how this split impacts what is moving forward into the next round of growth monitoring and analysis; noted the deficits in medium- and high-density residential multi-family dwellings; asked if the expectation is that the multi-family increase will create a bubble and then balance back out; noted a deficit in affordable and middle housing and that the median rent is \$1,100 currently; stated he was surprised to see that income and rent paralleled each other in the monitored time period; asked staff if

the unserved land utilities and services are built to demand or built out in advance; asked staff to expand on and explain the buildable land snapshot in the presented materials.

- Councilor Groves - commended staff for the tremendous work on this large report; said he is concerned that nothing in the report will help Eugene to develop or achieve affordable housing; noted the material says 57 percent of remaining buildable residential land supply is located on steeper slopes which are more expensive to develop; stated it seems that Eugene has a very small percentage of available land in the inventory that can be developed into affordable or low-income housing; asked staff to elaborate on what appears to be low land inventory for affordable housing development; asked about the potential for using a small portion of wetlands for housing development; noted the cost savings of utilizing land that is already surrounded by infrastructure services is advantageous for developing affordable housing; said he is interested in hearing more about a balance between wetlands and development of housing; noted concern from a fire chief standpoint about building and expanding into the south hills because the hills are harder to serve and harder to protect from fire danger.
- Councilor Evans - asked if Eugene has a projection from University of Oregon for anticipated enrollment growth and what the development plan is for the north campus; said he would like to know what University of Oregon anticipates needing for infrastructure support for forecasted enrollment; asked if the City of Eugene is looking at the Lane Community College basin area and what the potential for expansion is in that area in terms of affordable multi-unit multi-family dwellings; asked if the Lane Community College basin is still in the county land inventory.
- Councilor Semple - asked staff to explain the differences between R2 minimum, medium, and high density and how that fits in with R1 that is phased out with HB2001; asked how a landowner would know what density class their property is; asked if unannexed land in Santa Clara and River Road area have utilities and if they would be better places to annex than places that do not currently have utilities; asked if staff has an idea of the cost to add utility infrastructure to unserved land; asked how much of the 43 percent of land inventory that is sloped and the 40 percent that is unannexed are the same or overlap; noted that sloped, unserved land will likely never be developed and should not be considered viable inventory.
- Councilor Syrett - asked staff to confirm that Eugene is keeping pace with population growth and housing but not gaining ground on the housing deficit that Eugene has had for several years, since the recession; noted that not all housing being built meets the needs for standard individual households; clarified that the staff presentation showed that neighboring community housing costs increased more than Eugene's housing costs did in the monitored timeframe; noted that 55 affordable housing sites were forecast and 154 were actually built; observed that many things influence these reports and that the employment part of the report was probably impacted by the pandemic; noted that new ordinances and bills, like those around climate change will add new layers of work to the growth monitoring process and Council needs to be mindful that numbers will be impacted on future reporting by these things; noted that new dwellings on vacant or partially vacant land was at 54 percent and new dwellings on developed land are 41 percent and asked where the missing five percent falls.

- Councilor Yeh - expressed appreciation for everyone involved in the creation of this report; asked when the next report update will be.
- Councilor Keating - echoed the sentiments expressed by Councilors Semple and Groves to focus on developing flat, unannexed lands and not the south hills area; noted that he would also like to see the overlap of sloped and unannexed, unserved land previously discussed; noted he is vehemently opposed to expanding the Eugene Urban Growth Boundary into the south hills area; noted that the natural wooded areas and wildlife are important aspects of quality of life in this area; asked what, if any, incentives are being offered for mixed student/senior citizen housing; noted his preference to have a work session to discuss the option of incentivizing mixed use housing for students and single family or seniors.
- Councilor Clark - asked staff if the unannexed lands in Santa Clara and River Road have services piped in that have not yet been connected; noted his desire to invite unannexed land owners to annex into the city and existing infrastructure; asked staff if the majority of land that is not served by any nearby utilities are near Bertelsen and Crow Road areas into the south hills; noted that Council has work to do to figure out how to develop the buildable lands that are unserved and/or sloped; noted that in the early 2000s a lot of new students arrived and moved into the neighborhoods and those students may start to move back closer to the university, freeing up housing; stated concern that the middle housing developments may reduce affordable housing throughout the city.
- Councilor Zelenka - asked staff to explain who is responsible for providing utilities to a property when land is being developed; noted that there are a lot of positives in the report: jobs grew twice as fast as forecasted, the poverty level decreased, cost burdened households decreased and rents and incomes increased at the same rate.
- Councilor Evans - noted the staff comment regarding wetland mitigation trade-off in the Clear Lake area and asked what the 27-year agreement that was previously created would look like.
- Councilor Clark - asked if the City of Eugene has a state-mandated obligation to provide major trunk-line infrastructure; asked staff if they foresee HB2003 causing issues with this report.
- Mayor Vinis - recognized that this is the first of many reports to come on this topic; noted that local demographics are changing, and it is not yet known how middle housing will impact existing land and redevelopment.

**MOTION AND VOTE:** Councilor Syrett, seconded by Councilor Keating, moved to accept the Envision Eugene Growth Monitoring Comprehensive Report 2012-2021. **PASSED 8:0**

Mayor Vinis adjourned the meeting at 1:33 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

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

## MINUTES

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

June 15, 2022  
12:00 p.m.

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

Mayor Vinis opened the June 15, 2022, work session of the Eugene City Council in a hybrid in-person/virtual format.

#### 1. Work Session: Police Auditor

Councilor Syrett introduced the topic, Permanently Filling the Police Auditor - Next Steps, giving background information regarding the vacancy and introduced Becky DeWitt of the Employee Resource Center, who presented information regarding options for recruiting for this position.

##### Council Discussion:

- Councilor Syrett – noted that she and Councilor Keating reviewed options and the suggested motion provided to Council is their recommendation and similar to the process used during recruitment of Judge Gill.
- Councilor Zelenka – stated that this process was used for recruiting the judge to allow Council to get to know Judge Gill and see how he was doing in the interim role; noted this is like the current situation since Leia Pitcher has been the interim Police Auditor; said getting a full review of Leia is a good idea for first steps moving forward to fill the role; said he will support the suggested motion.
- Councilor Groves – asked staff what the cost inflation for a national search would be; noted that he is very satisfied with the work he has seen from Leia Pitcher thus far and would be comfortable with the proposed motion.
- Councilor Semple – stated her agreement with Councilors Zelenka and Groves and said she believes Council should move forward with the suggested motion.
- Councilor Groves – asked if there is a timeline attached to the requested motion.
- Councilor Syrett – stated that staff discussed having an outside entity perform the review process; said Brenda Wilson from Lane Council of Governments would be recommended to perform the stakeholder interviews and has confirmed her ability to do so.

**MOTION and VOTE:** Councilor Keating, seconded by Councilor Groves, moved to obtain feedback from internal and external stakeholders regarding Interim Police Auditor Leia Pitcher to help inform Council decisions regarding how to proceed filling the Police Auditor position.

**PASSED: 8:0**

## 2. Work Session: Community Survey

City Manager Medary introduced the topic of a community survey and introduced Jason Dedrick, Policy Analyst in the City Manager's Office, who provided a presentation on the upcoming community survey, the timeline and planned process for gathering community input.

### Council Discussion:

- Mayor Vinis – noted her excitement for the upcoming survey and thanked staff for their work and the presentation.
- Councilor Keating – said he looks forward to helping get the survey out into the community; asked staff how Council can best assist in promoting the survey to the public; asked if there are measures in place to prevent or note when or if someone completes multiple surveys that could skew the results; noted his preference to change the language to ask what ward or neighborhood a respondent lives in; stated appreciation for the various in-depth demographic data points included in the survey; suggested adding a faith-based demographic question into the survey; asked if Council members have the ability to parse out information from their wards and see how their constituents responded; asked if respondent information would be available for councilors to follow up on.
- Councilor Yeh – expressed appreciation for the opportunity to discuss the survey before it is sent out; asked if there will be a way to highlight historically under-represented groups and if it would remain statistically valid; noted that it would be worth extra effort to ensure that under-represented groups get enough focus in the survey to have statistically valid data.
- Councilor Groves – expressed appreciation for the opportunity to discuss the survey before it is sent out; stated that every survey that is sent to the community should be presented to Council first; asked if Council will see a final draft of the survey prior to launching it to public; noted that he does not want to review surveys question by question but does want Council to review for possible holes prior to launching into the community; said he appreciates some of the open-ended questions in the survey and believes that some multiple choice options may help to hone in on what the true issues or opinions are; noted that there are businesses and employers in the community who may not live within Eugene but could have valuable feedback in a survey like this; expressed agreement with Councilor Keating regarding individuals completing multiple surveys to skew the response data; stated he likes the process and it is well thought out.
- Councilor Zelenka – noted he would also request that Council get a chance to review all surveys prior to community launch; noted issues during the middle housing code process and asked staff if those high-impact issues would be resolved with this survey; said that the survey responses are useful for councilors to know what key issues need to be addressed.
- Councilor Clark – expressed appreciation for staff using previous experience to help form the new survey; said he hopes that the output of the survey helps councilors make decisions to best serve the community; stated that Council has some heavy, potentially controversial decisions to make soon and he would like to know what the public thinks regarding those topics in advance of voting;

noted that some ward and neighborhoods overlap and he would not support adding the ward or neighborhood option to the survey; asked staff if questions regarding all upcoming large, controversial Council topics will be in the survey; asked staff what they would need to include these referenced questions in the survey; asked staff to confirm that it would require a majority vote to have these controversial topics covered in the survey.

- Councilor Syrett – stated that items on the Tentative Agenda would be discussed before the survey is sent out; said that it is important to note that this survey is meant to be a broader gathering of information, and could still inform on specific topics but is not meant to be topic specific; stated the survey is meant to gather information on an overall lived experience of community members; said she would not support trying to put topic specific questions into this survey but would consider using Council contingency funds to do some polling around controversial topics.
- Councilor Keating – noted his request was to adjust survey language to ask for ward or neighborhood if ward is unknown to help narrow down respondent location; said that a values-based survey would be most informative and a populous poll per issue is not feasible and not staff responsibility to poll by issue; noted his appreciation for the survey question ‘What makes Eugene special?; stated he would like to see the survey include questions asking to describe Eugene in two or three words and how Eugene can be better; noted that the same three issues are always in the top three; said he would like to see what the next issue of concern is after community safety, housing, and homelessness; asked if staff have or can get the next issues of concern.
- Councilor Clark – said he would like to see pointed topic questions in the survey because emails from constituents state Council has a misperception of the community on particular issues, not in a broad sense; noted that Council misinterpreted the results of the 2012 survey regarding downtown; said he would like the survey to include the question ‘What frustrates you about Eugene?’; asked how much, if any, drilling down will take place after the survey to ensure that the results are understood.
- Councilor Groves – agreed with Councilor Syrett that there is not enough time to include upcoming controversial agenda items on the survey; said he would like to see a poll specifically on the natural gas/electrification topic.
- Councilor Yeh – agreed with Councilor Groves that getting this type of information would be helpful; noted that she is not a fan of surveys and that there are tools that get at the information much better than a survey, like focus groups; noted she would like to see issues of concern beyond the top three; said that she likes the promotion schedule for the survey; asked if there will be an equal promotion of the results post-survey; noted she would like to see the statistical data provided to the community when it is available so that the community can see the data that is informing Council decisions.
- Councilor Syrett – outlined the option to clarify the survey question to state ‘besides housing, homelessness and crime; what are your top concerns?’ to get information on issues of concern.
- Mayor Vinis – said she is very happy to hear that focus groups are planned as a follow up to the survey; noted that surveys help educate Council and can be used

to educate the community as well about what Council is doing; noted that during recent Youth Advisory Council interviews she explained to applicants that the Council is forming a community that will impact the quality of their lives now and in the future and it is important to understand what their experience is; noted that the demographic and qualitative data is very important; noted that as a result of the Youth Advisory Council interviews she questioned Council's capacity to serve the youth of Eugene; said that she would like to consider creating a youth survey.

Mayor Vinis adjourned the meeting at 1:11 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

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

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: July 11, 2022  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2B  
Staff Contact: Brooke Freed  
Contact Telephone Number: 541-682-5010

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### 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. Tentative Working Agenda

### FOR MORE INFORMATION

Staff Contact: Brooke Freed  
Telephone: 541-682-5010  
Staff E-Mail: [bfreed@eugene-or.gov](mailto:bfreed@eugene-or.gov)








# City Council Tentative Agenda

Updated July 6, 2022

**\*\*SPECIAL NOTICE \*\***

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. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

July 2022						
Date	Day	Time	Title		Length	Dept. Contact
11-July	Monday	5:30 pm		Sale and Use of Personal Fireworks (Work Session)	45 mins	Scott Cockrum, ESF
				UO Project Proposal (Work Session)	45 mins	Denny Braud, PDD
		7:30 pm		Committee Reports and Items of Interest		Althea Sullivan, PDD
	Public Forum					
	Resolution Annexing Land at River Loop 1 Road and River Loop 2 Road for the Santa Clara Community Park (Consent Calendar 2)					
				Renter Protections – Phase 1 (Possible Action)		Genevieve Middleton, PDD
Expected absences for 7/11: none						
13-July	Wednesday	12 pm		Street Bond Renewal Follow-up (Work Session, Possible Action)	45 mins	Jenifer Willer, PW
				City Manager Compensation (Work Session)	45 mins	Keri Beraldo, CS
Expected absences for 7/13: none						
18-July	Monday	5:30 pm		Ordinance Extending Sunset Date of Safe Tent and Vehicle Sites (Public Hearing)		Peter Chavannes, CS
				Ordinance Transitioning Transient Lodging Tax Administration to DOR (Public Hearing)		Twylla Miller, CS
				Discussion regarding Irkutsk, Russia Sister City (Work Session)	45 mins	Jason Dedrick, CS



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest

CC Agenda Page 11














Official Matters



Pledge of Allegiance

July 11, 2022 Meeting – Item 2B

			 5th Street Market Expansion Project Update (Work Session)	45 mins	Will Dowdy, PDD
Expected absences for 7/18: none					
20-July	Wednesday	12 pm	 Decarbonization Roadmap (Work Session)	90 mins	Matt Rodrigues, PW
Expected absences for 7/20: none					
25-July	Monday	5:30 pm	 Building Electrification Follow-up (Work Session)	90 mins	Lydia Bishop, PDD
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Ordinance Adopting Hazardous Substance User Fees (Hearing and Possible Action)  Resolution Annexing Land at the southwest corner of the intersection of Loretta Way and Denis Drive (Consent Calendar 2)  Ordinance Extending Sunset Date of Safe Tent and Vehicle Sites (Possible Action)  Ordinance Transitioning Transient Lodging Tax Administration to DOR (Possible Action)		Mark Dahl, ESF  Althea Sullivan, PDD  Peter Chavannes, CS  Twylla Miller, CS
Expected absences for 7/25: none					
27-July	Wednesday	12 pm	 Public Health Overlay Zone (Work Session)	45 mins	Allie Camp, PDD
			 Riverfront Urban Renewal District (Work Session)	45 mins	Amanda D’Souza
Expected absences for 7/27: none					

## Council Break: July 28 – September 11



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
"Housing Status" as a Protected Class – <i>follow-up session TBD</i>	Semple	03/12/20
Reparations (two-part work session) – <i>follow-up session TBD</i>	Evans	03/18/21
Funding Source for Climate Change and Homelessness – <i>follow-up session TBD</i>	Zelenka	05/10/21
Fossil Fuel Risk Bonds – TBD	Groves, Syrett	10/21/21
Addressing Chronic Toxic Polluters – <i>follow-up session TBD</i>	Groves	12/2/21
Urban Renewal Districts – 6/13/22	Groves	2/25/22
Sale and Use of Personal Fireworks – 7/11/22	Syrett	4/15/22
Gas Stations – TBD	Keating	4/15/22

UPCOMING PUBLIC HEARINGS			
Date	Topic	Description	Staff Contact
July 18, 5:30 pm	Ordinance Extending Sunset Date of Safe Tent and Vehicle Sites	The City Council will hold a public hearing to consider an ordinance amending Ordinance no. 20650 (temporary establishment of "safe parking" and "safe tent" sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date.	Peter Chavannes, 541-682-5371
July 18, 5:30 pm	Ordinance Transitioning Transient Lodging Tax Administration to DOR	The City Council will hold a public hearing to consider updates to Eugene City Code concerning how transient lodging tax (TLT) is administered.	Twylla Miller, 541-682-8417
July 25, 7:30 pm	Ordinance Adopting Hazardous Substance User Fees	The City Council will hold a public hearing to consider an ordinance updating the City's hazardous substance user fees.	Mark Dahl, 541-682-8361

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: Appointment of Civilian Review Board Representative to Police Commission

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Meeting Date: July 11, 2022  
Department: Police Auditor  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
Staff Contact: Leia Pitcher  
Contact Telephone Number: 541-682-5016

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### ISSUE STATEMENT

This item is to consider and approve the appointment of Civilian Review Board member Alan Leiman to serve jointly on the Civilian Review Board and Police Commission.

### BACKGROUND

Council Ordinance Number 20374 (adopted on December 19, 2006), Section 2.246 (2), authorizes the Civilian Review Board to nominate one of its members to serve jointly on the Civilian Review Board and the Police Commission. This nomination is subject to approval or rejection by the City Council. At its April 12, 2022, meeting, the Civilian Review Board elected Alan Leiman to serve in this role, replacing Michael Hames-Garcia. The Board ratified the vote at its June 14, 2022 meeting.

The Civilian Review Board serves as an advisory body to the City Council and the Police Auditor. The Civilian Review Board may develop policy recommendations based on the matters the group reviews, and this appointment to the Police Commission provides the Civilian Review Board an opportunity to communicate policy recommendations for the Police Department.

In addition, the member appointed from the Civilian Review Board to the Police Commission shall assist in redirecting any complaints received about employee conduct to the Auditor's Office and in reporting on issues raised during the course of the CRB's work pertinent to police policy and practices. See Eugene City Code 2.368(f). The Civilian Review Board voted to recommend Mr. Leiman to perform these functions.

In alignment with Eugene City Code 2.368(3), regarding Police Commission appointments and terms of office, Police Commission members are nominated by the Mayor and appointed by Council. The members from the human rights commission and civilian review board shall serve during their term on such commission or board, or for four years, whichever is less. In any event, all members shall be limited to two consecutive terms.

The suggested motion below reflects the mayor's nomination.

**COUNCIL OPTIONS**

The City Council may approve the appointment of Alan Leiman as the Civilian Review Board representative to the Police Commission or decline to approve this appointment.

**AUDITOR'S RECOMMENDATION**

The Auditor recommends the appointment of Alan Leiman to serve jointly on the Civilian Review Board and Police Commission.

**SUGGESTED MOTION**

Move to appoint Alan Leiman to serve as the Civilian Review Board representative on the Police Commission.

**ATTACHMENTS**

- A. Memo from Interim Auditor Leia Pitcher to the Mayor regarding the nomination

**FOR MORE INFORMATION**

Staff Contact: Leia Pitcher  
Telephone: 541-682-5016  
Staff E-Mail: [lpitcher@eugene-or.gov](mailto:lpitcher@eugene-or.gov)



Office of the Police Auditor

## Memorandum

Date: June 22, 2022  
To: Mayor Lucy Vinis  
From: Interim Police Auditor Leia Pitcher  
Subject: Civilian Review Board Liaison to Police Commission

Dear Mayor Vinis,

The Civilian Review Board has nominated Alan Leiman to serve as the CRB's liaison to the Police Commission when Dr. Michael Hames-Garcia's term expires at the end of this month. Dr. Hames-Garcia has served as the CRB liaison to the Commission since February 2021; his term on the CRB is expiring at the end of the month and he has chosen not to re-apply to the Board.

Alan Leiman was seated on the CRB in July of 2021, and he was selected by the group to serve in the position as liaison to the Police Commission at the CRB's April 12, 2022, meeting. While Mr. Leiman had expressed interest in the position, he was unable to be present for the vote, so the CRB waited to ratify the vote until their next meeting, which was held June 14, 2022. Mr. Leiman accepted the nomination at that time, and he is excited to serve in the role of liaison to the Police Commission.

Please do not hesitate to reach out with any questions or concerns. Thank you for your time and your work on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Leia K. Pitcher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leia Pitcher  
Interim Police Auditor

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Forum

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Meeting Date: July 11, 2022  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Sara McKinney  
Contact Telephone Number: 541-682-8497

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### 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](mailto:smckinney@eugene-or.gov)

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Approval of a Resolution Annexing Land to the City of Eugene  
(Assessor's Map 17-04-01-31, Tax Lots 00400, 00500, 00501, 00600 and Assessor's  
Map 17-04-01-00, Tax Lot 02900 located at 972, 980, 984, 990, 1046, 1050 River  
Loop 2 and 1215 River Loop 1)  
(City File: A 22-8)

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Meeting Date: July 11, 2022  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4A  
Staff Contact: Althea Sullivan  
Contact Telephone Number: 541-682-5485

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## ISSUE STATEMENT

This item is a request to annex property located at 972, 980, 984, 990, 1046, 1050 River Loop 2 and 1215 River Loop 1. The property to be annexed is approximately 35 acres and is southwest of the intersection of River Loop 1 and River Loop 2. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property was added to Eugene's Urban Growth Boundary and designated for Parks and Open Space by City of Eugene Ordinance No. 20584, effective in 2018, for the purposes of establishing a community park in the Santa Clara area. Upon annexation, the zoning of the property will be Public Land with some portions of the site having the Water Resources Conservation Overlay or Water Quality Overlay. The area of annexation is located within the City's urban growth boundary and is contiguous to City limits on its southern and eastern borders. Annexation will allow for future development consistent with the property's Public Land zoning and the Eugene Code. Following annexation, this city-owned property will be developed as the Santa Clara Community Park.

## BACKGROUND

To encourage compact urban growth and sequential development within Eugene's urban growth boundary, the Metro Plan provides that ultimately all land within the urban growth boundary will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that (1) the land proposed to be annexed is within the City's urban growth boundary and is contiguous to the City limits or separated from City limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans; and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Findings demonstrating that the annexation request is consistent with these

July 11, 2022 Meeting – Item 4A

approval criteria are included as Exhibit C to the attached draft resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within 500 feet of the subject property and the affected neighborhood association (Santa Clara Community Organization) consistent with Eugene Code requirements. The City did not receive any testimony in response to the public notice.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of public testimony, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10<sup>th</sup> Avenue, which is open from 12 pm to 4 pm Monday through Friday. To view materials at another time, please contact the listed staff representative to schedule an appointment. Copies may be also obtained at a reasonable cost.

#### **PREVIOUS COUNCIL DIRECTION**

None.

#### **COUNCIL OPTIONS**

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

#### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council adopt the resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

#### **SUGGESTED MOTION**

Move to adopt a resolution approving the proposed annexation request consistent with the applicable approval criteria.

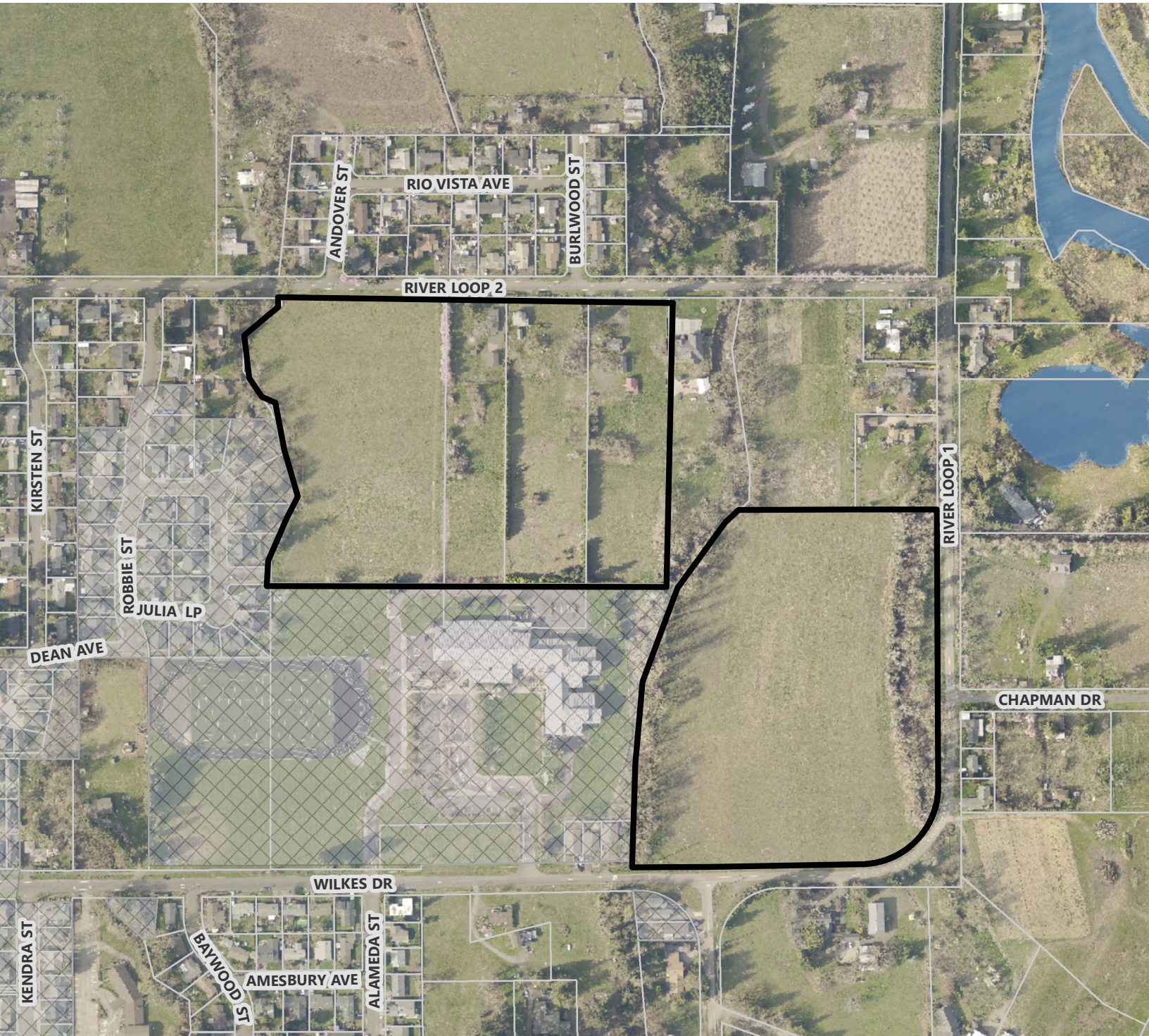
#### **ATTACHMENTS**

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through B

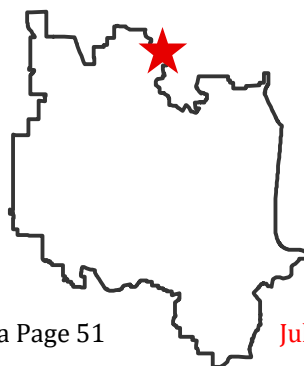
- Exhibit A: Property Map
- Exhibit B: Legal Description
- Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

**FOR MORE INFORMATION**

Staff Contact: Althea Sullivan  
Telephone: 541-682-5485  
Staff E-Mail: [ASullivan@eugene-or.gov](mailto:ASullivan@eugene-or.gov)



- Subject Property
- Eugene City Limits
- Taxlots



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 6/22/2022  
by City of Eugene Planning Division

0 75 150 300 Ft



**RESOLUTION NO. \_\_\_\_\_****RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(ASSESSOR'S MAP 17-04-01-31, TAX LOTS 00400, 00500, 00501, 00600 and  
ASSESSOR'S MAP 17-04-01-00 TAX LOT 02900 LOCATED AT 972, 980,  
984, 990, 1046, 1050 RIVER LOOP 2 and 1215 RIVER LOOP 1).****The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted on April 27, 2022, by City of Eugene Parks and Open Space, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-01-31, Tax Lots 00400, 00500, 00501, 00600 and Assessor's Map 17-04-01-00, Tax Lot 02900, to the City of Eugene.

**B.** The property proposed to be annexed is depicted on the map attached as Exhibit A to this resolution. The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit B.

**C.** The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation are attached as Exhibit C.

**D.** On June 9, 2022, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 11, 2022.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-01-31, Tax Lots 00400, 00500, 00501, 00600 and Assessor's Map 17-04-01-00, Tax Lot 02900, all of which is more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning pursuant to EC 9.4610, EC 9.7820(3)(d), and Figure 9.7820(3)(d) from AG Agricultural with an /UL Urbanizable Land Overlay, and a /WR Water Resources Conservation Overlay to the zoning shown in the table below as well as application of the /WQ Water Quality Overlay pursuant to EC 9.7820(3)(b) and Ordinance No. 20584 as shown in the table below, shall become effective in accordance with State law.

Assessor's Map/ Tax Lot	Zoning Prior to Annexation	Zoning Upon Annexation
17-04-01-31/00400	AG/UL/WR	PL/WR
17-04-01-31/00500	AG/UL	PL
17-04-01-31/00501	AG/UL	PL
17-04-01-31/00600	AG/UL	PL
17-04-01-00/02900	AG/UL/WR	PL/WR/WQ

The foregoing Resolution adopted the \_\_\_\_ day of July, 2022.

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City Recorder



LAND ANNEXATION FOR  
SANTA CLARA COMMUNITY PARK



LEGEND

LINE TYPES/ AREA DESCRIPTIONS

	EDGE OF ASPHALT PAVEMENT
	DIRT PATH
	STORM DRAIN LINE - CITY OF EUGENE
	WASTEWATER LINE
	POTABLE WATER LINE
	NATURAL GAS LINE
	UNDERGROUND ELECTRIC LINE - EWEB PRIMARY SERVICE
	OVERHEAD ELECTRIC LINE
	PROPERTY BOUNDARY
	CITY OF EUGENE URBAN GROWTH BOUNDARY
	GOAL 5 BOUNDARY
	TOP OF BANK
	CITY PARK ACCESS EASEMENT
	EXISTING CITY LIMITS
	LANDS TO BE ANNEXED
	EXISTING STRUCTURES (2) WITHIN ANNEXATION BOUNDARY

SURVEY SYMBOLS

	WASTEWATER CLEANOUT
	WASTEWATER MANHOLE
	DRINKING FOUNTAIN
	STORM DRAIN CULVERT PIPE
	STORM AREA DRAIN
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
	STORMWATER CURB INLET
	WATER VALVE
	WATER METER
	FIRE HYDRANT
	MAILBOX
	SURVEY TRAVERSE POINT
	CENTERLINE MONUMENT
	PROPERTY CORNER
	SURVEY REFERENCE POINT
	STREET SIGN
	CROSSWALK PUSH BUTTON POLE
	TRAFFIC SIGNAL POLE
	GUY ANCHOR
	EWEB ELECTRICAL DROP
	TELEPHONE PEDESTAL
	POWER POLE
	TELEPHONE JUNCTION BOX
	ELECTRICAL JUNCTION BOX
	ELECTRICAL MANHOLE
	JUNCTION BOX
	LIGHT
	GAS VALVE
	GAS METER
	SHRUB
	CONIFEROUS TREE
	DECIDUOUS TREE

LEGAL DESCRIPTION

North Parcel

Commencing at the Northeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the North line of said DLC No. 57, North 88°13'54" West a distance of 747.20 feet; thence South 2°18'21" West a distance of 30.00 feet to a point on the Southerly right-of-way line of River Loop No. 2, said point also .being the TRUE POINT OF BEGINNING; thence leaving said Southerly right-of-way, South 2°18'21" West a distance of 768.45 feet; thence North 88°14'16" West a distance of 1,065.71 feet; thence North 2°16'22" East a distance of 86.29 feet; thence North 23°54'08" East a distance of 168.90 feet; thence North 13°43'52" West a distance of 232.00 feet; thence North 33°47'10" West a distance of 130.28 feet; thence North 3°06'32" East a distance of 101.10 feet; thence North 54°31'08" East a distance of 129.00 feet; thence North 7°28'52" West a distance of 17.31 feet to said Southerly right-of-way; thence along said Southerly right-of-way, South 88°13'54" East a distance of 1,044.00 feet to the true point of beginning, all in Lane County, Oregon.

Containing 18.85± acres

South Parcel

Commencing at the Southeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the East line of said DLC No. 57, North 1°30'43" East a distance of 992.80 feet; thence North 88°29'17" West a distance of 30.00 feet to a point on the Westerly right-of-way of River Loop No. 1; thence along said Westerly right-of-way of River Loop No. 1, South 1°30'43" West a distance of 744.66 feet; thence along a 208.73 foot radius curve to the right (the long chord of which bears South 46°12'47" West 293.64 feet) 325.70 feet to a point on the Northerly right-of-way of River Loop No. 1; thence along said Northerly right-of-way, North 89°05'09" West a distance of 411.10 feet to a point on the Northerly right-of-way of Wilkes Drive; thence along said Northerly right-of-way of Wilkes Drive, North 88°14'01" West a distance of 207.79 feet; thence leaving said Northerly right-of-way, North 3°40'29" East a distance of 126.20 feet; thence North 3°27'29" East a distance of 152.51 feet; thence North 6°51'9" East a distance of 220.20 feet; thence North 22°20'20" East a distance of 270.34 feet; thence North 38°13'20" East a distance of 220.46 feet; thence North 48°29'29" East a distance of 46.72 feet; thence South 88°14'18" East a distance of 532.93 feet to the true point of beginning, all in Lane County, Oregon.

Containing 16.35± acres

Bearings are based on NAD83/91 Oregon State Plane - South Zone.

LINE TABLE	
LINE NO.	BEARING AND DISTANCE
L1	S 2°18'21" W 30.00'
L2	S 2°16'22" W 768.45'
L3	N 88°14'16" W 1,065.71'
L4	N 2°16'22" E 86.29'
L5	N 23°54'08" E 168.90'
L6	N 13°43'52" W 232.00'
L7	N 33°47'10" W 130.28'
L8	N 3°06'32" E 101.10'
L9	N 54°31'08" E 129.00'
L10	N 7°28'52" W 17.31'
L11	S 88°13'54" E 1,044.00'
L12	N 88°14'18" W 30.00'
L13	S 1°30'43" W 744.66'
L14	N 89°05'09" W 411.10'
L15	N 88°14'01" W 207.79'
L16	N 3°40'29" E 126.20'
L17	N 3°27'29" E 152.51'
L18	N 6°51'09" E 220.20'
L19	N 22°20'20" E 270.34'
L20	N 38°13'20" E 220.46'
L21	N 48°29'29" E 46.72'
L22	S 88°14'18" E 532.93'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	CHORD BEARING AND DISTANCE
C1	208.73'	89°24'08"	325.70' S 46°12'47" W , 293.64'

ANNEXATION NOTES

- CITY LIMITS BOUNDARIES AND URBAN GROWTH BOUNDARY SHOWN PER THE CITY OF EUGENE ON-LINE ZONING MAP ON JANUARY 25, 2022.
- RECORDED EASMENT ON ADJACENT TAXLOT 3300 IN PLACE FOR PARK ACCESS THROUGH LANE COUNTY 4J SCHOOL DISTRICT LAND.
- NO UTILITY EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE PROPERTY LIMITS SHOWN FOR ANNEXATION.
- ALL UTILITIES ARE LOCATED WITHIN STREET RIGHTS OF WAY.
- THE EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. THE CITY OF EUGENE ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS SHOWN OR NOT SHOWN ON THIS PLAN.
- AERIAL PHOTOGRAPHY DOES NOT REFLECT THE CURRENT EXISTING STRUCTURES ON THE PROPERTIES TO BE ANNEXED. SEVERAL STRUCTURES WERE DEMOLISHED AND THE SITE WAS RE-VEGETATED IN 2020. TWO STRUCTURES REMAIN ON THE PROPERTIES SUBMITTED FOR ANNEXATION.

Exhibit A

LAND ANNEXATION FOR  
SANTA CLARA COMMUNITY PARK  
990 RIVER LOOP 2  
EUGENE, OR 97404



PROJECT #:	915572
DESIGNED BY:	MAK, EP
DRAWN BY:	MAK
CHECKED BY:	
DATE:	03 / 25 / 2022
SCALE:	AS SHOWN

ANNEXATION SITE  
PLAN

L1.0

## North Parcel

Commencing at the Northeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the North line of said DLC No. 57, North 88°13'54" West a distance of 747.20 feet; thence South 2°18'21" West a distance of 30.00 feet to a point on the Southerly right-of-way line of River Loop No. 2, said point also .being the TRUE POINT OF BEGINNING; thence leaving said Southerly right-of-way, South 2°18'21" West a distance of 768.45 feet; thence North 88°14'16" West a distance of 1,065.71 feet; thence North 2°16'22" East a distance of 86.29 feet; thence North 23°54'08" East a distance of 168.90 feet; thence North 13°43'52" West a distance of 232.00 feet; thence North 33°47'10" West a distance of 130.28 feet; thence North 3°06'32" East a distance of 101.10 feet; thence North 54°31'08" East a distance of 129.00 feet; thence North 7°28'52" West a distance of 17.31 feet to said Southerly right-of-way; thence along said Southerly right-of-way, South 88°13'54" East a distance of 1,044.00 feet to the true point of beginning, all in Lane County, Oregon.

Containing 18.85± acres

## South Parcel

Commencing at the Southeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the East line of said DLC No. 57, North 1°30'43" East a distance of 992.80 feet; thence North 88°29'17" West a distance of 30.00 feet to a point on the Westerly right-of-way of River Loop No. 1; thence along said Westerly right-of-way of River Loop No. 1, South 1°30'43" West a distance of 744.66 feet; thence along a 208.73 foot radius curve to the right (the long chord of which bears South 46°12'47" West 293.64 feet) 325.70 feet to a point on the Northerly right-of-way of River Loop No. 1; thence along said Northerly right-of-way, North 89°05'09" West a distance of 411.10 feet to a point on the Northerly right-of-way of Wilkes Drive; thence along said Northerly right-of-way of Wilkes Drive, North 88°14'01" West a distance of 207.79 feet; thence leaving said Northerly right-of-way, North 3°40'29" East a distance of 126.20 feet; thence North 3°27'29" East a distance of 152.51 feet; thence North 6°51'9" East a distance of 220.20 feet; thence North 22°20'20" East a distance of 270.34 feet; thence North 38°13'20" East a distance of 220.46 feet; thence North 48°29'29" East a distance of 46.72 feet; thence South 88°14'18" East a distance of 532.93 feet to the true point of beginning, all in Lane County, Oregon.

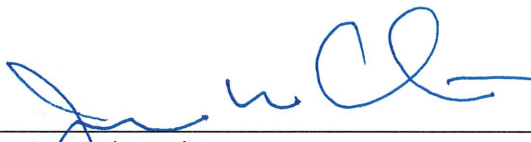
Containing 16.35± acres

Bearings are based on NAD83/91 Oregon State Plane – South Zone.

## Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:

  
\_\_\_\_\_  
Registered Land Surveyor

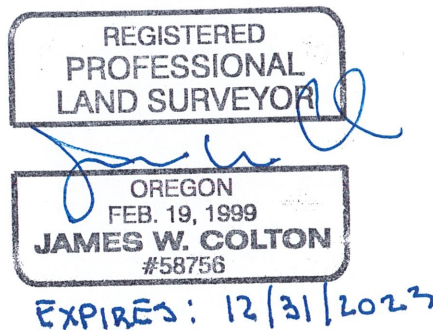
Print Name:

James W. Colton

Date:

March 25, 2022

Seal:





**Planning Director's Findings and Recommendation:  
Annexation Request for SANTA CLARA COMMUNITY PARK  
(City File: A 22-8)**

<b>Application Submitted:</b> April 27, 2022
<b>Applicant:</b> City of Eugene Parks and Open Space
<b>Property Included in Annexation Request:</b> Tax Lots 00400, 00500, 00501, 00600 of Assessor's Map 17-04-01-31, and Tax Lot 02900 of Assessor's Map 17-04-01-00.
<b>Zoning:</b> 17-04-01-31/00400 – Agricultural Land with /UL Urbanizable Land and / WR Water Resources Conservation Overlays 17-04-01-31/00500 – Agricultural Land with an /UL Urbanizable Land Overlay 17-04-01-31/00501 – Agricultural Land with an /UL Urbanizable Land Overlay 17-04-01-31/00600 – Agricultural Land with an /UL Urbanizable Land Overlay 17-04-01-00/02900 – Agricultural Land with /UL Urbanizable Land and / WR Water Resources Conservation Overlays
<b>Location:</b> 972, 980, 984, 990, 1046 and 1050 River Loop 2, and 1215 River Loop 1
<b>Lead City Staff:</b> Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

**EVALUATION:**

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is: (a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.		
Complies		Findings: The subject property is within the Urban Growth Boundary and is contiguous to City limits on its southern and eastern borders, consistent with subsection (a).
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the <u>Metro Plan</u> provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic text</i> ):  <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i>
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

## Exhibit C

*b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)*

*Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).*

*Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)*

The subject property is within the area that was added to Eugene's Urban Growth Boundary and designated for Parks and Open Space use by City of Eugene Ordinance No. 20584. See Section 1 of Ordinance No. 20584 and Exhibits A-3 and A-4 to that ordinance. As discussed in Sections 7 and 8 of Ordinance No. 20584 the subject property is currently zoned AG Agricultural with an /UL Urbanizable Land Overlay, and some tax lots which are identified above also have the /WR Water Resources Conservation Overlay. In accordance with Ordinance No. 20584 Exhibit A-3 and EC 9.7820(3)(b) and (d) upon annexation the subject property will automatically be rezoned to the zoning listed in the table below and the /WQ Water Quality Overlay Zone will be applied as shown in the table below:

Assessor's Map/ Tax Lot	Zoning Upon Annexation
17-04-01-31/00400	PL/WR
17-04-01-31/00500	PL
17-04-01-31/00501	PL
17-04-01-31/00600	PL
17-04-01-00/02900	PL/WR/WQ

The /UL overlay will be automatically removed from the property upon approval of the annexation.

As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.

Based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan.

**EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.**

**Complies**

<input checked="checked" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p><b>Findings:</b> Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Public Wastewater is available from an 8-inch line within the River Loop 2 right-of-way, and an 8-inch line that terminates near the property in Wilkes Drive right-of-way. At the time of future development of the property, a specific plan for connection to the public system will be developed.</p> <p><u>Stormwater</u> At the time of future development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.</p> <p><u>Transportation</u> The property has frontage on River Loop 2 and River Loop 1 which are public streets that connect to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p>
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		<p><u>Communications</u></p> <p>A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of Awbrey Park Elementary School, Madison Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p>
--	--	--

**CONCLUSION:**

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date of the annexation will be set in accordance with State law.

**INFORMATIONAL ITEMS:**

- Upon annexation, the the property will be automatically rezoned as listed in the table below:

Assessor's Map/ Tax Lot	Zoning Upon Annexation
17-04-01-31/00400	PL/WR
17-04-01-31/00500	PL
17-04-01-31/00501	PL
17-04-01-31/00600	PL
17-04-01-00/02900	PL/WR/WQ

- Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

## ANNEXATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10<sup>th</sup> Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17040131	00400	AG	8.25
17040131	00501	AG	2.85
17040131	00500	AG	3.88
17040131	00600	AG	3.84
17040100	02900	AG	16.33

**Property Address:** 972, 980, 984, 990, 1046, and 1050 River Loop 2; 1215 River Loop 1 Road

**Plans for Future Development & Permit Number (if applicable):** Santa Clara Community Park

**Public Service Districts:**

Name			
<b>Parks:</b>	City of Eugene		
<b>Electric:</b>	EWEB		
<b>Water:</b>	EWEB		
<b>Sanitary Sewer:</b>	City of Eugene		
<b>Fire:</b>	Santa Clara		
<b>Schools:</b>	<b>Elementary:</b> Awbrey Park	<b>Middle:</b> Madison	<b>High:</b> North Eugene
<b>Other:</b>	Santa Clara Community Organization		

### Filing Fee

- ☐ A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at [www.eugeneplanning.org](http://www.eugeneplanning.org)

**ACCOUNT CODE STRING 963.55 - 336 - 9699 - 970 - 915572 - 10000**

### Written Statement (Submit 5 copies)

- ☐ Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

**Site Plan Requirements**

*Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:*

- ☐ Show the date & north arrow on site plan.
- ☐ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☐ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☐ Show city limits & UGB (if applicable)
- ☐ Clearly label the affected territory and any public right of ways to be annexed.
- ☐ Show all adjacent streets, alleys, and accessways.
- ☐ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☐ Show the location of all existing structures.

**Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)**

- ☐ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☐ Notarized Consent to Annexation form.
- ☐ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☐ Summary of Urban Service Provision form.
- ☐ Census Information Sheet.

**Note:** This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_ 17040131-00400, 00501, 00500, 00600, and 17040100-02900

Name (print): City of Eugene Parks and Open Space

Address: 1820 Roosevelt Blvd. Email: pos@ci.eugene.or.us

City/State/Zip: Eugene, OR 97402 Phone: 541-682-4800 Fax:

Signature:  Date: 4.19.2022

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

**SURVEYOR:**

Name (print): James W. Colton

Company/Organization: City of Eugene

Address: 1820 Roosevelt Blvd.

City/State/Zip: Eugene, OR 97402 Phone: 541-682-2704 Fax:

E-mail: JColton@eugene-or.gov

Signature: Date:

**REPRESENTATIVE** (If different from Surveyor):

Name (print): Mark Kosmos

Company/Organization: City of Eugene - Parks and Natural Resources Planning - Landscape Architect

Address: 1820 Roosevelt Blvd.

City/State/Zip: Eugene, OR 97402

Phone: 541-682-4902 Fax:

E-mail: mkosmos@eugene-or.gov

Signature:



Date:

4.19.2022

**\*\*Attached additional sheets if necessary.**

Application #: C \* 2008 - \_\_\_\_\_  
For City Use Only

\* CB = Coburg  
CR = Creswell  
FL = Florence  
OA = Oakridge

CG = Cottage Grove  
EU = Eugene  
JC = Junction City  
SP = Springfield

### PETITION

#### Petition Signature Sheet Annexation by Individuals

Lane County  
Assessment & Taxation

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

	Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
1.		4.26.2022	City of Eugene	972 River Loop 2 Road	17-04-01-31-00400	x		8.25
2.		4.26.2022	City of Eugene	980 & 984 River Loop 2 Road	17-04-01-31-00501	x		2.85
3.		4.26.2022	City of Eugene	990 River Loop 2 Road	17-04-01-31-00500	x		3.88
4.		4.26.2022	City of Eugene	1046 & 1050 River Loop 2 Road	17-04-01-31-00600	x		3.85
5.		4.26.2022	City of Eugene	1215 River Loop 1 Road	17-04-01-00-02900	x		16.33

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Kate Wilson (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

(signature of circulator)

#### CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

#### CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 5 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

Lane County Department of Assessment and Taxation

4/27/2022

Date Certified

Lane County Clerk or Deputy Signature

4-27-22

Date Certified

## Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 1704013100400, 1704013100501, 1704013100500, 1704013100600, 1704010002900 Address: 972, 984, 990, 1046 River Loop 2; and 1215 River Loop 1

Legal Description: See attached

In the corporate limits of said city, which is owned by the undersigned

DATED this 19 day of APRIL, 2022.

  
MARK A KOSMOS

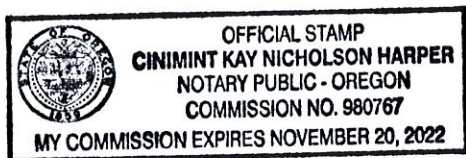
STATE OF OREGON )

County of Lane )ss  
)

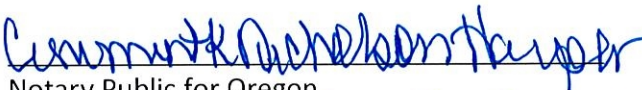
On this 19 day of April, 2022, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, MARK KOSMOS, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



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Notary Public for Oregon  
My Commission Expires Nov. 20, 2022

## Certification of Description

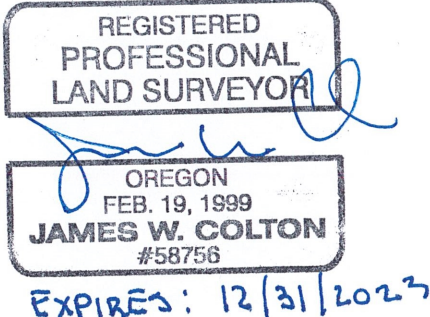
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:   
\_\_\_\_\_  
Registered Land Surveyor

Print Name: James W. Colton

Date: March 25, 2022

Seal:



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEB. 19, 1999  
JAMES W. COLTON  
#58756

EXPIRES: 12/31/2023

## North Parcel

Commencing at the Northeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the North line of said DLC No. 57, North 88°13'54" West a distance of 747.20 feet; thence South 2°18'21" West a distance of 30.00 feet to a point on the Southerly right-of-way line of River Loop No. 2, said point also .being the TRUE POINT OF BEGINNING; thence leaving said Southerly right-of-way, South 2°18'21" West a distance of 768.45 feet; thence North 88°14'16" West a distance of 1,065.71 feet; thence North 2°16'22" East a distance of 86.29 feet; thence North 23°54'08" East a distance of 168.90 feet; thence North 13°43'52" West a distance of 232.00 feet; thence North 33°47'10" West a distance of 130.28 feet; thence North 3°06'32" East a distance of 101.10 feet; thence North 54°31'08" East a distance of 129.00 feet; thence North 7°28'52" West a distance of 17.31 feet to said Southerly right-of-way; thence along said Southerly right-of-way, South 88°13'54" East a distance of 1,044.00 feet to the true point of beginning, all in Lane County, Oregon.

Containing 18.85± acres

## South Parcel

Commencing at the Southeast corner of the B. W. Poindexter Donation Land Claim No. 57 in Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence along the East line of said DLC No. 57, North 1°30'43" East a distance of 992.80 feet; thence North 88°29'17" West a distance of 30.00 feet to a point on the Westerly right-of-way of River Loop No. 1; thence along said Westerly right-of-way of River Loop No. 1, South 1°30'43" West a distance of 744.66 feet; thence along a 208.73 foot radius curve to the right (the long chord of which bears South 46°12'47" West 293.64 feet) 325.70 feet to a point on the Northerly right-of-way of River Loop No. 1; thence along said Northerly right-of-way, North 89°05'09" West a distance of 411.10 feet to a point on the Northerly right-of-way of Wilkes Drive; thence along said Northerly right-of-way of Wilkes Drive, North 88°14'01" West a distance of 207.79 feet; thence leaving said Northerly right-of-way, North 3°40'29" East a distance of 126.20 feet; thence North 3°27'29" East a distance of 152.51 feet; thence North 6°51'9" East a distance of 220.20 feet; thence North 22°20'20" East a distance of 270.34 feet; thence North 38°13'20" East a distance of 220.46 feet; thence North 48°29'29" East a distance of 46.72 feet; thence South 88°14'18" East a distance of 532.93 feet to the true point of beginning, all in Lane County, Oregon.

Containing 16.35± acres

Bearings are based on NAD83/91 Oregon State Plane – South Zone.

## Summary of Urban Service Provision

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This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:  
City of Eugene

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Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation  
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-01-31 TL 00400, 17-04-01-31 TL 00501, 17-04-01-31 TL 00500, 17-04-01-31 TL 00600,

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17-04-01-00 TL 02900

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**Wastewater** -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

☒ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

WW Line #32547 8" diameter, just north of the northern parcel and WW line #33864, 8" diameter, just south of the southern parcel

\_\_\_\_\_ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

\_\_\_\_\_

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**Stormwater** -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

No

---

If yes,  
location? \_\_\_\_\_

If no, how will stormwater be handled after development? -

\_\_\_\_\_

Storm water will be managed through surface treatment using vegetated storm water facilities

**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. \_\_\_\_\_

River Loop 2 and Wilkes Drive connect this site to River Road, which is west of the site

Will dedication for additional street right-of-way be required upon further development of this site?

\_\_\_\_\_ Yes                      <sup>x</sup> \_\_\_\_\_ No                      \_\_\_\_\_ Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

\_\_\_\_\_ Yes                      <sup>x</sup> \_\_\_\_\_ No                      \_\_\_\_\_ Unknown

### **Parks, Recreation, and Cultural Services**

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Santa Clara Park will be developed on this site. Nearby is Terra Linda Park and Riverloop Park.

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

### **Public Safety**

**Police services** - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.



Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.



Mark Kosmos  
 City of Eugene Parks and Natural Resources Planning  
 1820 Roosevelt Blvd.  
 Eugene, OR 97402

April 21, 2022

Santa Clara Community Park is a 35-acre undeveloped City of Eugene park currently maintained as a natural area pending its phased construction as a developed park. The site sits within the Urban Growth Boundary, but outside the City Limits. Annexation of these park properties into the City will allow for full park development under the land use code and expand much needed park services into this area of the community.

Park land acquisitions for the full 35 acres include three residential properties on the north end of the site. At the expiration of leases on these properties in 2019, several aged residential buildings and associated structures were demolished in anticipation of future park development. Of these, two structures remain and are incorporated into the park master plan. They include a maintenance storage building and a small single-story residential building. The former will be used for storage of park related materials. The latter is scheduled to become an interim meeting hall that is re-furnished, leased and operated by a local community non-profit group. An access easement between the north and south halves of the site was also negotiated through the public land owned by the Eugene School District 4J for the continuity of the future park and neighborhood access by park users.

Under the adopted 2018 City of Eugene Parks and Recreation System Plan this park was identified for priority development to meet the underserved needs of the Santa Clara community. Recommendations included initial development of a playground, shelters, restroom, lighting, spray play, parking, walks and trails. The System Plan also recommended the development of a community center and indoor pool facility for later phases of implementation.

This parks' location in Santa Clara and proximity to all public utilities are well aligned with the goals of the System Plan. The Urban Growth Boundary was recently expanded to include all the park land now being submitted for annexation. Additionally, in anticipation of this park development and required annexation submittal, the land use code also identifies this site to be rezoned to Public Lands (PL) upon annexation. Funding from the 2018 Parks Bond Measure has been allocated to fund the annexation and phase one development. Park Levy dollars will fund and maintenance of the park into the future construction of phase one is currently anticipated to begin in calendar year 2023.

### **Written Statement Addressing Annexation Approval Criteria for Santa Clara Community Park**

#### **Property:**

- 9.7825    Annexation – Approval Criteria.** The city council shall approve, modify, and approve, or deny a proposed annexation based on the application's consistency with the following:
- (1)** The land proposed to be annexed is within the city's urban growth boundary and is:

## Annexation Submittal for Santa Clara Community Park Property

- (a) Contiguous to the city limits; or
- (b) Separated from the city only by a public right of way or a stream, bay, lake, or other body of water.

*The land proposed to be annexed is within the City of Eugene's urban growth boundary and is contiguous to the city limits (Tax lots 17-04-01-34-03300 and tax lot 17-04-01-34-03400).*

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and any applicable refinement plans.

*The proposed annexation is consistent with the metro plan and all applicable refinement plans, as demonstrated:*

**MetroPlan General Policies:**

1. **The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB.**

*The annexed area will serve as a City of Eugene community park within the UGB and shall be provided with all urban services.*

2. **The Metropolitan UGB was mapped and described to lie along the outside edge of existing and planned rights-of-way that form a portion of the UGB so that the full right-of-way is within the UGB.**

3. **Control of location, timing, and financing of the major public investments that directly influence the growth form of the metropolitan area shall be planned and coordinated on a metropolitan-wide basis.**

*The properties to be annexed form the Santa Clara Community Park which is described in the City of Eugene Parks and Recreation System Plan. The timing of the park redevelopment fits into long range city and regional plans. The urban growth boundary was recently expanded around the park property in a recent update to the Metro Plan.*

4. **Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.**

## Annexation Submittal for Santa Clara Community Park Property

*This land is within the City of Eugene's Urban Growth Boundary. Therefore, this policy does not apply.*

5. **To maintain the existing physical autonomy of the smaller outlying communities, urban development on agricultural and rural lands beyond the UGB shall be restricted and based on at least the following criteria:**
  - a. **Preservation and conservation of natural resources**
  - b. **Conformity with the policies and provisions of the Lane County Rural Comprehensive Plan that borders the metropolitan area**
  - c. **Conformance with applicable mandatory statewide planning goals.**

*This land is within the City of Eugene Urban Growth Boundary; therefore, this policy does not apply.*

6. **Outlying communities close to Springfield and Eugene shall be encouraged to develop plans and programs in support of compact urban development.**

*This park is described in the City of Eugene Parks and Recreation System Plan and is planned to support compact urban development.*

7. **Conversion of rural and rural agricultural land to urbanizable land through Metro Plan amendments expanding the UGB shall be consistent with mandatory statewide planning goals.**

*This land is within the City of Eugene Urban Growth Boundary; therefore, this policy does not apply.*

8. **Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:**
  - a. **A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.**

*The minimum level of key urban facilities and services, as defined by the Metro Plan, are already present at the site. Others, such as park facilities, will be provided through the*

## Annexation Submittal for Santa Clara Community Park Property

*annexation and development of Santa Clara Community Park consistent with the Park and Recreation System Plan.*

- b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan.**

*The City of Eugene Parks and Recreation System Plan provides information on the development of Santa Clara Community Park. The park will be developed within a logical timeline and within a logical area, which will include delivering urban services and facilities. Phase 1 of the park construction is planned for 2023 and 2024 and focuses primarily on the development of the north half of the site and the connection to the south half with a pedestrian bridge. The south half of the site will continue to be managed as an undeveloped open space. Consistent with the Santa Clara Community Park Master Plan, a minimum of two additional phases of improvements will be designed and implemented within the next 10-20 years as funding becomes available.*

- 9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.**

*While some urban services are already available to this park property, any additional facilities and services will be added to the site per Community Park services standards established in the Park and Recreation System Plan. The park will be built in phases as budget allows, and facilities and services will be added as each phase is implemented.*

- 10. Annexation to a city through normal processes shall continue to be the highest priority.**

*This annexation application is one step in the normal process of annexation into the City of Eugene.*

- 11. The tax differential concept, as provided for in ORS 222.111 (2), shall be one mechanism that can be employed in urban transition areas.**

*This property will be owned and operated by City of Eugene Parks and as a government agency we will not pay property taxes. Therefore, this mechanism does not apply to this property annexation.*

**12. Police, fire, and emergency medical services may be provided through extraterritorial extension with a signed annexation agreement or initiation of a transition plan and upon concurrence by the serving jurisdiction.**

*Police protection will be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area. Emergency services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.*

**13. Both Eugene and Springfield shall examine potential assessment deferral programs for low-income households.**

*This site will be annexed as a city park. Therefore, this policy does not apply.*

**14. Creation of new special service districts or zones of benefit with the Plan Boundary of Metro Plan shall be considered only when all the following criteria are satisfied.**

- a. There is no other method of delivering public services which are required to mitigate against extreme health hazard or public safety conditions.
- b. The three metropolitan area general purpose governments concur with the proposal to form the service district or zone of benefit.
- c. The district or zone of benefit is an interim service delivery method, and there are legal assurances, such as annexation agreements, to ensure that annexation to the appropriate city occurs within the planning period.
- d. The servicing city is not capable of providing the full range of urban facilities and services in the short term, although it is recognized that urban facilities and services will be provided by a city consistent with adopted public facilities plans and capital improvement programs.
- e. The district or zone of benefit will contract with the appropriate city for interim service delivery until annexed to the appropriate city.

## Annexation Submittal for Santa Clara Community Park Property

*There will not be a new special service district or zone of benefit created with the annexation of these properties. Therefore, this policy does not apply.*

- 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation shall occur as land transitions from urbanizable to urban.**

*This land will be developed with new park amenities. Urban facilities and services will be added as the park is developed.*

- 16. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.**

*EWEB currently provides water and electric service in which includes current service to this site for both water and electric utilities. The phase 1 development of the community park will propose an enhancement of EWEB provided services that can fully support the park amenities for all phases. Expansion of EWEB services is readily available from the full perimeter of the Santa Clara Community Park Property.*

- 17. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.**

*The land to be annexed is not within a special services district. Therefore, this does not apply.*

- 18. The realignment (possible consolidation or merger) of fringe special service districts shall be examined to:**

- a. Promote urban service transition to cities within the UGB.**
- b. Provide continued and comprehensive rural level services to property and people outside the UGB.**

## Annexation Submittal for Santa Clara Community Park Property

- c. Provide more efficient service delivery and more efficient governmental structure for serving the immediate urban fringe.**

*There are no special service districts in this area. Therefore, this does not apply.*

**19. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:**

- a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvement program).**
- b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.**  
**Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.**

*This site will be annexed directly into the city. Therefore, these criteria do not apply.*

**20. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).**

- a. Annexation to a city;**
- b. Contractual annexation agreements with a city;**
- c. Annexation to an existing district (under conditions described previously in Policy #19); or**
- d. Creation of a new service district (under conditions described previously in Policy #14).**

*The site shall be annexed into the City of Eugene.*

**21. Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required.**

## Annexation Submittal for Santa Clara Community Park Property

*The City of Eugene will extend services to this site after the site has been annexed into the city.*

- 22. Regulatory and fiscal incentives that direct the geographic allocation of growth and density according to adopted plans and policies shall be examined and, when practical, adopted.**

*The park shall be developed in accordance with the existing City of Eugene Parks and Recreation System Plan, as well as the River Road Santa Clara Neighborhood Plan.*

- 23. To accomplish the Fundamental Principle of compact urban growth addressed in the text and on the Metro Plan Diagram, overall metropolitan-wide density of new residential construction, but not necessarily each project, shall average approximately six dwelling units per gross acre over the 1995-2015 planning period addressed in the 1999 Residential Lands and Housing Study.**

*This site will be developed as a community park, and no dwelling units will exist on the site. Therefore, this criteria does not apply.*

- 24. When conducting metropolitan planning studies, particularly the Public Facilities and Services Plan, consider the orderly provision and financing of public services and the overall impact on population and geographical growth in the metropolitan area. Where appropriate, future planning studies should include specific analysis of the growth impacts suggested by that particular study for the metropolitan area.**

*The Park and Recreation System Plan and associated funding plans and policies include the development of Santa Clara Community Park to serve a growing population in North Eugene. This criteria does not apply.*

- 25. Based upon direction provided in Policies 4, 8, and 23 of this section, any development taking place in an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. Unless the following conditions are met, the minimum lot size for campus industrial designated areas**

## Annexation Submittal for Santa Clara Community Park Property

**shall be 50 acres and the minimum lot size for all other designations shall be 10 acres. Creation of new parcels in the urbanizable area will comply with the following standards:**

- a. The approval of a conceptual plan for ultimate development at urban densities in accord with applicable plans and policies.**
- b. Proposed land uses and densities conform to applicable plans and policies.**
- c. The owner of the property has signed an agreement with the adjacent city which provides:**
  - i. The owner and his or her successors in interest are obligated to support annexation proceedings should be the city, at its option, initiate annexation.**
  - ii. The owner and his or her successors in interest agree not to challenge any annexation of the subject property.**
  - iii. The owner and his or her successors in interest will acquire city approval for any subsequent new use, change of use, or substantial intensification of use of the property. The city will not withhold appropriate approval of the use arbitrarily if it is in compliance with applicable plans, policies, and standards, as interpreted by the city, as well as the conceptual plan approved under subsection a above.**

*There are no new parcels being developed with this annexation and the designated use for this site is a Community Park. Therefore, these criteria do not apply.*

**26. Any lot under five acres in size to be created in an urbanizable area will require utilizing the following additional standards:**

- a. The property will be owned by a governmental agency or public utility.**
- b. A majority of parcels located within 100 feet of the property are smaller than five acres.**
- c. No more than three parcels are being created.**

*The lot will not be created in an urbanizable area. Therefore, this policy is not applicable for this site.*

## Annexation Submittal for Santa Clara Community Park Property

- 27. The siting of all residences on urbanizable lots served by on-site sewage disposal systems shall be reviewed by Lane County to ensure the efficient future conversion of these lots to urban densities according to Metro Plan assumptions and minimum density requirements.**

*No residences will be sited on this designated park property. Therefore, this policy is not applicable.*

- 28. The approval of on-site sewage disposal systems for rural and urbanizable area uses and developments shall be the responsibility of Lane County, subject to: (a) applicable state law; (b) the criteria for the creation of new lots in Policies 25, 26, above; (c) the requirement for the siting of residences in Policy 27 above; (d) requirements of Policy 29, and (e) the requirements for special heavy industrial designated areas.**

*As a property designated for park development, this policy is not applicable.*

- 29. In order to encourage economic diversification, on-site sewage disposal systems shall be allowed for industrial development and for commercial development allowed within Campus Industrial designated areas in conjunction with annexation to a city, when extension of the public wastewater system is imminent or is identified as part of an approved capital improvement program.**

*This policy is not applicable for this community park site.*

- 30. Eugene, Springfield, and Lane County shall continue to involve affected local governments and other urban service providers in development of future, applicable Metro Plan revisions, including amendments and updates.**

*The City of Eugene recently revised the Metro Plan to expand the UGB to include the Santa Clara Community Park properties.*

## Annexation Submittal for Santa Clara Community Park Property

- 31. If expansion of the UGB is contemplated, all other options should be considered and eliminated before consideration of expanding the UGB in the area west of Highway 99 and north of Royal Avenue.**

*Further expansion of the UGB in this area is not contemplated.*

**Metro Plan River Road and Santa Clara General Policies**

- 1. Eugene shall develop methods of financing improvements in the River Road and Santa Clara areas which are responsive to the unique situation of residents and property owners, as well as the City of Eugene.**

*The City of Eugene plans to finance a new community park to support the residents and property owners in the Santa Clara area.*

- 2. Eugene will plan, design, construct, and maintain ownership of the entire wastewater system that services the River Road and Santa Clara areas. This will involve extraterritorial extension which will be supported by Lane County before the Lane County Local Government Boundary Commission and all other applicable bodies.**

*The wastewater system connecting to this property will be owned and operated by the City of Eugene.*

- 3. Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.**

*The City of Eugene owns all the properties proposed for this annexation. City of Eugene Parks and Open Spaces will assure application of all state laws and local policies. This annexation is being submitted on a voluntary basis by the City of Eugene.*

## Annexation Submittal for Santa Clara Community Park Property

- 4. The City of Eugene shall provide urban services to the River Road and Santa Clara neighborhoods upon annexation. In the meantime, to reduce the groundwater pollution problem, Eugene will extend wastewater service to developed properties.**

*The City of Eugene will provide urban services to this site, including extension of wastewater services.*

- 5. Using the CH2M Hill report as a foundation, efforts to prepare more detailed engineering studies which will provide the basis for a capital improvement program to sewer the River Road and Santa Clara areas in a manner consistent with the above policy direction shall proceed.**

*This policy is not directly related to this application.*

- 6. No particular section of the Metro Plan shall be interpreted as prohibiting the process of incorporation of a new city in River Road and Santa Clara in accordance with ORS 199 and 221. This means that:**
- a. As a comprehensive planning document, no particular section of the Metro Plan shall be used in isolation to evaluate difference courses of action.**
  - b. The phrase “process of incorporation” refers to the specific steps of incorporation outlined in ORS 199 and 221.**
  - c. This policy does not negate the requirement of public wastewater service as a minimum level of key urban facilities and services. Any institutional solution to providing urban services in the River Road and Santa Clara areas must provide public wastewater service to address LCDC requirements and to protect public health and safety in resolving groundwater pollution problems. Public wastewater service is also required to achieve higher than septic tank level of urban residential densities and to utilize efficiently valuable metropolitan-scale buildable land.**

*This policy does not apply to this annexation application.*

- (3) The proposed annexation will result in a boundary in which the minimum level**

## Annexation Submittal for Santa Clara Community Park Property

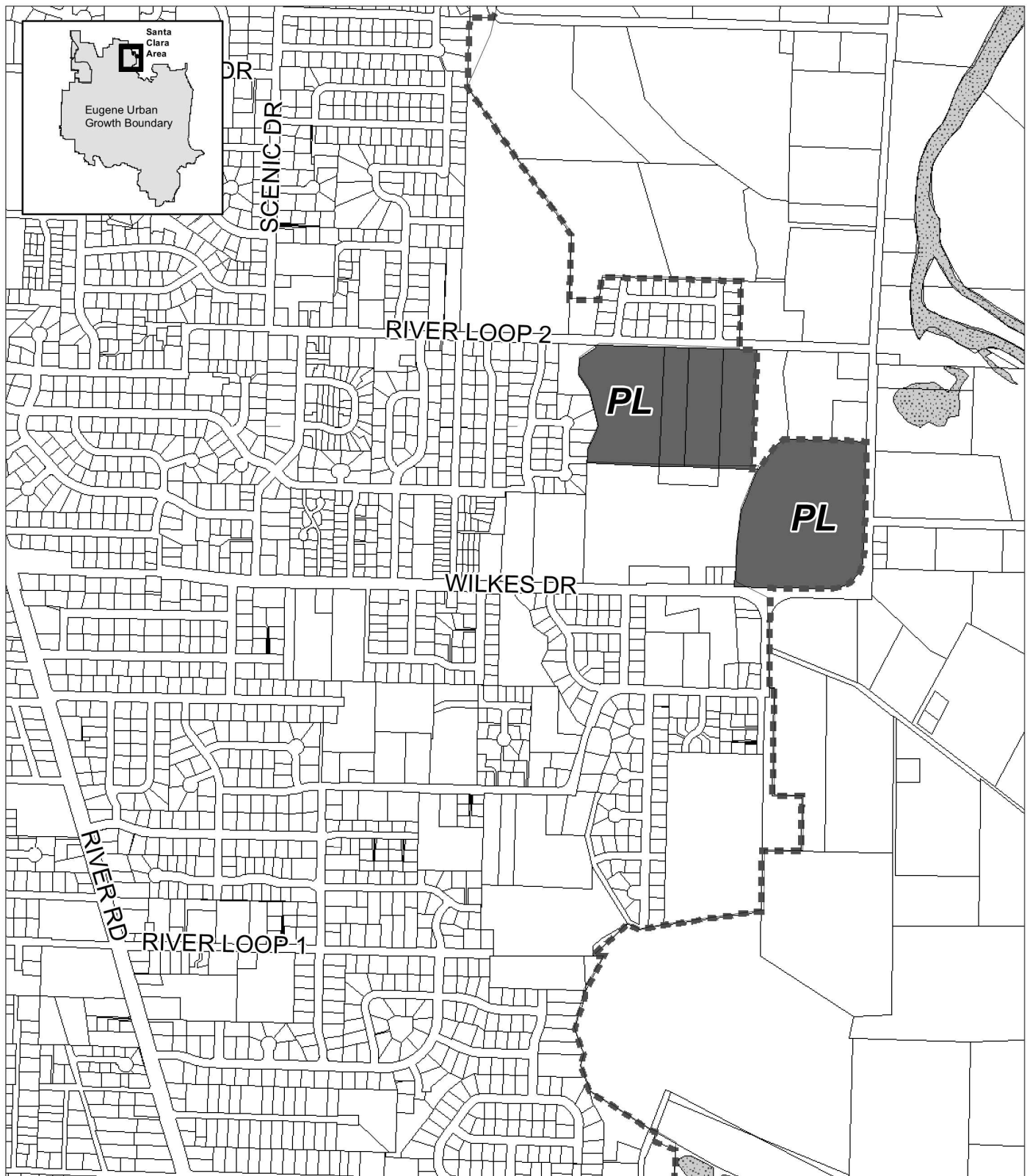
**of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.**

*The minimum level of key urban facilities and services, as defined by the Metro Plan, are already present at the site. Others, such as park facilities, will be provided through the annexation and development of Santa Clara Community Park consistent with the Eugene Park and Recreation System Plan.*



Figure 9.7820(3)(d)

# Santa Clara Zoning Upon Annexation



July 2017



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: Ordinance Concerning Rental Housing to Provide Renter Protections

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Meeting Date: July 11, 2022  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
Staff Contact: Genevieve Middleton  
Contact Telephone Number: (541)682-5529

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### ISSUE STATEMENT

Council is asked to take action on an ordinance adopting Phase I renter protections. The Phase I protections include support services, required move-in/out documentation, access to rental history, dissemination of tenant educational information, and a cap on applicant screening fees. The proposed ordinance is included as Attachment A to this AIS.

### BACKGROUND

Regulating the contractual relationship between rental property owners and renters and expanding the City's services and connection to the rental market are ways the City can support renters and rental property owners, protect vulnerable populations, and prevent displacement.

On March 16, 2022, Council reviewed information about the feasibility and resources needed to implement a set of renter protections. Council asked for a public hearing on Phase I protections and modified and moved one item from Phase III into Phase I (capping application and screening fees). Council also set dates for staff to return with actionable information on items. Phase II is required by November 1, 2022 and Phase III by February 1, 2023.

Council held a public hearing on the ordinance on June 21, 2022. Twenty-five people spoke at the public hearing. Eighteen people spoke in favor of passing Phase I protections; seven people expressed concerns with Phase I protections. In addition, staff and Council received 62 emailed comments since the March 16 work session. Thirty of those comments were submitted after the draft ordinance was published.

#### *Proposed Phase I Protections*

The current Renter Protections Roadmap in Attachment B shows the Phase I items and summary information on anticipated impact, funding needs and sources, implementation, and enforcement. A guide to the roadmap is included in Attachment C with more information on each item. The ordinance for Phase I protections includes:

1. *Support Services.* Fund a rental housing navigator position; expansion and management of rental housing data collection; code enforcement of the protections; and other tenant and landlord support services. These services could include a tenant hotline, risk mitigation funding, and eviction diversion. These services would all be covered with funds from increasing the Rental Housing Code door fee. The rental housing navigator will support

renters and landlords, and also assist with solutions and support for a) ex-offenders and other classes of people with similar challenges struggling to qualify for rental housing, and b) rental housing that is accessible and usable by persons with disabilities. (Additional information on enforcement is provided below and is in Attachment C).

2. *Move-in/out Documentation.* Require landlords to itemize and photo document property condition at move-in and move-out, and to itemize and photo document withholdings from security deposit.
3. *Rental History.* Require landlord, at tenant written request, to provide rental history (reference) up to two times per year for a tenant who has not yet given notice.
4. *Tenant Educational Information.* Require landlords to distribute, together with any rental agreement, an educational document describing the rights and obligations of landlords and tenants related to termination of a tenancy. The City will be responsible for creating, updating, and posting the educational material. At a minimum the rental housing code, including tenant protections, will be included.
5. *Cap applicant screening fees.* Require that landlords charge no more than \$10 in total fees per applicant. This fee is sometimes referred to as an application fee or a screening fee. The cap would apply to "any payment of money required by a landlord of an applicant prior to entering into a rental agreement with that applicant for rental housing, the purpose of which is to pay the cost of processing an application for a rental agreement for rental housing." Consistent with Council direction given on March 16, the \$10 applicant screening fee cap is included in the draft ordinance. Locating the fee cap in the code makes sense if the Council wants to ensure that the amount of the fee cap will not change unless/until Council amends the code. However, if Council is instead interested in a fee cap that is adjusted over time to align with landlord screening costs, the amount of the fee cap would be best located in an administrative rule.

A Frequently Asked Questions (FAQ) on renter protections is in Attachment D.

#### *New Edits to Ordinance Shown in Attachment A*

The proposed Phase I Renter Protections ordinance in Attachment A includes four changes that staff recommends in response to public comment that are indicated by **blue highlight**.

- *Move-in/out documentation.* The changes made to Section 8.425 (11)(b) are intended to separate the City's move-in/move-out documentation requirement from the State law requirement to provide a detailed accounting of any portion of a security deposit withheld by a landlord to ensure that a tenant can still file a complaint with the City for failure to provide move-in/move-out documentation even if the landlord does not comply with the State requirement.<sup>a</sup>
- *Rental History.* The changes made to Section 8.425 (12):
  - Clarify that the City Code will only require a landlord to provide a tenant with a rental history two times in a year. (Note that a landlord may voluntarily choose to provide a tenant with a rental history more than twice in a year.)
  - Require a landlord to provide a rental history within five business days of the date the tenant requests the rental history in writing, rather than the date the landlord receives the request.

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<sup>a</sup> The State requirement is for the landlord to provide a written accounting stating the basis of the claim to all or a portion of the deposit

- *Applicant Screening Fee Enforcement Timing.* The changes made to Section 8.430(2)(d) clarify that a tenant only needs to give a landlord 48 hours' notice before filing a complaint with the City about a screening fee violation.

### *Enforcement*

By adding the Phase I protections to the Rental Housing Code and using the existing enforcement process, tenants will be able to file complaints directly with City code enforcement staff, rather than pursuing litigation, as litigation can result in long delays and can be costly. Councilor-requested information on enforcement of the new renter protections and additional information is provided in Attachment C.

An inquiry was also raised specifically related to enforcement of the screening fee cap in Section 8.425 (14). The language in the existing rental housing code primarily applies to tenants in a rental agreement with a landlord. The draft ordinance in Attachment A provides that enforcement of the fee cap would also be via applicants using the code complaint process. However, since applicants do not yet have a rental agreement and may not become tenants, it could be that this enforcement method is not as well suited or may not be utilized. Staff recommends consideration of a second path for enforcement that would allow applicants to pursue other actions to address these violations. Council could consider adding an additional enforcement path for violations of the fee cap in the Phase II Renter Protections ordinance.

### *HIP Connection*

Renter protections that work toward neighborhood stabilization and allow residents to stay in their changing neighborhoods are a direct form of anti-displacement policy.<sup>b</sup> Enhancing renter protections is identified as one of the anti-displacement actions in the High Priority Policies and Programs section of the [Housing Implementation Pipeline \(HIP\)](#). The HIP is the City of Eugene's 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-thinking approach to housing across the full spectrum from people experiencing homelessness to overall housing supply.

### *Next Steps*

If the ordinance is approved, staff will initiate an update of the program's administrative rules to ensure they are consistent with the ordinance. For Phases II and III, staff will conduct the needed additional analysis and return with an updated roadmap for Council direction before November 1, 2022 for Phase II and February 1, 2023 for Phase III.

## **PREVIOUS COUNCIL DIRECTION**

### [March 16, 2022 City Council Work Session](#)

Council directed the City Manager to schedule a public hearing prior to Council's summer break and action on the protections included in Phase I as described in the AIS and to include protection #8, a cap of \$10 on application and screening fees, into Phase I. Council also directed staff to provide Council with actionable information on items in Phase II by November 1, 2022 and Phase III by February 1, 2023.

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<sup>b</sup> *White Paper on Anti-Displacement Strategy Effectiveness.* Chapple, Loukaitou-Sideris. California Air Resources Board. February 28, 2021.

#### November 22, 2021, City Council Work Session

Council directed the City Manager to come back in the first quarter of 2022 with information about the feasibility and resources needed to implement renter protections consistent with the Housing Policy Board recommendations plus the other renter protections discussed during the meeting.

#### March 13, 2019, City Council Work Session

Council received a follow-up presentation from staff with information on the status of the Eugene rental market, experiences of Eugene renters, issues related to rental housing, and state legislation related to renter protections. Council directed staff to come back with more data as well as recommendations on ways to increase rental housing stability, access, and affordability.

#### February 21, 2017, City Council Work Session

Council received a presentation from staff about the status of rental housing in Eugene. Council directed staff to conduct additional research and return with more information at a future work session.

### **COUNCIL OPTIONS**

1. Adopt the proposed Phase I Renter Protections ordinance in Attachment A.
2. Direct the City Manager to bring back the Phase I Renter Protections ordinance in Attachment A with specific modifications.
3. Take no action.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends Option 1, adoption of the Phase I Renter Protections ordinance in Attachment A.

### **SUGGESTED MOTION**

Move to adopt an Ordinance Concerning Rental Housing and Amending Sections 8.405, 8.415, 8.425, 8.430, and 8.440 of the Eugene Code, 1971.

### **ATTACHMENTS**

- A – Draft Ordinance
- B – Renter Protections Roadmap
- C – Guide to the Roadmap
- D – Renter Protections FAQ

### **FOR MORE INFORMATION**

Staff Contact: Genevieve Middleton  
Telephone: 541-682-5529  
Staff E-Mail: [GMiddleton@eugene-or.gov](mailto:GMiddleton@eugene-or.gov)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING RENTAL HOUSING AND AMENDING SECTIONS 8.405, 8.415, 8.425, 8.430, AND 8.440 OF THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 8.405 of the Eugene Code, 1971, is amended to provide as follows:

**8.405 Rental Housing – Purpose.**

The purpose of this City Rental Housing Code is to provide minimum habitability criteria to safeguard health, property and public wellbeing of the owners, occupants and users of rental housing and is intended to supplement rather than conflict with ~~the habitability standards of~~ the State of Oregon Residential Landlord and Tenant Act.

**Section 2.** Section 8.415 of the Eugene Code, 1971, is amended by adding the definitions of “Applicant Screening Charge”; “Landlord”; “Security Deposit”; “Tenant”; and “Tenant Support Services” to provide as follows:

**8.415 Rental Housing – Definitions.**

For purposes of sections 8.400 through 8.440 of this code, the following words and phrases mean:

*Applicant Screening Charge.* Any payment of money required by a landlord of an applicant prior to entering into a rental agreement with that applicant for rental housing, the purpose of which is to pay the cost of processing an application for a rental agreement for rental housing.

*Landlord.* The owner, lessor, or sublessor of the rental housing. “Landlord” includes a person who is authorized by the owner, lessor, or sublessor to manage the rental housing or to enter into a rental agreement.

*Security Deposit.* A refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement.

*Tenant.* A person entitled under a rental agreement to occupy rental housing to the exclusion of others.

*Tenant Support Services.* Services provided to tenants of rental housing, such as, but not limited to: tenant hotline; eviction diversion; support for ex-offenders and other individuals with similar challenges who are struggling to qualify for rental housing; and support for tenants seeking rental housing that is accessible to and usable by persons with disabilities.

**Section 3.** Section 8.425 of the Eugene Code, 1971, is amended by amending the Section heading, adding new subsections (11), (12), (13), (14) and (15), and renumbering subsection (11) to subsection (16) to provide as follows:

**8.425 Rental Housing – Standards and Protections.**

\*\*\*\*\*

(11) Documentation of Condition of Rental Housing.

(a) Prior to the date a tenant begins to occupy rental housing the landlord shall provide the tenant with documentation of the condition of the rental housing and receive written confirmation from the tenant that the tenant has received and reviewed the documentation.

(b) On or before the date At the same time that ORS 90.300 requires a landlord to provide provides a written accounting required by ORS 90.300, stating the basis of a claim for all or any part of a security deposit, the landlord must provide documentation of the condition of the rental housing, as well as a written statement describing the condition or damage the landlord believes justifies the landlord's refusal to refund the full security deposit, to the individual to whom the security deposit would otherwise be due pursuant to the rental agreement.

(c) Documentation of the condition of rental housing required by this section shall include at least the following information:

(1) Photo documentation showing the condition of the rental housing, including the condition of any appliances provided for use by tenants; and

(2) A written statement describing the condition of the rental housing, including the condition of any appliances provided for use by tenants, and noting any damage.

(12) References. Within five business days of the date of receipt of a tenant's written request, the tenant's landlord shall provide the tenant with a reference, utilizing a form approved by the city manager. This subsection does not require a landlord to provide an individual tenant with more than two references during a calendar year.

(13) Tenant Educational Information. At the time a rental agreement is executed, the landlord shall provide each tenant who is a party to the rental agreement a document, in a form approved by the city manager, that includes at least the following information:

(a) The rights and obligations of landlords and tenants related to termination of a tenancy; and

(b) Information about the requirements of this City Rental Housing Code.

(14) Maximum Applicant Screening Charge. The amount of any applicant screening charge may not exceed the amount of an applicant screening charge allowed by ORS 90.295 or \$10.00, whichever is less.

(15) The city manager may adopt administrative rules pursuant to section 2.019 of this code for implementation of this section 8.425.

(1~~4~~6) *Interpretations.*

- (a) The city manager is empowered to render interpretations of sections 8.400 through 8.440 of this code.
- (b) Such interpretations shall be consistent with the purpose of this code.

**Section 4.** Subsections (2) and (5) of Section 8.430 of the Eugene Code, 1971, are amended to provide as follows:

**8.430                      Rental Housing – Enforcement.**

\*\*\*\*\*

(2) *Complaint.*

- (a) A complaint must be in writing and may be filed in person or by mail or fax.
- (b) A person who files a complaint must be:
  - 1. A~~a~~ party to the current rental agreement covering the property in question or an agent of the party;
  - 2. For alleged violations of EC 8.425(14), an individual who has paid an applicant screening charge or an agent of that individual.
- (c) A complaint must include the following:
  - 1. Name of person filing the complaint and, if different, the name of the affected tenant. Complaints may not be submitted anonymously;
  - 2. Name of the owner or the owner's agent;
  - 3. Address of the dwelling unit with the alleged violation;
  - 4. A complete description of the alleged violation; and
  - 5. A copy of the written notice of the alleged code violation that has been sent by the tenant to the owner or the owner's agent.
- (d) Complaints shall be processed by the city manager. The city manager shall adopt rules pursuant to section 2.019 of this code that specify the procedure to be followed in processing complaints. Before initiating an investigation under subsection (3) of this section, the city manager shall:

1. Confirm that the complainant has standing to file a complaint;
2. Confirm that the subject of the complaint could be a violation of this code;
3. Except for complaints regarding violations of EC 8.425(14) and complaints regarding lack of essential services, confirm that the owner or the owner's agent has had ten days since mailing of the written notice by the tenant to respond to the complaint;
4. For complaints regarding violations of EC 8.425(14) and complaints involving lack of essential services, confirm that the owner or owner's agent has had 48 hours from the time the tenant provided written notice to respond to the complaint; and
5. Provide notice to the owner or the owner's agent of the complaint per written procedures.

\*\*\*\*\*

(5) *Notices and Orders.*

(a) For valid complaints, the city manager shall issue an order to the owner or the owner's agent. The notice and order shall include the following:

1. Address and unit number if applicable;
2. A statement that the city manager has found ~~the premises to be in a~~ violation of section 8.425 of this code as alleged in the complaint;
3. A description of the violation;
4. A deadline of ten days for remedying the violation, including completing completion of any repairs ~~of ten days~~, unless the city manager determines that:
  - a. Repairs are needed to remedy the lack of essential services. Upon making this determination, the city manager shall fix a deadline for completing the repairs that is reasonable in the circumstances and is within 48 hours from issuance of the notice and order. However, if the city manager determines that the repairs cannot be completed within 48 hours, the owner or owner's agent shall, within 48 hours, submit a compliance schedule acceptable to the city; or
  - b. ~~The n~~Necessary repairs of non-essential services cannot be completed within the ten day period. If the city manager makes such a determination, the owner or owner's agent shall submit a compliance schedule acceptable to the city within ten days;
5. A statement advising the owner or the owner's agent that if ~~the required repairs are not completed~~the violation is not remedied by the deadline stated in the notice and order, the city manager may:
  - a. Issue an administrative civil penalty, or initiate a prosecution in municipal court, or both; and

b. Initiate action to recover all city costs associated with the processing of the complaint, investigation and the resolution of the issue.

6. A statement that the owner or the owner's agent may appeal the notice and order as specified in section 8.435 of this code; and;

7. If repairs are required to remedy the violation, ~~t~~The date after which a reinspection will be scheduled.

(b) The city manager shall mail the order, and any amended or supplemental notice and order, to the tenant and to the owner or the owner's agent by first class mail. If the complaint involves lack of essential services, the city manager shall provide such notice and order by e-mail, phone, and/or personal delivery.

**Section 5.** Subsection (2) of Section 8.440 of the Eugene Code, 1971, is amended to provide as follows:

**8.440 Rental Housing – Registration and Fees.**

\*\*\*\*\*

(2) ~~For the purpose of offsetting the costs to the city associated with the enforcement of this code,~~ The city manager, using the process contained in section 2.020 of this code, shall set a fee for each dwelling unit covered by a rental agreement. The revenues generated by the fee shall be used for the purpose of offsetting the costs to the city associated with the enforcement of this code and costs associated with providing services to tenants and owners and managers of rental housing, including but not limited to: a rental housing navigator position, rental housing data collection, and tenant support services.

\*\*\*\*\*

**Section 6.** 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**

# RENTER PROTECTIONS ROADMAP

\*Updated with City Council's 3/16/22 direction

<div><div>Phase</div><div>I = Subject of Proposed Ordinance II = Additional research by 11/1/22 III = Additional research by 2/1/23</div><div><div>Impact Scale</div><div><div><div></div></div> = Regular <div><div></div></div> = Partial</div></div><div><div>Keeping People Housed</div><div>Components of Rental Affordability</div><div>Housing Racial Equity</div></div></div>								
PHASE	RECOMMENDATION	ACTIVITY	IMPACT			FUNDING	HOW TO IMPLEMENT	ENFORCEMENT
I	1. Fund a rental housing navigator position; expand and manage rental housing data collection; code enforcement of the protections; and other tenant support services, such as a tenant hotline and eviction diversion; all with funds from an increased Rental Housing Code annual door fee. The housing navigator will also assist with solutions and support for a) ex-offenders and other classes of people with similar challenges struggling to qualify for rental housing and b)rental housing that is accessible and usable by persons with disabilities.	Support Services	<div></div>	<div></div>	<div></div>	Revenue Backed	Code Amendment to expand use of fee; Administrative Order to increase fee	Complaint driven, code enforcement, collection procedures
	2. Require landlords to itemize and photo document property condition at move-in and move-out, and to itemize and photo document withholdings from security deposit. The tenant shall receive copies.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	3. Require landlord, at tenant written request, to provide rental history (reference) for a tenant who has not yet given notice.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	4. Require landlords to distribute, together with any written rental agreement, a tenant educational information document regarding terminations. The City will be responsible for creating, updating, and posting the educational material. At a minimum including the requirements of the City rental housing code, including tenant protections.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	5. Cap application and screening fees at \$10.	Application	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
PHASE II & III REQUIRE FEASIBILITY ANALYSIS See Attachment C "guide to roadmap" for the items and preliminary information.								
II	Additional research to be brought to Council by 11/1/2022							
III	Additional research to be brought to Council by 2/1/2023							

### Guide to the Roadmap

Even before the COVID-19 pandemic, Council recognized that renters in our community need additional support, resources, and protections. The issue has grown more critical through the pandemic and its economic consequences, magnifying the need for renter protections. Over half of all Eugene households rent housing and over half of all renters in Eugene are considered “housing cost burdened” (a household that pays 30% or more of their income for housing). With Eugene’s expected population growth, housing costs will continue to rise, which will effectively push some of the most vulnerable renters out of housing. Regulating the contractual relationship between rental property owners and renters and expanding the City’s services and connection to the rental market, are ways that the City can support renters and rental property owners. Ultimately, the goal is to get more people into housing and, once there, to keep them in housing.

Renter protections are broadly defined. They can include programs like the City’s Rental Housing Code program, which regulates rental properties in the City by creating minimum habitability standards. Renter protections can also include anti-discrimination protections like the ones found in Eugene’s Human Rights Code. They can even include rent stabilization and limitations on no-cause evictions. The renter protections under consideration are focused on: 1) protecting renters and vulnerable populations and 2) preventing displacement.

The following guide explains the roadmap in Attachment B, the Phase I items in more detail, and provides preliminary information on the Phase II and III items (which are not the subject of the 7/11/22 agenda item and proposed ordinance).

#### How the roadmap is organized

The renter protections roadmap is a formatted table to provide high level summary information based on feedback from Council’s November 22, 2021 and March 16, 2022 work sessions. The roadmap includes proposed phasing and summary information on anticipated impact, funding, implementation, and enforcement. The roadmap contains columns for activity, impact, funding, implementation, and enforcement. The symbol key is shown at the top of the table. Additional information about the impact categories and funding is below followed by information on each of the proposed renter protections.

#### Impacts Categories

The impacts categories are priority rental housing policy goals at the local, state, and federal levels and include components of stabilization that can help disadvantaged households gain access to decent and affordable rental options, decrease discrimination, and prevent lower-income renters from becoming unhoused. Renter protection measures can play an important role in influencing landlord decisions around renter concessions and evictions.<sup>1</sup>



**Keeping people housed.** This impacts category represents an action that will prevent or ameliorate evictions, provide supports that can improve a tenant’s knowledge about their rights, and improve the length of time a tenant has in accessing another rental unit. “Local policies

<sup>1</sup> *The Impact of the Pandemic on Landlords: Evidence from Two National Surveys.* Kneebone, Decker, De La Campa, Herbert. Joint Center for Housing Studies, Harvard University. September 2021.

implemented in the wake of the pandemic will contribute to the shift in a positive correlation between rental nonpayment and landlord management responses that keep people housed.”<sup>2</sup>

- **Components of Rental Housing Affordability.** This impacts category represents opportunities to lessen the costs associated with rental housing that are in addition to annual rents. “The COVID-19 pandemic has exacerbated the affordability crisis, especially for households that were already cost burdened. Even before 2020, the number of households paying more than 30 percent of income for rent remained stubbornly high, and the job losses over the past two years are likely to have left even more renters struggling to pay for rent.”<sup>3</sup>
- **Housing Racial Equity:** This impacts category represents opportunities to stop discriminatory rental housing practices that can impact renter ability to acquire, maintain, or be financially capable of future housing. “Landlords do not pursue evictions equally across households. While the national eviction filing rate was 1 in 20; for Black renters, it was 1 in 11. People of color, women, and families with children are more likely to be evicted. A study found that almost 15 percent of American children born in large cities between 1998 and 2000 had experienced an eviction by age 15. The percentage was approximately 29 percent for children living in deep poverty. (Lundberg and Donnelly. 2019. A Research Note on the Prevalence of Housing Eviction Among Children Born in U.S. Cities. *Demography*, 56(1), 391–404). Among tenants at risk of eviction, Hispanic tenants in predominantly white neighborhoods were roughly twice as likely to be evicted as those in predominantly non-white neighborhoods. Hispanic tenants were also more likely to get evicted when they had a non-Hispanic landlord. (Greenberg, Gershenson, and Desmond. 2016. Discrimination in Evictions, *Harvard Civil Rights-Civil Liberties Law Review*, 51, 115 – 158).”<sup>4</sup>

### Funding

The Phase I bundle of items is a revenue backed proposal based on increasing the rental housing code annual door fee to create and administer a new renter protections program. The cost would include staffing for the housing navigator position, code enforcement, and data management plus related non-staffing costs. The estimated cost for code enforcement will depend in part on how many complaints are received. Funding information is provided for each of the individual Phase I items below.

### Enforcement

Should City Council move to adopt any of the Phase I tenant protections, outreach and education to the landlords, property managers and tenants will be the first step. The primary goal will be to raise awareness of the new requirements and to minimize the need for enforcement. Enforcement for the protections will utilize the existing Rental Housing Code enforcement process. By adding the Phase I protections to the Rental Housing Code and using the existing enforcement process, tenants will be able to file complaints with code enforcement staff without pursuing litigation, as litigation can result in long delays and can be costly.

The focus of Eugene’s Rental Housing Code is to ensure rental properties in the City are safe for tenants by creating minimum habitability standards. The program is designed to encourage written communication between the tenant and owner and ideally resolve issues without the need for City enforcement. If a tenant

<sup>2</sup> Id.

<sup>3</sup> *America’s Rental Housing 2022*. Joint Center for Housing Studies of Harvard University. 2022.

<sup>4</sup> [FY 2021 Eviction Protection Grant Program | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

and owner are unable to resolve the issues on their own, the City works with both parties to reach compliance.

If a complaint is received, staff will consider what path to follow, depending on the type of complaint. In all cases, staff will contact the landlord immediately to resolve the complaint quickly. As with all enforcement cases, resolution with a phone call or in-person contact is preferred by all parties. Often, staff can mediate a resolution with this first contact. In cases where staff are unable to achieve immediate resolution, staff can issue a Notice to Correct. If staff determine that a landlord or property manager has violated a City code knowingly, or it is a repeat of a similar violation, a Notice of Civil Penalty may be issued. If a Notice to Correct is necessary, the landlord will be given either 48 hours or 10 days to correct the violation, depending on the violation. If the landlord is unresponsive or does not correct the violation within the allowed timeframe, the City may issue a civil penalty. The landlord has the ability to appeal the City's determination. The primary goal is to reach compliance without penalties. If, after correspondence from compliance staff and requests to correct the violation, a rental owner doesn't correct the violation(s), there may be a minimum of \$140 per day up to a maximum of \$1,200 per day penalty. The amount of the civil penalty assessed depends on several factors and is unique in each case. Of the total number of rental housing complaints received to date, only five were assessed civil penalties. As with the rest of the compliance program, the focus is on education and enforcement, not assessing penalties.

The time to resolve complaints can vary. Frequently, as noted above, complaints can be resolved with one phone call from city code enforcement staff to landlords. Other times, the complaint process can take up to a few months because of the appeal process. The estimated cost for renter protections code enforcement will depend in part on the number and complexity of the complaints received, which is hard to predict. For now, staff estimates that an additional 1.0 FTE would be needed.

The following outlines the enforcement steps for each proposed Renter Protections Phase I addition to the Rental Housing Code. The goal of whichever path staff follows is to reach compliance with minimal City involvement in a manner that is beneficial for all parties.

*a. Documentation of Condition of Rental Housing*

(11a) If a complaint is received by the City from a tenant that a landlord has not provided documentation of condition of rental housing, staff will contact the landlord and require that they provide the documentation immediately if the tenant has already moved in. If the landlord has not complied, staff may issue an Order to Correct with a deadline for compliance in 10 days. Failure to comply with the Order to Correct may result in Civil Penalties as contained in EC 8.995

(11b and 11c) If a complaint is received, staff will determine if a landlord has violated any of the requirements of the code. If a violation exists, staff may provide a Notice to Correct within 10 days to correct and may issue a Notice of Civil Penalty if the landlord does not comply. Staff will document all information and refer the tenant to appropriate resources should the tenant need legal assistance.

*b. References*

If staff receives information that a landlord has not provided references within five business days, staff will educate the landlord and require that they provide the information requested to the tenant. Staff will follow-up with a written notice for the record. If necessary, the Order to Correct process may be used, and Civil Penalties may result if the landlord remains out of compliance.

*c. Tenant Educational Information*

If staff receive information that a landlord is not providing the required tenant educational information, staff will work to educate the landlord, require that they provide information to any tenant that has not received the information and follow-up with a written notice for the record.

*d. Maximum Applicant Screening Charge*

If staff receives information in a phone call or in writing that a landlord has charged more than the adopted (proposed \$10) maximum screening fee, staff will contact the landlord for immediate correction. If the landlord does not immediately correct, staff may issue a Notice of Civil Penalty. The language in the existing rental housing code primarily applies to tenants in a rental agreement with a landlord. The draft ordinance in Attachment A provides that enforcement of the fee cap would also be via applicants using the code complaint process. However, since applicants do not yet have a rental agreement and may not become tenants, it could be that this enforcement method is not as well suited or may not be utilized. Staff recommends consideration of a second path for enforcement that would allow applicants to pursue other actions to address these violations. Council could consider adding an additional enforcement path for violations of the fee cap in the Phase II Renter Protections ordinance.

## Items in the Draft Phase I Ordinance

The protections included in Phase I are those where the impact on renters is positive and the cost of administering and enforcing the protections would be revenue-backed.

PHASE I	1. Support services
	2. Move-in/out documentation
	3. Rental history
	4. Tenant Educational Information
	5. Cap applicant screening fees

- 1. Support Services. Fund a rental housing navigator position; expansion and management of rental housing data collection; code enforcement of the protections; and other tenant support services, such as a tenant hotline and eviction diversion; all with funds from an increased Rental Housing Code annual door fee. The rental housing navigator will also assist with solutions and support for a) ex-offenders and other classes of people with similar challenges struggling to qualify for rental housing, and b) rental housing that is accessible and usable by persons with disabilities.**

The support services would include a new Housing Navigator position within the Planning and Development Department, expanded enforcement through the rental housing code program in Building and Permit Services, and tenant/landlord support programs such as a tenant hotline, risk mitigation funding, and eviction diversion. The Housing Navigator position is a critical component of realizing the

current needs for improved local rental housing data metrics; coordinating with local organizations to strengthen opportunities for persons with disabilities to access rental housing; collaborating with code enforcement; providing simplicity, efficiency, and options for tenants and landlords; and overseeing the success of the renter protections program areas.

The Housing Navigator position would provide services to both landlords and tenants by serving as a subject matter expert on landlord tenant relationships. The position will develop resources and training materials designed to provide information on the local rental housing code, statewide legislation, landlord/tenant relationship best practices, and other subjects as needed. These materials would support the work already being done by community housing agencies working with individuals more susceptible to housing insecurity. The Housing Navigator position would manage data collection and outreach for local rental housing data metrics and reporting.

Additional support to landlords could be through a risk mitigation fund and an eviction prevention fund. Risk mitigation funds provide added protections for landlords willing to rent to tenants with limited income, poor rental history or a criminal background. Funds cover excessive damages, lost rent, and legal fees. Eviction prevention funds provide tenant and landlord mediation support, tenant education, and support for service agencies that build relationships between tenants and landlords.

*Impact.* This protection has an impact of Keeping People Housed, Components of Rental Housing Affordability, and to a lesser extent Housing Racial Equity.

*Estimated Cost.* This item is a revenue backed proposal. The current door fee is \$10 per year, which was set in 2004 when the Rental Housing code was adopted. An increased door fee for this item #1 would fund staffing for the housing navigator position and supervision, code enforcement (staffing based on the number of complaints received) plus related costs to create and administer a new renter protections program. For example, technology needs related to data management (initial development and ongoing maintenance) and funding a tenant hotline.

**2. Require landlords to itemize and photo document property condition at move-in and move-out, and to itemize and photo document withholdings from security deposit. The tenant shall receive copies.**

Establishing a rental unit's baseline condition protects renters from unreasonable costs regarding repairs or replacements at move-out. A baseline condition reduces the burden on incoming tenants and draws on information the landlord already has or can obtain during the prior tenant's move-out inspection. Ultimately, the landlord's administrative role would be simply to update the rental unit's condition when the unit changes over to a new tenant. This encourages the fair handling of both repairs and replacements rather than all-or-nothing "return deposit/keep deposit" behaviors. Photo documentation reduces disputes, benefiting both tenants and landlords. Itemization of the cost associated with specific damages serves as a tenant education function and encourages better care of rental properties.

*Impact.* This protection has an impact of Components of Rental Housing Affordability, Housing Racial Equity, and to a lesser extent Keeping People Housed.

*Funding.* The cost for this protection would be for code enforcement, which will depend in part on how many complaints are received. If Phase I is moved forward as shown in the roadmap, the increased door fee would provide the funding for code enforcement for this item.

**3. Require landlord, at tenant written request, to provide rental history up to two times per year for a tenant who has not yet given move-out notice.**

The time it takes someone to move from one rental unit to another is increasing due to the very low vacancy rate in Eugene. Currently a tenant needs to provide their landlord with notice to vacate before a landlord will give the renter their rental history (a reference, essentially). This item ensures a tenant's ability to obtain a current landlord reference for an application for new housing up to two times per year without having to first give move-out notice. This protects renters by allowing them to shop for housing in a tight market over a longer period than 30 days. The longer shopping period especially benefits low-income tenants and tenants belonging to marginalized groups, who may face higher barriers when they try to obtain suitable new housing and consequently have a harder time finding a new rental unit within the 30 day period.

*Impact.* This protection has an impact of Components of Rental Housing Affordability and to a lesser extent Keeping People Housed and Housing Racial Equity.

*Funding.* The cost for this protection would be for code enforcement, which will depend in part on how many complaints are received. If Phase I is moved forward as shown in the roadmap, the increased door fee would provide the funding for code enforcement for this item.

**4. Require landlords to distribute, together with any written rental agreement tenant educational information describing the rights and obligations of landlords and tenants related to termination of a tenancy. The City will be responsible for creating, updating, and posting the educational material. At a minimum including the requirements of the City rental housing code, including tenant protections.**

Changing landlord/tenant laws can make it difficult for renters to know their rights and for landlords to know what is required of them. Regularly provided, accurate information can help all parties have a better legal relationship. This recommendation would require landlords to deliver an educational document about renters' rights under Senate Bill 608 to renters at the beginning of a lease, so that renters and landlords better understand their options in no-cause termination situations. The City would create the information required for distribution and make the information accessible on the website. The City would be responsible for keeping the information current and will include any renter protections adopted by the City, any future changes in State landlord/tenant laws, and information about the existing rental housing code program. (Currently, a pamphlet about the rental housing code program is mailed by the City to rental addresses registered with the rental housing code program.)

*Impact.* To some extent, this protection has an impact in all three impact categories: Keeping People Housed, Components of Rental Housing Affordability, and Housing Racial Equity.

*Funding.* The cost for this protection would be for code enforcement, which will depend in part on how many complaints are received. If Phase I is moved forward as shown in the roadmap, the increased door fee would provide the funding for code enforcement for this item.

**5. Require landlords to cap the applicant screening fee at \$10.**

Currently, landlords can require applicant screening fees from all prospective tenants. These fees are often collected by landlords to cover the cost of background checks. Tenants may have to pay applicant screening fees to multiple landlords as they apply for housing. Tenant background checks vary in cost but are

generally between \$20-\$45 per applicant and can include criminal background checks, rental history, credit score reports and income verification. The fees vary depending on the level of screening offered. For instance, it can be closer to \$25 for landlords to run simple credit score reports for prospective tenants. These fees can be prohibitive for potential tenants. The purpose of this measure would be to cap the applicant screening fee at \$10, which would allow landlords to recoup some of the cost of tenant screening while also saving applicants money. This fee is sometimes referred to as an application fee or a screening fee. The cap would apply to whatever name for the fee is used.

Current Oregon law provides guidance on what fees landlords can charge (ORS 90.295). Specifically, "A landlord may require payment of an applicant screening charge solely to cover the costs of obtaining information about an applicant as the landlord processes the application for a rental agreement. This activity is known as screening and includes but is not limited to checking references and obtaining a consumer credit report or tenant screening report. The landlord must provide the applicant with a receipt for any applicant screening charge." Oregon law also states that landlords may not accept payment of an application screening fee when the landlord knows or should know that no rental units are available, unless the applicant agrees otherwise in writing. Landlords must refund the applicant screening fee if the landlord fills the unit before screening the applicant or does not screen the applicant for any reason. In order to enforce the State law, an applicant would need to sue the landlord.

The language in the existing rental housing code primarily applies to tenants in a rental agreement with a landlord. The draft ordinance in Attachment A provides that enforcement of the fee cap would also be via applicants using the code complaint process. However, since applicants do not yet have a rental agreement and may not become tenants, it could be that this enforcement method is not as well suited or may not be utilized. Staff recommends consideration of a second path for enforcement that would allow applicants to pursue other actions to address these violations. Council could consider adding an additional enforcement path for violations of the fee cap in the Phase II Renter Protections ordinance.

The draft ordinance currently includes the fee amount per Council direction, which is a location that aligns well with setting a flat amount that will not change unless/until Council considers the fee again. If Council is instead interested in having the cap be a proportional fee that is adjusted along with costs over time, the specific amount would be best located in an administrative rule.

*Impact.* This protection has an impact of Components of Rental Housing Affordability Housing and Racial Equity and to a lesser extent Keeping People Housed.

*Funding.* The cost for this protection would be for code enforcement, which will depend in part on how many complaints are received. If Phase I is moved forward as shown in the roadmap, the increased door fee would provide the funding for code enforcement for this item.

## **Phase II Items – NOT the subject of the 7/11/22 agenda item**

Renter protections in Phases II are more complex and need additional research on the feasibility of enforcement, the extent of the impact, and the results of pending litigation and potential changes in State law. Phase II protections may also be more difficult or complex to effectively administer. The information provided below is based only on preliminary research and is subject to change after more thorough research that will be completed by November 1, 2022.

<b>PHASE II</b>	6. Limit deposits.
	7. Process applications in the order received.
	8. Displacement assistance for legal no-cause evictions.

**6. Limit landlords to charging deposits with a maximum of two times the subject unit's monthly rent. For purposes of this prohibition, security, cleaning, and last month's rent deposits are all included in this maximum standard for deposits. Pet deposits are not included.**

This recommendation would place a limit or ceiling on the total amount of deposits a landlord could require. Nearly all U.S. states that regulate the amount of deposits use a limit of 1-2 months' rent. Some high-rental-cost cities also regulate deposits, including Seattle (1 month) and Portland (1.5 months). Some Eugene and Springfield tenants currently report security deposits of up to 6 months' rent. The proposed ceiling on total deposits is consistent with national and high-cost-urban markets. This protects renters by reducing financial burden.

**7. Process applications in the order received (first-come, first-served)**

This item would help qualified applicants for a rental unit have a fair chance at being offered it. This item is intended to prevent discriminatory or preferential screening from the rental application process.

**8. Displacement assistance for legal no-cause evictions.**

More research and analysis are necessary to determine what level of displacement assistance is needed in Eugene. Generally speaking, displacement assistance entails payment from a landlord to a tenant when a lease is legally terminated for no cause and the decision to terminate the lease is solely landlord related (i.e. a decision to increase the rent; to remodel the unit making it unavailable; or to lease to a family member). There is more than one model of displacement assistance, and best practice is to calibrate the program to address the issues in the local rental market. During Phase II, staff will review the available examples more closely.

Some displacement assistance is already in place for Eugene renters through recent state law. In February of 2019, SB 608 (codified at ORS 90.427) became effective and did two important things for renters: 1) prohibited most no-cause evictions after the first year of occupancy and 2) limited how much landlords can increase rent each year. With SB 608, tenants who have been in their current home for a year or more typically cannot be evicted without a reason, and rent increases are limited to 7% plus the average amount of inflation over the past twelve months. (This limitation on rent only applies to buildings that are 15 years old or older.)

The City of Portland's mandatory relocation assistance code requires assistance amounts to be paid to a tenant when the landlord chooses to terminate a lease for no cause or when a landlord increases the monthly rental amount by more than 10% and the current tenant cannot afford the rent increase. The amount of assistance is based on the rental size:

Studio or Single Room Occupancy:	\$2,900
1-Bedroom	\$3,300
2-Bedroom	\$4,200
3-Bedroom or larger	\$4,500

Whereas, SB 608 applies to rental units 15 years or older, the Portland example applies to all rental units regardless of age – with exemptions available by application in defined situations. No-cause eviction or rent

increases require 90 days written notice to tenants before the effective date. Notices must be accompanied with a description of the tenant's rights and obligations and the amount of relocation assistance they are eligible to receive. The notice must be hand-delivered or sent by first class mail.

The Portland example also goes further than SB 608 in that it provides relocation assistance for rent increases; no-cause evictions; notice of non-renewal of a fixed term lease; qualified landlord reason for termination; and substantial changes in lease terms.

The City of Bend has also adopted code that essentially extends the minimum amount of notice that a landlord is required to provide to a tenant when the landlord chooses to legally terminate a lease for no cause. The minimum amount of time required for a lease termination notice is 90 days before the date the lease terminates or as provided in the lease agreement, whichever is longer. The code language provides penalties payable to the tenant if a landlord violates the notice requirement.

### **Phase III Items – NOT the subject of the 7/11/22 agenda item**

Renter protections listed in Phase III are more complex and need additional research on the feasibility of enforcement, the extent of the impact, and the results of pending litigation and potential changes in State law. Phase III protections may also be more difficult or complex to effectively administer. The information provided below is based on preliminary research and is subject to change after more thorough research that will be completed by February 1, 2023.

<b>PHASE III</b>	9. Prohibit medical and education debt and limit credit score.
	10. Loosen minimum monthly gross income screening standards.
	11. Local prevention of, or moratorium on, no-cause evictions.

#### **9. Prohibit landlords from: a) including medical or education debt when evaluating an applicant's income vs. expense and b) using a mandatory credit score of above 500. (9 & 10 need to be considered together)**

This recommendation would follow the City of Portland's Fair Access in Renting (FAIR) Ordinance on credit screening, including that an applicant may not be denied for having a credit score lower than 500, and that screening should exclude medical debt and education debt. It protects renters by lowering barriers to housing access by recognizing that credit score does not correlate with present ability to pay rent.

#### **10. Loosen minimum monthly gross income screening standards (9 & 10 need to be considered together)**

This recommendation would allow a landlord to require an applicant to show monthly gross income up to but not greater than 2 times amount of rent. This follows the spirit of the Portland FAIR Ordinance guidelines but would be simpler to implement. Protects renters by improving access to housing for lower- and moderate-income tenants. Reflects existing disparity between local incomes and local prices for rental housing as reported in the 2020 Eugene-Springfield Consolidated Plan: "Households paying more than 30%

of household income are considered to have a 'housing cost burden.' Most of all renters in Eugene (55%) and slightly under half of all renters in Springfield (48%) are considered housing cost burdened."

**11. Local prevention of, or moratorium on, no-cause evictions.**

This item would establish a local moratorium on no-cause evictions. The State had a moratorium on evictions that expired on June 30, 2022. That protection was in place for renters who were unable to pay rent due to the impacts of the pandemic. A ban on no-cause evictions would go a step further than the relocation assistance in item #8 above. With the relocation assistance in place, landlords can still decide to move forward with a no-cause eviction, but the landlords will need to pay for tenant relocation assistance. Local prevention of, or moratorium on, no-cause evictions would carry consequences for landlords who are found to use no-cause evictions.

## **Renter Protections Phase I Frequently Asked Questions**

### **1. Why are the proposed Phase I protections additions to the rental housing code?**

The proposed Phase I Renter Protections were added to the rental housing code for user practicability. This allows readers of the code to find information related to renters in one location within the code. This is also consistent with how State statute is written. Including the Phase I protections as additions to the rental housing code also allows the City to use the existing code enforcement structure outlined in the rental housing code. By adding the Phase I protections to the Rental Housing Code and using the existing enforcement process, tenants are able to file complaints without pursuing litigation, as litigation can result in long delays and can be costly.

### **2. How will the code enforcement process work for new renter protections?**

Please see the enforcement section of Attachment C: Guide to the Roadmap.

### **3. How does the City of Eugene's new Housing Navigator position differ from the existing Housing Navigator positions at other local agencies?**

The City of Eugene's Housing Navigator position is proposed to include the following:

- Implement Council's direction for renter protections.
- Create and maintain a local rental housing database designed to inform policy decisions and provide information on landlords and tenants. The database would include information such as types of units available, average monthly rental rates, number of bedrooms per unit, lease terms, unit turnover, annual rent increases, eviction rates, reasons for evictions, landlord participation in local rental assistance programs, and information on housing racial equity.
- Create and manage a rental unit inventory for individuals with mobility disabilities.
- Create materials required by City code and ensure landlords have easy access to the materials to provide to tenants.
- Manage contracts for tenant/landlord support services.
- Identify gaps in the rental process and propose solutions.
- Create and manage an FAQ to help landlords navigate new/current requirements.
- Participate in and stay up-to-date on changes to landlord/tenant laws.
- Report on use of the program and funds.
- Draft and manage a Renter's Handbook that includes information on existing resources/opportunities as well as education on expectations of tenants.
- Leverage existing community services and serve as a liaison with existing housing navigators employed by social service providers.
- Coordinate with tenant hotline staff, as needed. (The tenant hotline answers questions from renters and connects renters to resources in the community).

Local service agencies often have Housing Navigator positions. The staff in these positions generally work directly with clients to:

- Locate and apply for housing.
- Apply for rental housing subsidies.

- Ensure that clients understand how to communicate with landlords and how to maintain the housing they are in.
- Assist community members with credit score improvement.
- Liaison between existing housing programs and organizations.

### **3. How did tenant advocates and landlord advocates participate in the Renter Protection recommendations presented to Council in November 2021?**

Housing Policy Board (HPB) formed a Renter Protections Committee in 2019 to provide HPB Renter Protection recommendations. The committee was made up of ten community members, a mix of tenants, tenant advocates, service providers, affordable housing providers, advocates for the unhoused, and landlords. A tenant subcommittee was formed that reviewed Portland's FAIR ordinance and looked at other problem areas not addressed by that ordinance. The result was a list of 13 recommendations. The landlord subcommittee was then formed to respond to those recommendations. The landlord subcommittee did not respond to the tenant subcommittee's proposals but instead made their own recommendations. The following information was included in the March 16, 2022 Agenda Item Summary in Attachment C item #10.<sup>1</sup>

- a. The renter subcommittee recommended items that HPB chose not to move forward:
  - Rapid return of screening fee if unit is gone before applicant reaches the front of the line: Return immediately on applicant's request, no more than 60 days;<sup>2</sup>
  - Implement financially responsible/non-financially responsible rental application categories: Regulation would follow the FAIR Ordinance in creating separate categories for financially responsible applicants and non-financially responsible applicants; and
  - Advance advertising: Regulation would follow FAIR Ordinance to require advance advertising a unit for 72 hours before the application window opens.
- b. The landlord subcommittee recommended:
  - Keeping landlord/tenant law at the State level;
  - Not following Portland's FAIR Ordinance;
  - Having an unbiased resource for tenants to contact for education regarding their circumstances as well as guidance on their options (indicating that there could be funds and staff available through the Rental Housing Code program to do this);
  - Addressing housing availability at all levels within the City; and
  - Conducting a study on effective strategies to increase the supply of affordable and middle housing through direct development, public/private partnerships, and incentivizing private development.

### **4. Has Portland seen a decrease in rental units since Portland enacted renter protection measures and is it tied to Portland's renter protection measures?**

Portland's Fair Access in Renting (FAIR) ordinances were passed in 2019 and went into effect in March 2020. While there is no single metric to show exactly how many rental units exist in Portland, there is data to show that there has been an increase in the number of multifamily commercially-owned units since Portland enacted renter protections. Data obtained from CoStar shows that 21,754 multi-family, commercially-owned units were built between 2017 and 2021 in Portland while 128 were demolished, creating a net of 21,626 new multi-family, commercially-owned units.

A study was recently published by ECONorthwest, a Portland-based economics consulting firm, on single family detached rental housing trends from 2015-2020 in the Portland metro region. The study is focused on **Single Family Units (SFUs) only**, not including the rate of change for du-plexes, tri-plexes, quads, and larger apartment complexes. The report determined that the SFU rental stock in the Portland city limits declined by 14% (3,987 units) compared to a 10% decline (6,417 units) in the Portland metro area over the same time period. The ECONorthwest study used data from Metro's Regional Land Information System (RLIS), which provides parcel-level data. The research team evaluated ownership characteristics (i.e. owner address and site address) to determine which housing units appear to be renter occupied. The study did not provide information on the overall number of rental units available, or trends related to availability. The study did not comment on the cause of the decline of SFU rentals.

**5. What are the next steps for public input on the proposed Phase II and Phase III Renter Protections?**

In March, City Council requested staff return with more information on the proposed Phase II and Phase III Renter Protections before November 1, 2022 and February 1, 2023, respectively. The Phase II and Phase III items are more complex and need additional research on the feasibility of enforcement, the extent of the impact, and the results of pending litigation and potential changes in State law. Following review of the feasibility analysis, Council may choose to pursue the items further which could include holding additional public hearings on draft ordinances prior to taking action. Members of the public are welcome to send comments or suggestions related to Renter Protections directly to Council or to staff via email at [renterprotections@eugene-or.gov](mailto:renterprotections@eugene-or.gov).

**6. Why do these protections not address the housing supply issue in Eugene?**

The [Housing Implementation Pipeline \(HIP\)](#) is the City of Eugene's 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-thinking approach to housing across the full spectrum from people experiencing homelessness to overall housing supply. The HIP has goals and metrics for increasing the supply of income qualified housing and overall market rate housing.<sup>1</sup> The increased demand for housing has caused disproportionate hardships on Eugene's most vulnerable residents. Enhancing renter protections is identified as one of the anti-displacement actions in the High Priority Policies and Programs section of the HIP designed to help support existing vulnerable residents.

**7. How do the proposed Phase I protections compare to what the City of Portland put in place?**

The proposed Phase I Renter Protections do have some similarities to existing renter protections in the City of Portland's code. The City of Portland has modified the code several times since the original Fair Access in Renting (FAIR) ordinances were passed in 2019, partially as a result of litigation. The following table provides a summary of information on the current differences between the proposed Phase I protections and Portland's code.

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<sup>1</sup> Income qualified housing is specifically for individuals and families making 0-100% of the area median income.

Phase I Proposed Protection	In Portland's City Code?	Notes
1. Support Services. Fund a rental housing navigator position; expand and manage rental housing data collection; code enforcement of the protections; and other tenant support services, such as a tenant hotline and eviction diversion; all with funds from an increased Rental Housing Code annual door fee.	No	The City of Portland does not have code requiring these support services.
2. Move-in/out Documentation. Require landlords to itemize and photo document property condition at move-in and move-out, and to itemize and photo document withholdings from security deposit. The tenant shall receive copies.	Yes, with different timing	The landlord must make a reasonable effort to schedule a time for a walk through of the unit with the tenant prior to the commencement date to complete a Condition Report. The landlord shall take pictures of items noted in the Condition Report and share the photos with the tenant. If the landlord and tenant cannot schedule a walk through together, the landlord will complete the Condition Report prior to the commencement date and take photos to share with the tenant. Within 7 days of the commencement date, the tenant may complete a Condition Report Addendum on a form provided by the landlord. The landlord has 7 days to dispute the addendum. Within a week of the termination date, the landlord shall conduct a walkthrough. The landlord must give notice to the tenant prior to the walkthrough, as the tenant may choose to be present at the walkthrough. The landlord must document and photograph any damages in excess of normal wear and tear. This item was updated in June 2022 because of a suit against the city.
3. Rental History. Require landlord, at tenant written request, to provide rental history (reference) for a tenant who has not yet given notice.	Yes	Landlords are required to provide a written accounting of the tenant's rent payment history that covers up to the prior 2 years of tenancy, as well as a fully completed Rental History Form that is available on the Portland Housing Bureau.
4. Tenant Educational Information. Require landlords to distribute, together with any written rental agreement, a tenant educational information document regarding terminations. The City will be responsible for creating, updating, and posting the educational material. At a minimum the rental housing code, including tenant protections, will be included.	Yes	The City of Portland requires landlords to include a description of tenant's rights and obligations as part of an application form for any unit as well as with each and any termination notice or increase notice.
5. Cap applicant screening fees at \$10.	No	The City of Portland sets limits on the fees based on the type of screening. If a landlord uses a professional screening company, the tenant cannot be charged a fee greater than the screening company's fee. If the landlord does not use a professional screening company, they must not charge more than 10% more than the cost of a professional screening company. If a landlord uses a screening company to do part of the applicant screening, the landlord must not charge more than 25% of the cost charged by the screening company.