

## **CC&Rs give neighbors power over rezoning by Christine L. Sundt**

**(Published in The Register-Guard, Guest Viewpoint on May 9, 2016)**

While analyzing the impacts of the South Willamette Special Area Zone redevelopment proposal on neighborhoods around my house, I uncovered several CC&Rs - Covenants, Conditions and Restrictions - still governing areas within this zone. These discoveries were informative and heartening, clearly exposing historical circumstances and the prescience of Eugene's early developers.

I had also just read David Brooks' column, "How covenants make us," in The Register-Guard. His essay strengthened my understanding and appreciation of neighborhood governance.

Neighborhoods are multi-dimensional, being both the area surrounding someone's home and the people who live there. Neighborhoods can be vast stretches, like the territory covering my neighborhood association, the Southwest Hills Neighborhood Association; or tiny, a subdivision encompassing a few blocks. But most importantly, neighborhoods are nothing without people.

CC&Rs attached to the title of property - a house or lot - define the rights and duties of the buyer as a member of the community - the neighborhood - of the subdivision. This mirrors the "community cohesion" and "social fabric" Brooks discussed. As members of a community in a subdivision, guided by CC&Rs, owners have certain obligations regarding their property, but they also have legally defensible rights when others' actions affect their property, disturbing its livability or an owner's investment.

Within the south Willamette zone, I have located CC&Rs for four subdivisions: the Plummer Addition, the Crestview Addition, Block 3 of Amended Plat of Rosedale, and the 2nd Rosedale Addition (sections of the larger Amended Plat of Rosedale Addition). Plummer covers properties on the east side of Willamette Street, north of 29th Avenue; the others are on both the east and west sides of Willamette, south of 29th.

The power of CC&Rs is created by the cohesive voice and actions of its community members - initially by those who owned and subdivided the land, and later by those who built and now dwell on those plats. The limitations stipulated by CC&Rs are enforceable when an owner, joined by other subdivision owners, oppose an action that violates a stated condition or restriction regarding development. Courts tend to favor the property owners' rights under the CC&Rs.

Over time, changes can and do happen. If the majority of subdivision owners decide not to enforce the rules and limitations set by the CC&Rs, then changes can be made, even some that contradict the covenants. But even after non-contested changes have occurred, CC&Rs continue to have legal force.

The CC&Rs in play within the south Willamette zone were ratified between the late 1930s and early 1940s, when the streetcar era became the automobile era. Between 1920 and 1940, Eugene's population increased from 10,593 to 20,838; and the University of Oregon's enrollment jumped from 1,897 to 3,948.

To accommodate growth, new southern subdivisions expanded the city. New construction during this expansion offered opportunities for first-time property purchasers, fulfilling their dream of homeownership. Houses were built mostly as compact, one-story detached single-family residences, with a garage for the family's automobile.

Today these structures continue to provide affordable housing for small families; for retirees wanting compact, accessible dwellings; and for single professionals preferring a manageable house plus yard conveniently located outside but still near Eugene's more vibrant downtown and campus districts. Many single women own these houses.

CC&Rs speak strongly about the duties of a community to preserve and protect livability within its boundary. When a subdivision had areas designated for businesses, those conditions were clearly stated, which included protective measures for adjacent residences. In the Plummer Addition, for example, 9 lots facing Willamette Street were designated for business uses while the remaining 37 were platted for "residential purposes only" that "shall not be for more than one detached family dwelling, not to exceed two stories." Crestview was platted for residential purposes only, with an added provision: "All structures erected ... shall be of good architectural design and in keeping with the existing structures." Conditions for the two Rosedale subdivisions are most specific: "No structure shall be erected, altered, placed or permitted to remain on any building plot other than one detached single family dwelling or one semi-detached family dwelling not to exceed two stories in height and a private garage for not more than 3 cars..." Furthermore, "No building shall be located on any residential building plot nearer than 20 feet to the front lot line, nor nearer than 15 feet to any side street line."

The zoning changes proposed for the south Willamette zone - assigning apartments and/or condos to lots limited by their CC&Rs to single-family dwellings - could result in new zoning code, but members of the subdivision could ultimately control any changes.

When residents choose to exercise their rights and responsibilities as property owners by raising their collective voice, Brooks' "social fabric" is reinforced. "Community cohesion" then becomes a powerful mechanism within a democratic society for protecting livability.

**Christine Sundt is a 30-year resident of south Eugene, a jewelry artist, art historian, editor, teacher and technology specialist in visual resources management.**

**Reduce food waste with this CARROT TOP PESTO recipe!**

- 2 cups green carrot fronds, rinsed (from a bunch of carrots)
- 1/4 cup fresh basil or parsley, rinsed (1 Tbsp dried herb)
- 3 garlic cloves, minced
- 1/3 cup walnuts or cashews or pine nuts
- juice of 1/2 lemon
- 1/2 cup parmesan cheese, grated
- 1/2 tsp salt
- 1/4 tsp black pepper
- 3/4 to 1 cup extra-virgin olive oil



**Be creative with these different  
taste combinations  
and  
enjoy summer!**

**Directions:**

- In a strong blender or food processor add the carrot fronds, herb, garlic, nuts, juice, cheese, salt and pepper.
- Pulse the machine until coarsely ground, then turn the machine on and slowly drizzle in the oil until well blended.
- Spoon into a small sterilized jar and cover with olive oil to seal the top of the pesto from air and to keep its green color.
- Use within 3 days or store in the freezer for later use.

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**Patence Wunningham with Emergency Management will speak at the SHiNA General Meeting**

*(patence.m.wunningham@ci.eugene.or.us, 541-521-1187, 940 Willamette St, Suite 200)*

**Preparedness Info will be available on June 24th, 2:00 - 4:00 pm, at Wayne Morse Family Farm**

Emergency Supply Kit, 3-Month Calendar & Shopping List (City of Eugene - Emergency Management)

Building and Strengthening Disaster Readiness Among Neighbors (Oregon - Emergency Management)

Living on Shaky Ground - How to Survive Earthquakes and Tsunamis in Oregon (OR - E M)

Preparing Makes Sense for People with Disabilities and Special Needs (FEMA)

Prepare! A Resource Guide (American Red Cross - Cascades Region)

[www.Oregon.gov/OEM](http://www.Oregon.gov/OEM)

[www.Ready.gov](http://www.Ready.gov)

<https://www.oregon.gov/OEM/hazardsprep/Pages/2-Weeks-Ready.aspx>

**The following "2 Weeks Ready" pamphlets can be found online:**

**2 Weeks Ready - Business: "Prepare Your Workers"**

**2 Weeks Ready - Communications: "Communicating During & After Emergencies"**

**2 Weeks Ready - Community: "Creating a Prepared Community"**

**2 Weeks Ready - First Aid: "Be Your Own First Responder"**

**2 Weeks Ready - Food: "Prepare Your Pantry"**

**2 Weeks Ready - Neighbors: "Neighbor to Neighbor"**

**2 Weeks Ready - Pets and Livestock: "Companion Animals and Livestock"**

**2 Weeks Ready - Seniors: "Seniors"**

**2 Weeks Ready - Shelter: "Safe Place After a Disaster"**

**2 Weeks Ready - Water: "Prepare to Hydrate"**

**2 Weeks Ready - Youth: "Children and Babies"**

**3-Gallon Water Bottle - \$5 purchase at EWEB, 500 East 4th Avenue**

## **RATS, Rats and less rats with birth control !!!**

Rodents are still an issue for many SHiNA neighbors. Residents are advised not to use rat poisons, to avoid introducing toxins into the environment, pets and wildlife. The lethal, anti-coagulants which sicken the pest, make it stumble out and about looking for water, where it potentially can be eaten by a cat, dog, owl, hawk and other animals, poisoning them also. Victor spring traps, closing up access holes in foundations and attics, and removing garbage and food sources are much better ways to control rodents.



Rats can reproduce up to 6 times a year, with litters averaging from 4 to 8 pups each time. There is a new, safe, non-lethal product on the market called ContraPest rodent fertility control. It makes rats infertile and does not impact predator wildlife.

For more information please visit: [SenesTech.com](http://SenesTech.com)

## **SHiNA Survey on Accessory Dwelling Units, ADUs**

Accessory Dwelling Units were previously called Secondary Dwelling Units and are small homes, no larger than 800 sq. ft. that can have a 300 sq. ft. unheated garage. ADUs have become an issue because of potential City of Eugene code changes which if adopted could affect how you and neighbors use your properties and streets. The changes could provide more housing over the next 20 years, but whether it meets the affordable, low income housing needs is questionable.

Last year the Oregon Legislature passed Senate Bill 1051 which requires cities to allow ADUs. Eugene presently allows ADUs. Eugene City Council is considering additional ADU code changes since they were last amended in 2014.

This survey seeks to inform, have you consider outcomes, and to gather the opinion of SHiNA residents on some of the code changes being considered. The responses will be anonymously summarized and shared with the City Council.

**Please take this brief online survey, if you live, own property or own/work at a business in SHiNA.**

**Survey Link: <https://www.surveymonkey.com/r/7TCSPWM>**

**(Please Respond by June 23rd)**

The following questions are included in the online survey and address some top issues with ADUs in the R-1 (single-family residential) zone: owner-occupancy, counting ADUs as a dwelling towards the maximum zone density, minimum lot size, size of ADUs, system development charges (SDCs), and parking.

- 1.) Currently owner-occupancy is required for either the primary house or the accessory dwelling unit in R-1. Should a property owner reside on the property in order to have an ADU?
- 2.) Currently the R-1 zone limits density to 14 dwellings per acre and ADUs are not counted as a dwelling towards the maximum zone density. Should ADUs be included in the zone density count?
- 3.) Currently a minimum lot size of 6,100 square feet is required to have an ADU. Should this minimum lot size be reduced? What minimum size? 5,500 s.f., 5,000 s.f., 4,500 s.f.
- 4.) Currently the maximum size for ADUs is 800 square feet and they can have a 300 sq. ft. unheated garage. Should the size of ADUs be increased? What maximum size? 850 s.f., 900 s.f., 950 s.f., 1,000 s.f., 1,050 s.f.
- 5.) Currently Springfield has temporarily waived System Development Charges (SDCs) to encourage the building of ADUs by lowering costs (~\$10,000). SDCs are new construction costs that the city and county governments collect to mitigate associated building costs for the increased capacity of streets, stormwater, sewer and park needs. Should Eugene waive or reduce (according to building size) System Development Charges (SDCs) for ADUs? Waive, Reduce, Continue with SDCs
- 6.) Currently ADUs are required to have one onsite parking space. Should the one onsite parking requirement continue?

**\* Email the [SHiNA\\_Board@googlegroups.com](mailto:SHiNA_Board@googlegroups.com) if you'd like to share information about ADUs, etc.**

**\* SHiNA Website: [swHillsEugene.com](http://swHillsEugene.com)**

**\* SHiNA Facebook: [facebook.com/SWHillsNeighborhood](https://facebook.com/SWHillsNeighborhood)**

*SHiNA does not manage, but does post community events on Nextdoor: [southwesthillsor1.nextdoor.com](https://southwesthillsor1.nextdoor.com)*

*It is a great place for two-way communication between neighbors.*

# Southwest Hills Neighborhood Assoc

[www.swHillsEugene.com](http://www.swHillsEugene.com)

Be Engaged ... Know Your Neighbors & Volunteer

Be Informed ... Visit the SHiNA Website & Sign-Up for SHiNA eNews

Be Involved ... Discuss with Neighbors at SHiNA Meetings & Events  
on Facebook & Nextdoor



View newsletter in color online!

## Southwest Hills Neighborhood Association - SHiNA June 2018 Newsletter

### Meeting & Event Announcements - Mark Your Calendar to Join Us

 **On Sunday, June 24th, 2:00 - 4:00 pm, At Wayne Morse Family Farm House - 595 Crest Drive** 

*SHiNA will have a Speaker discussing Emergency Preparedness & Map Your Neighborhood.*

*Learn how to be safe, ready before, during and after a disaster, and helpful within our community.*

*We'd like neighborhood grant suggestions & volunteers to make our annual event with live music a fun success.*

Sunday, July 15th, 2:00-4:00 pm, Wayne Morse House, **Board Meeting & Annual Event Organization**

Thursday, August 9th, 6:30-8:30 pm, Wayne Morse Shelter, **Board Meeting & Annual Event Organization**

Sunday, September 9th, 4:00-7:00 pm, Wayne Morse Park, **Annual Fun Gathering, Potluck & Music Event**

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 **Find a Free Gift & Carrot Top Pesto Recipe Inside!** Please display our SHiNA bumper sticker to show your support while walking, busing, biking or driving by vehicle. It can be attached to a backpack, helmet, window or bumper. Also send the SHiNA Board photos of your recipe creations.

 **Read articles within to learn about Rat Birth Control and CC&Rs in our area.** Rezoning changes are being requested just north of 31st Avenue on Willamette Street in a CC&R subdivision which covers both the east and west sides of Willamette, south of 29th.

 **Let the SHiNA Board know if you have experienced traffic backups from the 29th Avenue traffic light at 31st Ave or even past 32nd Ave.** Did you know Willamette Street is designated as a major evacuation route should there be major flooding in the city or forest fires in the hills? Did you know the fire station on 33rd Avenue is located outside indicated flooding on the inundation map (See SHiNA website: About/Emergency) should Hills Creek, Lookout Point or Dexter dams (possibly, but not likely) break in an earthquake. It is important to keep Willamette Street traffic flowing without congestion.

 **Please take a brief online survey to give the SHiNA Board your opinion on Accessory Dwelling Units.**