

# MINUTES

Eugene City Council  
Work Session  
McNutt Room, City Hall—Eugene, Oregon

October 25, 2000  
5:30 p.m.

COUNCILORS PRESENT: Betty Taylor, Scott Meisner, David Kelly, Gary Papé, Gary Rayor,  
Bonny Bettman

COUNCILORS ABSENT: Nancy Nathanson, Pat Farr.

## CITY COUNCIL WORK SESSION

### Land Use Code Update

Mayor James D. Torrey called the meeting of the Eugene City Council to order.

The council was joined by Planning and Development Department Director Paul Farmer, Planning Director Jan Childs, Senior Planner Teresa Bishow, and City Attorney Emily Jerome. Also present to answer questions were Jerry Jacobson, Mike McKerrow, and Patricia Thomas of the Planning and Development Department.

Mayor Torrey said he had been contacted by stakeholders who were concerned about the speed at which the process was moving. He recommended that the council schedule an opportunity to solicit input from those individuals after the council had completed its work. He reiterated a previous request for a time line. Mayor Torrey said he would not be comfortable moving the code forward without some sort of a check-in with the public.

Ms. Childs reviewed the draft time line and solicited council feedback. She noted that the time line included workshops for the public to review the council's work.

Mr. Kelly did not think the process was being rushed, noting he had participated in the process as a private citizen for at least a year prior to assuming his seat on the council. The process had been a long one, with a number of check-ins on the way. He liked the idea of the forum mentioned by staff. He feared that delaying past December would result in delay past January 2001, adding that there was a point where the council would have to state, "this is as good as it gets for now."

Ms. Taylor thought that it would be fine for the council to take action in January 2001. She favored holding another public hearing on the code when the council completed its work. She said that citizens were stakeholders in the process, and advocated for considerable publicity about what changes would result from the code. She cited the possible allowance of detached dwellings in R-1 zones as an example of a change that deserved publicity.

Ms. Bettman thought another public hearing implied that the council would make additional changes. She believed the council had received plenty of feedback, pointing out that the ideas

under discussion were not new; many were suggested in testimony or were the council's intent to include all along. She believed that at some point the council had to stop the process. Ms. Bettman wanted to complete the council's work on the code in December so it could review the whole document over the holiday break. She did not object to holding public workshops to help explain the revised code.

Mr. Rayor said that the code was complex and he was worried that the changes the council was making were significant. He had voted against some of the changes because he was concerned they were not workable. He believed that the council would hear about those from the public. Mr. Rayor did not favor another public hearing but did favor curbing the council's changes so that the code people had testified about was the code they got. Mr. Rayor thought the code was being convoluted and termed it "almost social engineering."

Mr. Meisner said that no one testifying had called for the draft code as presented. Everyone testifying called for changes, and he thought staff and the council had done a good job capturing testimony and reflecting it in the motions. He thought that the hearing the council held was specifically intended to lead to the changes the council was making. Mr. Meisner did not think the council would achieve unanimity among all factions of the community. He believed that the stakeholders were monitoring the council's changes to the code. He did not support another public hearing, adding that he did not find them particularly informative. He liked the workshops proposed by staff and shared Mr. Kelly's concern about a delay in code adoption.

Mayor Torrey said he had three different people representing three different groups tell him that they had given up on trying to monitor the process because of the speed at which it was moving. All three had indicated they would consider legal action against the City if the draft code was implemented. He added that the City should never legislate on the basis of the threat of legal action.

Ms. Bishow called the council's attention to revised motions prepared for the meeting, noting that new motions were reflected in bold text. She also noted the distribution of a list of future work program items. She said that the council also received a list of motions adopted through the October 11 council meeting.

### ***Housing Density/Appearance***

Ms. Taylor, seconded by Mr. Kelly, moved to direct the City Manager to amend the code to:

- 1a. Clarify that the 18-foot setback requirement for garages and carports in section 9.2750(4)(a) applies in situations where it is likely that cars will park in front of the garage and carport.
- 1b. Amend 9.2741(2) Secondary Dwellings to require prior to issuance of a final occupancy permit, that the city record a notice with Lane County Deeds and Records that the secondary dwelling or primary dwelling shall remain owner-occupied.

And further, to direct the City Manager to place the following issue on a list of potential future work program items:

- 2a. Creation of asset mapping. Investigate sites throughout the city suitable for increased density and provide the effected neighborhoods with the opportunity to influence the scale, design, and use of the property.

- 2b. Review design standards for single-family housing that have been adopted in other cities and then bring forward proposed standards for consideration by the Planning Commission and City Council.
- 2c. Consider a density dispersal policy as outlined in the public testimony submitted as of June 19, 2000, by David Hinkley and Sue Wolling.

Mr. Rayor pulled Item 1(b).

The motion passed unanimously, 6:0.

Mr. Rayor determined from staff that Item 1(b) referred to a secondary dwelling or primary dwelling.

The motion to approve Item 1(b) passed unanimously, 6:0.

**Mr. Meisner, seconded by Ms. Bettman, moved to direct the City Manager to prohibit in residentially zoned areas the creation of new flag and alley lots and any other lot size reductions, except in new subdivisions of 10 or more lots, until staff evaluate and bring forward recommendations for other managed density strategies, such as asset mapping, cottage zoning, and nodal development.**

Mr. Meisner clarified that the motion did not apply in new development areas, and was not a permanent prohibition; it was designed to give the City time to evaluate other recommendations and protect existing neighborhoods from what could be inappropriate development.

Mr. Papé asked about the scope of the problem. Ms. Bishow said that the City had a fairly high number of flag lots created in developed neighborhoods on lots of more than 10,000 square feet. A flag portion of the lot was generally in the backyard of an existing house. She said that about half the partitions the City received were flag lot situations. Mr. Papé asked how long it would take to develop a permanent solution. Ms. Bishow said that it depended on the council's direction but she believed it would take at least a year. Mr. Papé did not object to the motion if something was done to alleviate the larger problem it attempted to address.

Mr. Rayor did not support the motion. He agreed with the alley prohibition, but said that a flag lot was a common minor partition and the proposed code change could mean the loss of the livelihood of a citizen or their retirement money. He said he would be comfortable with the motion if it addressed lots of 10,000 square feet or less. He asked if the motion was predicated on the fact the code was inadequate to protect the surrounding neighbors from the construction of a new home on a flag lot, or if it represented a "not in my backyard" approach.

Responding to a question from Mr. Kelly, Ms. Bishow said that the existing minimum lot size in an R-1 zone for creating a flag lot was 10,500 square feet, excluding the area needed for the driveway to flag lot; she suggested that the council might want to consider a minimum lot size for the flag lots and adjust the minimum lot size upward.

Mr. Kelly, seconded by Mr. Rayor, moved to amend the motion to indicate flag lots on residential lots greater than or equal to 13,500 square feet would be permitted.

Mr. Kelly said he had been prepared to support the original motion because it was a temporary solution that would be in place for two or three years. He did not think that allowing some flag and alley lots would change the landscape significantly in terms of density although it could adversely impact some surrounding properties. Mr. Kelly did not think the motion was a neighborhood protection measure as it did not prevent flag lots in subdivisions of ten or more lots in an established neighborhood. He was more concerned with piecemeal partitions, saying that such partitions would not result in “much bang for the buck” in terms of the City reaching its density goals and maintaining the urban growth boundary in its place, but they could have a tremendously negative impact on adjacent neighbors.

Mr. Rayor said that flag lots could help keep the urban growth boundary in place and help the City to achieve density. He felt that what the code was missing were rules related to massing and maximum square footage of the structures built. If the lot involved was sufficiently large, he trusted the existing code to allow the development that occurred to be done in a reasonable way. He advocated for a work program item that examined the cumulative and specialized neighborhood impacts.

The vote on the amendment was a 3:3 tie, Ms. Taylor, Ms. Bettman, and Mr. Meisner voting no, Mr. Kelly, Mr. Rayor, and Mr. Papé voting yes; Mayor Torrey voted for the amendment and the motion passed, 4:3.

Ms. Bettman thought the updated code’s reduced minimum lot size would result in a proliferation of flag and alley lots. She said she would like to see a permanent prohibition on flag and alley lots but hoped that examination of asset mapping, cottage zoning, and other strategies that achieved density would allow the City Council to abandon the concept of flag lots, which she believed destroyed the fabric of existing neighborhoods. She noted that the “Gang of Four” (Friends of Eugene, Chamber of Commerce, Lane County Homebuilders Association, and Neighborhood Leaders Council) had held some design charettes on nodal development, and there was a lot of consensus that the City should protect the character of the existing neighborhood, and not attempt to achieve density by subdividing existing residential lots or redeveloping the existing housing with four-plexes, but rather by redeveloping industrial sites, putting housing on top of retail uses, and looking at other areas that were undeveloped to achieve density.

The main motion passed unanimously, 6:0.

Ms. Bettman, seconded by Ms. Taylor, moved to direct the City Manager to amend Table 9.2740 to only allow Equestrian Academy and Stables, Equestrian Trails, and Golf Courses in R-1 when approved in a planned unit development.

Ms. Bettman spoke in favor of the motion, saying the prohibition would preserve valuable residential land.

Mr. Kelly said he supported the motion in terms of efficient use of residential land. He asked staff if it was aware of any unintended consequences from the motion. Ms. Bishow said that there could be a private property owner with a barn and some horses operating an equestrian operation. Staff was not sure of the number of properties that would be affected. If the motion passed, those uses could not expand. Golf courses now located in R-1 zones would be a nonconforming use, and those uses could not expand if the motion passed.

Mr. Kelly suggested as a friendly amendment that existing uses be grandfathered as long as the square footage of the development site involved did not increase. Ms. Bettman and Ms. Taylor accepted the proposed friendly amendment.

Mr. Kelly noted that the motion spoke to commercial use only.

Mr. Rayor pointed out that farm animals were allowed in the R-1 zone and determined from Ms. Bishow that the motion would not change that.

Responding to a question from Mr. Rayor, Ms. Bishow said that if the council prohibited a use currently allowed in a zone, it was a message to the operator of that use that he should go elsewhere. The operation can continue, but could not expand or increase in intensity. She added that the council might want to consider where the uses in question should go if not in residential zones. Mr. Kelly suggested that equestrian uses should locate outside the city as he considered them rural in nature.

Mr. Papé asked if golf courses were an outright use in any zone. Ms. Bishow said no. The draft code requires golf courses to get a conditional use permit in R-1 and no longer allows them in the other residential zones. She added that golf courses often were a low-impact use, and were considered an amenity for neighbors as they provided a type of open space. Mr. Papé was concerned that golf courses were not allowed outright in any zone.

Ms. Bettman pointed out that golf courses were an allowed use in a PUD, so if a developer wanted to devote 15 acres of a 30-acre residentially zoned parcel to a golf course, that could occur.

Mayor Torrey asked about the impact of the motion on the proposed residential planned unit development that was to include a golf course near Ayres Road. Ms. Bishow said that the developer could rezone the agricultural portion of the property to R-1 and go through the PUD process. She noted that the PUD could include just a golf course; a PUD in R-1 by its nature did not require that a minimum residential density be achieved. Mr. Jacobson added that if the property were rezoned to low-density residential, the Willakenzie Plan required that the property in question go through the PUD process.

The motion passed unanimously, 6:0.

Ms. Bettman, seconded by Mr. Kelly, moved to direct the City Manager to amend Table 9.2740 to prohibit Golf Driving Ranges in any residential zone.

Mr. Kelly offered the same friendly amendment he had previously offered. Ms. Bettman accepted the friendly amendment, noting it had been her original intention to grandfather in such uses on the existing development sites.

The motion passed unanimously, 6:0.

Ms. Bettman, seconded by Mr. Kelly, moved to direct the City Manager to amend Table 9.2740 to permit only in nodal development areas appropriate Government Uses in R-3, R-4, C-2, C-3, C-4, I-1, and I-2.

Ms. Bettman explained her intent was to concentrate some uses into nodes to ensure they become more attractive places to redevelop with the densities and uses the City wanted. She said that the motion directed staff to develop a list of those uses. She thought uses such as a post office, a substation, or a branch library were public uses that would be better off in a node because they were neighborhood attractors in an area served by transit.

Mr. Kelly asked Ms. Bettman what she meant by the word “appropriate.” Ms. Bettman said that her intent was that staff would develop a list of such uses for the council’s review. Her intent was to concentrate such uses into nodes. She had not developed a list of appropriate uses.

Mr. Kelly said that he agreed there were certain uses it made sense to include in nodes, but he wanted to ensure that the motion did not force all such uses into nodes. He said that fire stations, for example, were sited on the basis of response time. Ms. Bettman indicated it was not her intent to place all government uses in nodes.

Ms. Childs said her primary concern about the motion was that staff would soon be working with the council on determining which nodes that would be implemented. She was not sure how easy it would be to craft a list of appropriate government uses without more certainty about the locations of the nodes.

Mr. Meisner was unsure he supported the motion. He said that branch libraries attract people from outside the immediate area and he was not sure he wanted to premise nodal development upon situating attractors in the node. He said that some government uses would be more appropriate in some nodes than in others. He questioned the impact of the motion on downtown development. Ms. Childs was not sure.

Mr. Rayer pointed out a City-owned swimming pool was a government use. Utility pump stations were also government uses, and they were sited according to need. While he understood Ms. Bettman’s intent, he felt that the motion might be better as a future work plan item, when criteria could be developed for siting those uses.

Ms. Taylor did not think the motion was totally clear. She was not ready to support it at this time because she did not understand the consequences. Mr. Papé agreed. He felt Mr. Rayer’s points were well-taken. In addition, government could include State and federal office buildings, and he questioned how the City could dictate the actions of those agencies.

Ms. Bettman said that the impact on the neighborhood from the post office on Willamette Street was an example of the type of development that had led to the motion. She indicated she would withdraw the motion at this time.

Ms. Bettman withdrew her motion. Mr. Kelly withdrew his second.

Ms. Bettman, seconded by Mr. Meisner, moved to direct the City Manager to amend Table 9.2740 to require nursing homes to be subject to Special Standards in R-3 and R-4, and to prohibit (except to grandfather existing facilities) Nursing Homes in R-1 and R-2.

Ms. Bettman explained efficient use of residential land was the basis for the motion. She said that nursing homes were required to be one level and generally had a large building footprint with lots of parking.

Mr. Kelly solicited staff comment. He also wondered if there was a meaning for “Special Standards.” Ms. Bishow referred him to the 9.5000s, which had Special Standards for certain uses. Nursing homes would have Special Standards if the motion was approved. She added that if staff did not have time to compile those standards in time for the draft ordinance, it would include the use as a conditional use permit to ensure compatibility.

Mr. Meisner supported the motion as he believed it made sense in light of the single-story construction for such facilities that was required by law.

Responding to a question from Mr. Rayor about the effect of the motion, Ms. Childs said that it was true that nursing homes were somewhat land-intensive. She noted that the population was aging, and as they got older they also wanted to be able to live in residential neighborhoods. Mr. Jacobson noted that currently, nursing homes were not allowed in any of the commercial zones, were conditional uses in the R-1, R-2, and R-3 zones, and were permitted outright in R-4. He noted that the supply of R-3 and R-4 lands were limited, so there were few nursing homes in those zones.

Mr. Meisner said he was persuaded to support the motion by the land-intensive nature of the use. He asked if nursing homes had a density standard. Ms. Bishow responded that staff did not now calculate density for nursing homes, and a nursing home in a residential zone was not required to meet minimum or maximum density requirements.

Mr. Meisner said that if given a preference when he retired, he believed he would like to live someplace where he could be active and where services were accessible. He liked mixed-use areas.

Responding to a question from Mr. Papé, Ms. Bishow reviewed the definition of a nursing home.

Ms. Bishow pointed out that the City was seeing a trend in new housing that enabled people to retain their place of residence through various stages of health. She said in some facilities, residential units for healthy individuals were available as well as nursing facilities that they could take advantage of if needed without leaving their residence. She was concerned about the motion for that reason. It would allow less of a life-long transition between various stages of health in the residential zones.

Responding to a follow-up question from Mr. Papé, Ms. Bishow clarified that foster homes were not considered nursing homes. Caring for someone in one’s home was considered an assisted living situation. Ms. Jerome clarified that in an State-regulated assisted living situation the residents were not related to the owner/operator.

Mr. Rayor said that Ms. Bettman was concerned about the wise use of R-1 land but he questioned the premise of the motion in terms of density, pointing out that one could get a lot more rooms than houses on a single acre. Ms. Bettman said she was concerned that, while the use itself was low-intensity in terms of the number of people compared to the size of the facility, and there were not many of them, they were generally large in size and had huge parking lots, attracted many vehicles, and were served throughout the day by ambulances and service trucks. She noted that in the draft code the use was allowed in the C-1 and C-3 zones, and the motion would not mean they no longer were able to develop.

Mr. Kelly agreed with Mr. Rayor about his assessment of the density issue. He was concerned, however, about the impact of the use on the surroundings. In his experience, such uses frequently resulted in lights, sirens, and ambulance traffic. He was comfortable with the motion because assisted living was an outright use in low-density residential zones, and suggested that spoke to Mr. Rayor's remarks about density.

Ms. Bishow suggested as an alternative to prohibiting nursing homes that the council consider using the conditional use permit process for at least larger nursing homes.

Mr. Rayor, seconded by Mr. Papé, moved to amend the motion to direct the City Manager to allow nursing homes in the R-1 zone with a conditional use permit, and to ensure that nursing homes uses meet minimum residential density requirements; in the R-1 zone nursing homes must meet the minimum density requirements of the R-2 zone.

Mr. Meisner said while he had some concerns about minimum densities, he preferred the main motion. He agreed with Mr. Kelly about the impact of such uses on surrounding neighborhoods.

The amendment to the motion failed, 4:2, Mr. Papé and Mr. Rayor voting yes.

The main motion passed, 4:2; Mr. Papé and Mr. Rayor voting no.

Ms. Bettman, seconded by Mr. Kelly, moved to direct the City Manager to amend the code to prohibit parking between the street and the street facing facade of any buildings in residentially zoned areas, except for driveways associated with single-family or two-family residence.

Ms. Bettman explained that the motion was intended to create a pedestrian-friendly, eyes-on-the-street atmosphere.

Mr. Kelly asked staff about the consequences of the motion, saying it essentially appeared to preclude parking pads between the building and the street. Ms. Bishow said it would be a challenge to write the code language, but indicated that staff understood the intent behind the motion.

Mr. Kelly suggested that staff might develop an adjustment review process to address odd cases.

Mr. Rayor asked about existing nonconforming uses. Ms. Bishow indicated staff would determine where the standards were triggered or applicable and address that issue at that time. Mr. Rayor asked about the impact of passing the motion on a multi-family house that currently had a parking area between the street and building. Ms. Bishow said that the use would be a legal nonconforming use that could function as it was but could not be expanded if it increased the nonconformity.

Mr. Meisner supported the motion. He asked if there were other uses in R-3 or R-4 zones that would be affected by the motion. Ms. Bishow said that nonresidential uses such as churches and schools might have a different type of site plan where the motion would be problematic. She said if the intent of the motion was to foster a certain appearance in the public realm, some type of setback in which the standard applied might be in order. Mr. Meisner joined Mr. Kelly in his comments related to the development of adjustment review processes.

Mr. Rayer asked if the motion was similar to the council's direction in massing a building toward the street in commercial zones. Ms. Bishow said yes. Ms. Childs likened the motion to what the City Council did in the \TD and \ND overlay.

Ms. Bettman said the intent of the motion was to stop Eugene residents from using front yards of residential structures for parking.

The motion passed unanimously, 6:0.

Mr. Kelly, seconded by Mr. Meisner, moved to direct the City Manager to amend Table 9.2740 and section 9.2750 to allow Assisted Living uses to meet minimum density residential requirements.

Mr. Kelly drew a distinction between nursing homes, which he considered primarily a medical facility that was residential in nature, and assisted living, which was residential in nature. He believed that it made sense to count the density in such facilities toward the City's overall density goals.

Responding to a question from Ms. Bettman, Ms. Bishow said that the motion would not be applicable in R-1 zones, where there was no minimum density requirement. She thought the motion was needed following the council's decision to require clinics in residential areas to achieve minimum residential densities. There was a rationale for those facilities to do assisted living facilities rather than other kinds of housing, and she wanted to allow developers to be able to count the people living there toward the density requirement.

Ms. Childs said if the intent of the motion was to allow developers to count those units to meet a minimum density requirement that was fine, but there were State laws that precluded the City from requiring minimum densities in assisted living facilities.

The motion passed unanimously, 6:0.

Mr. Kelly, seconded by Ms. Bettman, moved to direct the City Manager to amend section 9.5500(2) Applicability of Multiple-Family Standards to indicate the standards shall apply in the following circumstances:

- a. In residentially zoned areas, all multiple-family developments shall comply with the multiple-family standards, except for building alterations (interior remodels) and building additions that increase the square footage of living area by less than 50 percent. In cases where the standards apply, they shall be considered applicable for the portion of the development site impacted by the proposed development.
- b. In non-residential zones, all multiple-family developments shall comply with the multiple-family standards if the building is entirely in residential use. In cases where the building has both residential and nonresidential uses, the multiple-family standards shall apply unless the entire ground floor is in nonresidential use, excluding areas for an interior lobby or access to upper floors. The multiple-family standards shall not apply to building alterations (interior remodels) and building additions that increase the square footage of living area by less than 50 percent.

Mr. Kelly explained that the motion was a result of testimony submitted by many different individuals about confusion where the multi-family standards should apply. It was not desirable that they apply in a mixed-use development with commercial below and residential above. The motion clarified the issue.

Mr. Meisner determined from Mr. Kelly that "living area" referred to that portion of a structure in actual residential use. He asked if the consequence of the motion was that the nonresidential use could expand without hindrance. Mr. Kelly confirmed that the nonresidential use could expand and nothing would be triggered. Ms. Bishow said that her intent in drafting the motion was to allow the expansion, for example, of a recreation center in an existing apartment complex without triggering the standards. Mr. Meisner recommended that staff include "living area" in the definitions.

Mr. Meisner determined from Mr. Kelly that the motion also applied to nodes.

Mr. Papé indicated support for the motion.

The motion passed unanimously, 6:0.

Ms. Bettman, seconded by Mr. Meisner, moved to direct the City Manager to amend Section 9.5500(4)(b) to increase from 50 percent to 75 percent the site width that shall be occupied by a building(s) for lots of 100 feet in width or more. Also increase from 40 percent to 60 percent the site width that shall be occupied by a building(s) for lots with less than 100 feet in width. In calculating the available site widths for lots with less than 100 feet in width, deduct that area needed for the minimum driveway width if one is required.

Mr. Rayor said there was no reason for the percentages in the motion other than to make development more restrictive. He did not think that any of the examples of good development included in the meeting packet could satisfy the intent of the motion. Mr. Kelly pointed out that the motion dealt with multi-family development. Mr. Rayor believed that the same principles applied in terms of massing of the building on the lot.

Mr. Kelly asked staff to comment on Mr. Rayor's points. He thought most of the examples offered to the council meant the intent of the motion in terms of site width coverage. He asked if a site had only one width, so on a corner lot the motion would only apply to one side of a building. Staff indicated that was the case.

Mr. Kelly said he understood Ms. Bettman's intent but believed the percentages were too aggressive at this time. For that reason, he had prepared a substitute motion he would introduce if the motion failed. He noted that he had grown up in a garden court apartment, which created a nice pedestrian frontage and facilitated interaction between neighbors. He had not wanted to rule such a development out. Responding to Mr. Rayor's points, Mr. Kelly said that the idea of land use and zoning in general was to be restrictive.

Ms. Bishow said that staff supported Mr. Kelly's approach because it was seeking places in the code where there was consistency between the standards. Because Mr. Kelly's approach was adopted for the \ND and \TD overlay zones, staff thought there was merit for using the same standard for multi-family development. She thought that moving to a 75 percent site width was

pretty aggressive for multiple-family projects, particularly if there was no site width frontage requirement for the \TD and \ND areas.

Ms. Bettman thought the motion would have improved the appearance of the streetscape but acknowledged a lack of support for the approach.

Ms. Bettman withdrew her motion. Mr. Meisner withdrew his second.

Mr. Kelly, seconded by Mr. Meisner, to direct the City Manager to amend Section 9.5500(4)(b) to require at least 60 percent of the site frontage abutting the street (including interior yards) to be occupied by a building and/or enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian areas.

Mr. Meisner supported Mr. Kelly's motion. He also appreciated what Ms. Bettman had suggested and hoped that the council discussed the approach again during its reviews of the code. However, he thought what Mr. Kelly proposed would make a great deal of difference.

Responding to a question from Mr. Meisner, Mr. Kelly said that the 20 percent of the 60 percent in enhanced pedestrian area was consistent with what the council decided for the \TD and \ND zones.

Mr. Papé asked how the motion would apply to a multi-family unit in challenging topography. Ms. Bishow said the standard was the same regardless of topography. The adjustment review criteria could be used to adjust the standard. She said that the Planning Director would review all adjustments; appeals of minor adjustments would go to the Hearings Official, and appeals of major adjustments would go to the Planning Commission.

Mr. Rayor did not support the motion. He said that an R-2 zone might be outside the downtown area where nothing else is massed against the street. He understood the intent of the approach in commercial zones, downtown, and close-in neighborhoods, he did not understand its application in the south hills, for example. Mr. Rayor suggested that the council was considering adding something to the code that it may not fully understand the implications of.

In response to Mr. Rayor's remarks, Mr. Kelly said that it was his goal to, over time, change the streetscape in multi-family residential zones throughout the city to make it more appealing. He said that he intended the motion to apply to all areas.

The motion passed, 4:2; Mr. Rayor and Mr. Papé voting no.

### **Commercial and Industrial Density/Appearance—Consent Item**

Mr. Meisner, seconded by Mr. Papé, moved to direct the City Manager to amend the code to:

- a. Provide a mechanism to minimize adjacent curb cuts in commercial development.
- b. Clarify when different development standards are applicable taking into account the different situations such as new development on vacant land versus infill development on existing development sites.

- c. Clarify that “Bars and Taverns,” “Retail Trade Directly Related to Manufacturing,” and “Churches, Synagogues, and Temples” are subject to the 5,000-square-foot limitation in C-1.

The motion passed unanimously, 6:0.

#### **Commercial and Industrial Density/Appearance—Policy Item Motions**

Mr. Kelly, seconded by Mr. Meisner, to direct the City Manager to amend Section 9.2170(17)(d) such that large commercial facilities can have no off-street parking between a building front facade and the primary adjacent street. Also amend the applicability of this standard to have it apply only to new buildings or completely rebuilt projects.

Mr. Rayer indicated support for the motion because it identified a primary street. He said the approach was not possible on corner lots.

The motion passed, 5:1; Mr. Papé voting no.

Mr. Kelly, seconded by Mr. Meisner, moved to direct the City Manager to examine the vision clearance requirements of Section 9.6780, and to reduce the requirement if safety can be maintained.

Mr. Kelly said that the motion was a result of the examples provided by staff. He said he did not presume to be a safety expert, but wanted staff to look at the issue in more depth.

Mr. Rayer indicated he would vote against the motion because the standards in question were engineering standards and probably could not legally be changed.

Mr. Kelly said that the motion was prompted by a drive by the Heron Building, which would have had to have moved back seven feet from the corner under the new standards; he thought there was plenty of vision clearance and wanted another look at the issue.

The motion passed, 5:1; Mr. Rayer voting no.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Jim Johnson  
City Manager

(Recorded by Kimberly Young)