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EUGENE CITY COUNCIL AGENDA

February 21, 2017

7:30 p.m. **CITY COUNCIL MEETING**
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of February 21, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President	Mike Clark, Vice President
George Poling	Greg Evans
Emily Semple	Chris Pryor
Claire Syrett	Betty Taylor

7:30 p.m. **MEETING OF THE EUGENE CITY COUNCIL**
Harris Hall, 125 East 8th Avenue

1. **PUBLIC HEARING**
   An Ordinance Amending the West Eugene Enterprise Zone Public Benefit Criteria and Scoring System Established By Ordinance No. 20368 and Providing an Effective Date

2. **PUBLIC HEARING and POSSIBLE ACTION**
   An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2017

3. **PUBLIC HEARING**
   An Ordinance Providing For Withdrawal of Annexed Properties from the Santa Clara Fire District; Santa Clara Water District; Willakenzie Rural Fire Protection District; Lane Rural Fire/Rescue District; Junction City Water Control District; River Road Parks and Recreation District; River Road Water District; and Eugene Rural Fire Protection District 1

4. **PUBLIC HEARING:**
   An Ordinance Removing the Sunset Dates of the Rest Stop and Dusk-to-Dawn Programs

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

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

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Amending the West Eugene Enterprise Zone Public Benefit Criteria and Scoring System Established By Ordinance No. 20368 and Providing an Effective Date

Meeting Date: February 21, 2017 | Agenda Item Number: 1
Department: Planning and Development Department | Staff Contact: Amanda D'Souza
www.eugene-or.gov | Contact Telephone Number: 541-682-5540

ISSUE STATEMENT
When considering re-designation of the West Eugene Enterprise Zone (the Zone) in June 2016, council directed staff to convene a Task Force to revisit the program's Public Benefit Criteria. Council discussed the Task Force's progress at the January 23 work session. This public hearing is an opportunity for the public to provide feedback to council on the draft revisions to the Public Benefit Criteria. The draft ordinance is included in Attachment A.

BACKGROUND
The Oregon Enterprise Zone program is a State program established by the legislature in 1985 for the primary purposes of job creation, encouraging new investment, diversification, and competitiveness. The program offers a three-year property tax exemption for new buildings, renovation and expansion of buildings, and equipment investments made by qualified businesses located within a designated area. The exemption is designed to encourage new investment via a short-term property tax exemption, with the long-term goal of job creation and increased tax revenue for taxing districts after the exemption period. A qualified business is a (non-retail) manufacturing, processing, call-center, headquarters, distribution, or warehousing business that will increase its base employment by at least 10%. The short-term property tax exemption is limited to new, authorized investments that a qualified business makes in the Zone. The City and Lane County are co-sponsors of the Zone and initially designated the existing Zone in 2005. Council and the County redesignated the Zone for an additional 10 years in June 2016. (See Attachment B)

Public Benefit Criteria
State law allows zone sponsors to adopt local criteria for businesses authorized for participation in the Enterprise Zone program. Council and the County adopted Public Benefit Criteria in 2006 with the initial designation of the Zone. The Public Benefit Criteria encourages business practices that align with broader community goals. Businesses that do not meet enough of these Criteria are required to pay back a portion of the exemption up to 25%. In addition, the Criteria includes a job cap, which limits the amount of tax exemption a business can get depending on the number of jobs

created. Businesses in the Zone report on Public Benefit Criteria compliance annually over the course of the exemption.

When considering re-designation of the Zone in June 2016, both council and the County expressed an interest in revisiting the 2005 Criteria with the same process implemented to create the existing Public Benefit Criteria: convening a joint City/County Task Force composed of two elected officials from each governing body and a total of four community representatives, two of whom were appointed by each governing body. Members include: Councilor Poling, Councilor Pryor, Commissioner Farr, Commissioner Stewart, Jennifer McRaven, John Roberts, Leigh Anne Hogue, and Mark Johnson. The Task Force met three times from September to November 2016 to discuss changes to the Criteria. A draft of their progress to date is included in Attachment A, Exhibit A.

In general, the proposed changes include:

- Adjustments to reflect current market conditions and removing out of date criteria;
- Adding or emphasizing criteria pertaining to equity, green building and business operations, local hiring, and local sourcing of materials; and
- Reworking the point system and weighting of criteria so that businesses are required to get 15 points in Tier 1 categories.

Next Steps
The Task Force will meet one last time to consider comments and input from council's work session and today's public hearing. Once the Task Force finalizes its recommendations, both council and the County will consider an ordinance to adopt the revised Criteria.

RELATED CITY POLICIES
The Zone supports the City's prosperity goals including:

<u>Envision Eugene Pillars</u>
Provide ample economic opportunities for all community members

1(a). Plan for an employment growth rate of 1.4 percent. This growth rate translates into an increase of 35,800 jobs over 20 years.
1(c). Work with property owners of current vacant or developed industrial lands, especially those larger than 25 acres, to reduce the financial and regulatory obstacles to development, with a goal of making these sites ready for development.

<u>Regional Prosperity Economic Development Plan</u>

- *By 2020, create 20,000 net new jobs in the chosen economic opportunity areas; reduce the local unemployment rate to, or below the state average; and increase the average wage to or above the state average.*

- *Strengthen Key Industries*
    - Identify strategies to address unique and logistical needs of existing and emerging industries

- Develop associations or networks among targeted cluster businesses for innovative networking, information-sharing and provide opportunities for business growth
- Pursue opportunities to expand and recruit businesses, ideas, and entrepreneurs into our region
- Enhance our existing business and community

Bethel Economic Development Plan (Building a Better Bethel)

- *Expand regional workforce development partnerships*
  - The expansion of existing workforce development programs with area educational institutions is critical for a thriving economy that retains existing businesses as they grow and attracts new businesses

COUNCIL OPTIONS
None. Public hearing only.

CITY MANAGER'S RECOMMENDATION
None. Public hearing only.

SUGGESTED MOTION
None. Public hearing only.

ATTACHMENTS
Attachment A – Draft Ordinance
Attachment B – Enterprise Zone Overview

FOR MORE INFORMATION
Staff Contact: Amanda D'Souza
Telephone: 541-682-5540
Staff E-Mail: amanda.m.dsouza@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WEST EUGENE ENTERPRISE ZONE PUBLIC BENEFIT CRITERIA AND SCORING SYSTEM ESTABLISHED BY ORDINANCE NO. 20368 AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. On May 22, 2006, the City Council adopted Ordinance No. 20368 establishing the local Public Benefit Criteria and scoring system for the West Eugene Enterprise Zone.

B. On June 8, 2016, the City Council adopted Resolution No. 5155 authorizing the City Manager to make application to the State of Oregon for re-designation of a West Eugene Enterprise Zone.

C. On June 21, 2016, the Board of Commissioners adopted Order and Resolution No. 16-06-21-07 re-designating the Eugene Enterprise Zone jointly with the City of Eugene, effective July 1, 2016, or later if so stipulated by the Oregon Business Development Department.

D. The Oregon Economic and Community Development Department approved the application and designated the West Eugene Enterprise Zone, effective July 1, 2016.

E. In the summer of 2016, a joint City/County task force comprised of two city councilors, two county commissioners, and four community members was convened for the purpose of reviewing the West Eugene Enterprise Zone Public Benefit Criteria and scoring system that had been adopted by Ordinance No. 20368. The task force met through [*insert month]*, 2017, providing opportunities for stakeholder participation and community involvement, including public hearings, and developed a proposal for amendments to the Public Benefit Criteria and scoring system. Attached as Exhibit A to this Ordinance is the West Eugene Enterprise Zone Public Benefit Criteria and scoring system with the amendments recommended by the task force.

F. In developing its recommendation the task force gave consideration to the support of existing businesses and retention of existing jobs as important elements of the West Eugene Enterprise Zone.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings which are adopted, the local Public Benefit Criteria and scoring system for the West Eugene Enterprise Zone established by Ordinance No. 20368 are amended as set forth in Exhibit A attached to this Ordinance.

Section 2. Public benefit contributions shall be distributed on an annual basis to the following entities:

(a) 20% to Lane County;

(b) 20% to the City of Eugene; and

(c) 60% to support local education. The amount shall be distributed proportionally (based on permanent tax rates) to K-12 education, Lane ESD, and Lane Community College. The K-12 contribution shall be distributed to the 4-J and Bethel school districts in amounts proportional to the districts' enrollments.

Section 3. Notwithstanding the effective date of Ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its adoption by the Council and approval by the Mayor or upon the adoption of a Resolution or Order of the Lane County Board of Commissioners containing substantially similar provisions, whichever date is later.

Passed by the City Council this

_____ day of _____, 2017

_____
City Recorder

Approved by the Mayor this

_____ day of _____, 2017

_____
Mayor

West Eugene Enterprise Zone
DRAFT Public Benefit Criteria

Businesses who participate in the West Eugene Enterprise Zone (the Zone) are required to meet additional Public Benefit Criteria in order to qualify for the full tax exemption[1]. The Criteria encourage businesses to take steps towards achieving certain community goals and priorities.

Step 1 outlines nine public benefit categories identified and prioritized through a committee review process. Step 2 outlines the job cap criteria that limits the amount of tax exemption a business can get depending on the number of jobs created.

Step 1

A business needs to get 25 points or more to qualify for the full exemption

Tier 1 Criteria

A business needs to score at least 15 points through Tier 1 Criteria

1. Small Business This category takes into account the possibility that smaller businesses may have a harder time earning points in other categories due to funding and resource limitations.	
Indicate the number of permanent, full-time employees at submission of the Oregon Enterprise Zone Claim. ☐ Less than 25 employees = 9 points ☐ Between 25-49 employees = 7 points ☐ Between 50 and 99 employees = 5 points ☐ Between 100 and 499 employees = 2 points	Up to 9 points

[1] Authorized by ORS 285C.150

2. Wages

This category rewards businesses that offer high wages to all employees. Since the Enterprise Zones is designed to incentivize investments among traded sector* industries, the threshold is median** wages for traded sector industries.

*Traded sector industries include manufacturing, wholesale trade, & transportation/warehousing (defined by the OR Employment Dept.)
** If all salaries were arranged in order, the median wage would be the one with exactly half the data above it and half below it. The median wage is considered to be a more accurate reflection of the 'average' wage because it discounts extremes at either ends of the scale.

Companies with 25 or more employees:	**Companies with fewer than 25 employees:**	
☐ The median wage for ALL employees is **equal to or greater than** the median wage for the traded sector industries within Lane County 2016 Median Wage = $18.11 per hour	☐ The median wage for ALL employees is **equal to or greater than 85%** of the median wage for traded sector industries in Lane County 85% of 2016 Median Wage = $15.39 per hour	9 points

If the Lane County traded sector median wage drops below 120% of the minimum wage, then all companies should offer wages at or above 120% of the minimum wage to receive points.
In 2016, 120% of Lane County's minimum wage is $11.10 per hour.

3. Local Hiring and Sourcing

This category emphasizes the importance of using available local resources and networks for business operations. It focuses on using programs and practices that offer employment services and training to local jobseekers. These programs also work with employers to identify good matches for specific positions. The category also encourages businesses to source their operational materials from within the region if possible. **Maximum total of 9 points.**

The company has created a procurement plan* that demonstrates their intention to source materials needed for regular business operations from: ☐ within Oregon = 1 point ☐ within Lane County = 2 points	Up to 2 points
☐ The company utilized State approved (Oregon Apprenticeship and Training Division) apprenticeship programs during construction of the exempt investment. *	1 point
☐ The company has had a consultation with the City of Eugene's Minority and Women Business Enterprise Contracting Specialist to discuss how they can increase contracting opportunities for MWBE businesses.	2 point
A percentage of the company's new hires have been through local training/referral agencies:* ☐ Greater than 10% = 1 point ☐ Greater than 30% = 2 points ☐ Greater than 50% = 3 points	Up to 3 points
☐ Company has a diversity or equity plan or policy that outlines the steps they are taking to integrate diversity into the workplace and the hiring process.*	1 point

DRAFT

*Business will be asked to provide additional information for points claimed

4. Employee Benefits This category is designed to encourage businesses to offer additional benefits that are not mandated but can create a more positive work environment for all employees.*	
☐ Childcare	1 point
☐ Life Insurance	1 point
☐ Employer Paid Time Off (a minimum of 10 days; includes holiday, vacation, sick leave, undesignated leave)	1 point
☐ Profit Sharing	1 point
☐ Retirement Plan	1 point
☐ Transportation	1 point
☐ Wellness Program	1 point

*Business will be asked to provide additional information for points claimed

Tier 2 Criteria

Points will be combined with Tier 1 points for total points.

5. Green Building This category awards points to businesses who have made an effort to reduce their impact on the environment.* The criteria focuses on enrollment in BRING's RE:think program, as it provides a comprehensive consultation that covers a number of areas. The criteria also includes points for businesses that reduce their operational and employee impact on the region's transportation system.	
☐ The company is certified in BRING's RE:think Business program.	2 points
The business meets at least one of the following: □ Participates in LTD's Point2Point program □ Has entered into a Transportation Demand Management Agreement with the City of Eugene	1 point max
The business has completed at least one of the following: □ A consultation with the City to discuss their business operations and how to reduce the impact on the transportation system □ A consultation with the City to discuss the goals of the Climate Recovery Ordinance	1 point max
The business meets at least one of the following:* □ A business that is exempt from stormwater management requirements but has implemented on-site stormwater management □ A business who has gotten a reduction in SDCs and/or user fees by managing stormwater on-site beyond the minimum requirements	1 point max

DRAFT

☐ The company participates in the City of Eugene's Love Food, Not Waste program (if applicable)	1 point

*Business will be asked to provide additional information for points claimed

6. Redevelopment

This category aligns with the community's infill and redevelopment goals. Its purpose is to encourage the reuse of underutilized sites and to increase the productivity of already developed sites. The remediation criteria awards points to businesses that have taken steps to address on-site contamination.

☐ The exempted investment is either • Expansion of the current site, OR • Redevelopment of a brownfield, OR • Redevelopment of vacant building(s)	5 points
☐ The company remediated environmental contamination during the investment.*	1 point

*Business will be asked to provide additional information for points claimed

7. Health Insurance

This category awards points to companies who offer more healthcare coverage than is required by law. As of January 2017, businesses with 50 or more employees are required to offer healthcare coverage to their employees.

For businesses with fewer than 50 employees: ☐ Offer medical benefits for all eligible employees (employer pays at least 70% of premium)	2 points
For all businesses: ☐ Offers medical benefits for families (employer pays at least 60% of premium)	3 points

8. Training and Advancement

This category is designed to encourage businesses to provide training and advancement opportunities to their employees.*

☐ Annual training expenditure greater than or equal to the U.S. average (as a percentage of total payroll): Annual training expenditure ≥ 3.2 % (Benchmark source: American Society for Training and Development)	1 point
☐ Company has a comprehensive written policy for wage or position advancement. (Should include items such as job descriptions, position classifications, regular performance evaluations, step advancement, progression pay schedule)	1 point
☐ Company offers a diversity or equity training for employees	1 point
☐ Company has signed a Letter of Support for the National Career Readiness Certificate with Lane Workforce Partnership	1 point

*Business will be asked to provide additional information for points claimed

DRAFT

9. Investment Size This category awards points to businesses that made a significantly large investment within the Enterprise Zone. This acknowledges that these businesses will be contributing large property tax payments once the investments come onto the tax rolls after the exemption.	
Size of new investment: ☐ Assessed value equal to or greater than $2,500,000 = 2 points **OR** ☐ Assessed value equal to or greater than $5,000,000 = 4 points	4 points max

Step 2.

Job Cap Criteria

The three-year tax exemption benefit shall be limited to a maximum of $96,000 per job created or $32,000 per job created per year, whichever is less. Tax exemption benefits in excess of that amount shall be paid as a public benefit contribution.

DRAFT

West Eugene Enterprise Zone Overview

Program Summary

Description: By offering a short-term tax exemption, the purpose of the enterprise zone program is to encourage new business investment, job creation, higher incomes for local residents, and greater diversity of economic activity. Enterprise zones induce eligible businesses of all sizes to make additional investments that will improve employment opportunities and spur economic growth. Eligible business that make authorized investments within an enterprise zone will be exempted for 3 to 5 years from local assessment of property taxes on the value added to the business and property located within the enterprise zone. Enterprise zone property is also exempt for up to two years while it is being constructed or installed.

Business Firm Eligibility: Prior to commencing construction or installation of equipment or machinery, an eligible business firm must submit an application to the zone sponsor who then determines eligibility and authorizes the investment for purposes of the program. Eligible firms include manufacturers, processors, shippers, and other operations that serve other organizations, as well as headquarters and call centers. Otherwise, retail, construction, financial, and certain other activities are explicitly ineligible.

Qualified Property: Investments that result in a new building, modification or addition to a building, or new machinery or equipment qualify for exemption. Land, previously used property, and minor personal property items do not qualify.

Requirements: In exchange for the tax exemption and to continue to be eligible, authorized businesses must meet the following requirements:

3-year enterprise zone exemption

- Increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10 percent (except for special case local sponsor waivers);
- No concurrent job losses more than 30 miles from the zone;
- Maintain employment levels during exemption period;
- Enter into first source hiring agreement with local job training providers; and
- Satisfy local additional conditions.

4- or 5-year enterprise zone exemption

- All requirements for 3-year exemption;
- "Compensation" of new workers at 150% of county average wage;
- Local approval by written agreement with the local zone sponsor; and
- Additional requirements that the local zone sponsor may reasonably request.

Attachment B

West Eugene Enterprise Zone

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

2005-2016 Program Metrics

Approved Investments Currently in Progress or Completed

Number of participating businesses: 24

Number of approved investments: 30

Number of investments by local companies: 28

Estimated value of investments at application: $848 million

Estimated value of investments at application, excluding Hynix: $135 million

Average investment per business*: $5.9 million

Jobs

Total jobs projected at application*: 263

Total jobs created (based on final or most recent exemption claim)*: 551

Exemptions

Total tax exemptions granted 2005-2016*: $4.8 million

Average annual total tax exemptions*: $398,000

Average exemption per job created*: $8,665

Upcoming

Pending applications: 4

Pending proposed investments: $61 million

Pending projected job creation: 225 jobs

*excludes Hynix

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing and Possible Action: An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2017

Meeting Date: February 21, 2017 | Agenda Item Number: 2
Department: Fire | Staff Contact: Jo Eppli
www.eugene-or.gov | Contact Telephone Number: 541-682-7118

ISSUE STATEMENT

In accordance with provisions of Section 54, Article VII of the Eugene City Charter and Section 3.694 of the City Code, the cost of running the Eugene Toxics Right-to-Know Program must be fully funded by fees assessed to local manufacturing businesses that are hazardous substance users.

To support the program for fiscal year 2017-2018 (FY18), the Toxics Board recommends that City Council adopt a fee of $63.120 per full-time-equivalent employee (FTE) employed by participating businesses in 2016, up to a maximum of $2,000 as provided by state law. The $63.120 is a per FTE increase of $14.830 in comparison to last year's fee, which will maintain a staffing level at 85 percent, while keeping costs as low as possible to businesses.

BACKGROUND

Each year, beginning in 1998, Council has approved fees to support the Eugene Toxics Right-to-Know Program, first by resolution, and later, because of changes in state law, by Ordinance. Throughout the life of this program, the City has always assessed fees on the basis of number of persons employed by the participating businesses. This is because the City is prohibited by state law from charging on the basis of quantity of chemicals used.

Until 2004, the methodology was to poll the businesses at the beginning of each calendar year and ask them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly, with payment due May 1 each year as provided by the Charter.

In 2004, a state-imposed fee cap of $2,000 took effect, resulting in fee reductions for larger participating businesses, and fee increases for smaller ones. Although participating employers are still polled for their FTE figures, because of the state-imposed fee cap, those with a high number of FTE now pay a smaller amount per FTE to support the program. Previous efforts to address this perceived inequity, both locally and before the State Legislature, have been unsuccessful, and so the recommendation before Council at this time is to adopt a similar fee, similarly calculated, to those adopted in each of the past thirteen years.

Similar to previous years, the Toxics Board wants to highlight that the $2,000 state-imposed fee cap has remained the same since going into effect in 2004. This state-imposed fee cap, coupled with rising program costs, as well as inflation (all of which are beyond the Toxics Board's scope of control) have created a very serious structural funding issue for the program.

In a continued effort to balance the financial impact to especially small businesses with maintaining staffing at a reasonable level, the Toxics Board unanimously voted to recommend a fee of $63.120 per FTE, which covers a budget of $134,242.64 to support the program for FY18.

To calculate the fees for FY18, the total 2016 FTE from participating employers of 4,747.113 was used in conjunction with the revenue requirement of $134,242.64; then taking into account the state-mandated maximum of $2,000, resulted in a recommended fee of $63.120 per FTE (compared to $48.29 per FTE last year), up to $2,000 per entity. This is a per FTE increase of $14.830 in comparison to last year's fee, and will maintain a staffing level at 85 percent. Any business with more than 32 FTE (compared to 40 FTE last year) would pay the maximum $2,000 fee per entity.

RELATED CITY POLICIES

Section 54, Article VII of the City Charter provides in part as follows:

A. Each hazardous substance user shall pay an annual fee to the City of Eugene, sufficient to jointly cover the implementation of this Section, including expenses incurred by the Eugene Public Library, Fire Marshal, City of Eugene and the Toxics Board.
B. In order that this Section be self-supporting through hazardous substance user fees, the fee amounts shall be recommended annually by the Toxics Board and approved and amended as necessary by the Eugene City Council.
C. All fees due under this Section shall be paid by May 1 of each calendar year.

Section 3.694 of the City Code provides further for these fees.

COUNCIL OPTIONS

1. Conduct public hearing and act on the Ordinance.
2. Conduct public hearing and postpone action on the Ordinance.
3. Provide other direction.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the Ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5166, adopting hazardous substance user fees for the fiscal year commencing July 1, 2017.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Jo Eppli
Telephone: 541-682-7118
Staff E-Mail: joann.c.eppli@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES FOR THE FISCAL YEAR COMMENCING JULY 1, 2017.

The City Council of the City of Eugene finds that:

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the "Amendment"), the City Council has previously adopted Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20562 which established fees to be paid by hazardous substance users for the fiscal year commencing July 1, 2016.

B. In accordance with other requirements of the Amendment, the City Council, by ordinance, has adopted the City's Hazardous Substance Tracking Instructions, which provide guidance to hazardous substance users in completing and submitting the reports required by the Amendment.

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on February 21, 2017, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

D. Pursuant to ORS 453.370(2)(b), the City cannot adopt a fee schedule that imposes a fee of more than $2,000 for any single facility in any calendar year.

E. The Toxics Board has recommended a fee of $63.12 per FTE, not to exceed $2,000 for any single facility for the 2017 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of $63.12 per FTE, not to exceed $2,000 for any single facility for the 2017 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. As used in this Ordinance, the terms "FTE" and "hazardous substance users" have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 3. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Passed by the City Council this

_____ day of February, 2017.

City Recorder

Approved by the Mayor this

_____ day of February, 2017.

Mayor

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Providing For Withdrawal of Annexed Properties from the Santa Clara Fire District; Santa Clara Water District; Willakenzie Rural Fire Protection District; Lane Rural Fire/Rescue District; Junction City Water Control District; River Road Parks and Recreation District; River Road Water District; and Eugene Rural Fire Protection District 1.

Meeting Date: February 21, 2017 | Agenda Item Number: 3
Department: Planning and Development | Staff Contact: Erik Berg-Johansen
www.eugene-or.gov | Contact Telephone Number: 541-682-5437

ISSUE STATEMENT
The City Council will hold a required public hearing to consider an ordinance concerning the annual withdrawal of annexed land from special service districts.

BACKGROUND
State law and local code require properties ("territories") that are annexed to cities to withdraw from special service districts through a separate process after the annexation of those properties becomes effective. When annexed properties are withdrawn from special districts, the City assumes responsibility for providing services (such as fire protection and water service) formerly provided by the special districts, and the properties are included on the City tax roll (instead of the special service district).

Withdrawals come before the City Council on an annual basis. Properties annexed during the previous year are batched together to facilitate this process. The 2016 batch contains nine annexations approved by City Council in 2016 (for a total of 15 tax lots and a portion of the right-of-way along Hansen Lane), and one tax lot (10700) involved with annexation file # A 14-8 that was unintentionally omitted from last year's withdrawal request.

The special districts affected by this year's action are the Santa Clara Rural Fire Protection District, the Santa Clara Water District, the Willakenzie Rural Fire Protection District, the Lane Rural Fire/Rescue District, the Junction City Water Control District, the River Road Park & Recreation District, the River Road Water District, and the Eugene Rural Fire Protection District 1.

Withdrawals from special districts are reviewed by the City Council through a public hearing process, consistent with state law and local code requirements. After the public hearing, the City Council will be asked to determine whether the withdrawals meet the approval criterion established by state law and local code; the only approval criterion is that the City "*shall determine whether the withdrawal is in the best interest of the city*" (Eugene Code section 9.7835).

The attached ordinance (Attachment A) describes the affected properties and withdraws them from special districts, and also includes a map of each of the affected properties. If the withdrawals are found to be in the City's best interest, the ordinance should be adopted to make the withdrawals effective.

Withdrawals are time sensitive. State law provides that, if a withdrawal is not approved prior to March 31, the withdrawal does not become effective until July 1 of the following year. This delay would mean that the properties will remain on the tax roll of the special service districts that no longer provide services to the property for more than a year. Approving the withdrawal ordinance prior to March 31, 2017 will result in the withdrawals taking effect on July 1, 2017 and those properties being included on the City tax roll immediately thereafter. City Council action on the ordinance is scheduled for March 13, 2017.

Public notice of the hearing was published and posted as required by state law and local code requirements, including notice to the affected special service districts. As of this date, staff has not received any testimony. The inclusion of these properties on City tax rolls, and withdrawal from special districts taxation is anticipated by the property owners and by special districts as part of the annexation process.

Legal descriptions and maps (Exhibits A through J) showing the location of each annexed property subject to withdrawal are included in the council packet for the public hearing.

RELATED CITY POLICIES

The approval criterion for withdrawal from public service districts following annexation is contained in EC 9.7835, and corresponding statutory provisions at ORS 222.524, which require the City Council to find that approval of the withdrawal is in the best interest of the City.

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for March 13, 2017.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action, which is scheduled for March 13, 2017.

SUGGESTED MOTION

No motion is proposed at this time. Following the public hearing and the City's receipt of any testimony, the City Manager will make a recommendation and associated motion to be included in the council packet for action, which is scheduled for March 13, 2017.

ATTACHMENTS

A. Draft Ordinance, including Exhibits A-J (legal descriptions and maps of properties).

FOR MORE INFORMATION

Staff Contact: Erik Berg-Johansen, Associate Planner
Telephone: (541) 682-5437
Staff e-mail: erik.berg@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR WITHDRAWAL OF ANNEXED PROPERTIES FROM THE SANTA CLARA FIRE DISTRICT; SANTA CLARA WATER DISTRICT; WILLAKENZIE RURAL FIRE PROTECTION DISTRICT; LANE RURAL FIRE/RESCUE DISTRICT; JUNCTION CITY WATER CONTROL DISTRICT; RIVER ROAD PARKS AND RECREATION DISTRICT; RIVER ROAD WATER DISTRICT; AND EUGENE RURAL FIRE PROTECTION DISTRICT 1.

The City Council of the City of Eugene finds that:

A. Notice of the proposed withdrawal of real property contained in the Santa Clara Fire District; Santa Clara Water District; Willakenzie Rural Fire Protection District; Lane Rural Fire/Rescue District; Junction City Water Control District; River Road Parks and Recreation District; River Road Water District; and Eugene Rural Fire Protection District 1 ("The Districts") which have been annexed to the City, was published in the Register-Guard on February 7 and 14, 2017, posted in four public places in the City of Eugene for a period of two successive weeks prior to the hearing date, and mailed to the affected public service districts.

B. The Notice provided that a public hearing was scheduled for February 21, 2017, at 7:30 p.m., in Harris Hall at the Lane County Public Service Building in Eugene, Oregon, to allow the City Council to hear objections to the withdrawals and to determine whether the withdrawals are in the best interest of the City.

C. The City is willing to assume the liabilities and indebtedness previously contracted by the Districts proportionate to the parts of the Districts that have been annexed to the City upon the effective date of the withdrawals as provided in ORS 222.520.

D. The withdrawals of the annexed territories from the Districts are consistent with adopted City policies, and are in the best interest of the City.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following territories in Lane County, Oregon, annexed to the City of Eugene by Resolution of the Eugene City Council, are withdrawn from the Districts indicated effective July 1, 2017:

Santa Clara Fire District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Krumdieck, R.	A16-1	South of Brairs St; West of Emily Ln; West of Calumet Way	17040212	211	5151	5/9/2016	5/18/2016	Exhibit A
Cowan, D.	A16-9	Abuts Susan St to east	17041141	9402	5178	12/12/2016	12/16/2016	Exhibit B

Santa Clara Water District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Krumdieck, R.	A16-1	South of Brairs St; West of Emily Ln; West of Calumet Way	17040212	211	5151	5/9/2016	5/18/2016	Exhibit A
Cowan, D.	A16-9	Abuts Susan St to east	17041141	9402	5178	12/12/2016	12/16/2016	Exhibit B

Willakenzie Rural Fire Protection District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Kersey, D.	A16-3	3463 Gilham Rd	17030831	3600	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	Between Gilham Rd & Walton Ln	17030831	3700	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	3455 Gilham Rd	17030831	3801	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	Between Gilham Rd & Walton Ln	17030831	3800	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	3416 Walton Ln	17030831	3900	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	Between Gilham Rd & Walton Ln	17030831	3901	5164	7/25/2016	7/29/2016	Exhibit C
Kersey, D.	A16-3	Between Gilham Rd & Walton Ln	17030831	3902	5164	7/25/2016	7/29/2016	Exhibit C
Stadter, J.	A16-7	4075 Gilham Rd	17030800	303	5172	10/24/2016	11/9/2016	Exhibit D

Lane Rural Fire/Rescue District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Fam-Lee LLC	A14-8	River Rd & River Loop 2	17040232	10700	5128	2/23/2015	2/25/2015	Exhibit E
Meadowview Ventures	A16-2	29751 E Enid Rd	17040400	207	5152	5/9/2016	5/18/2016	Exhibit F

Junction City Water Control District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Fam-Lee LLC	A14-8	River Rd & River Loop 2	17040232	10700	5128	2/23/2015	2/25/2015	Exhibit E
Meadowview Ventures	A16-2	29751 E Enid Rd	17040400	207	5152	5/9/2016	5/18/2016	Exhibit F

River Road Parks and Recreation District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Forzano, J.	A16-4	106 Hansen Ln	17042521	3700	5165	7/25/2016	7/29/2016	Exhibit G

Forzano, J.	A16-4	Hansen Ln west of River Rd	17042521	3701	5165	7/25/2016	7/29/2016	Exhibit G
DSC Investment Trust	A16-6	160 Howard Ave	17041444	100	5168	9/26/2016	11/9/2016	Exhibit H
JLA Investments	A16-8	1325 Maxwell Rd	17041541	1700	5177	12/12/2016	12/16/2016	Exhibit I

River Road Water District

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
Forzano, J.	A16-4	106 Hansen Ln	17042521	3700	5165	7/25/2016	7/29/2016	Exhibit G
Forzano, J.	A16-4	Hansen Ln west of River Rd	17042521	3701	5165	7/25/2016	7/29/2016	Exhibit G
DSC Investment Trust	A16-6	160 Howard Ave	17041444	100	5168	9/26/2016	11/9/2016	Exhibit H
JLA Investments	A16-8	1325 Maxwell Rd	17041541	1700	5177	12/12/2016	12/16/2016	Exhibit I

Eugene Rural Fire Protection District 1

Name	File #	Site Address or Location	Assessor's Map	Tax Lot	Resolution	Approval Date	Effective Date	Legal Desc. & Map
McBirney Family Trust	A16-5	South of W. 40th; west of Brae Burn Dr	18031822	601	5169	9/12/2016	11/9/2016	Exhibit J

Section 2. The City Recorder is requested to forward a copy of this Ordinance to the above referred Districts.

Passed by the City Council this

___ day of _____, 2017.

_____
City Recorder

Approved by the Mayor this

____ day of _____, 2017.

_____
Mayor

Krumdieck, Richard (A 16-1)

Legal Description for the Annexation of the Krumdieck Property
to the City of Eugene
NE 1/4 SEC. 2 T 17 S, R 4 W W.M.
Assessor's Map No. 17-04-02-12, TL No. 211

Parcel 3 of Land Partition Plat No. 93-P0415 as platted and recorded November 3, 1993 in the Lane County Oregon Partition Plat Files

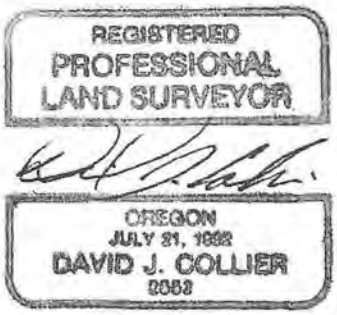
Cowan, Doug (A 16-9)

Legend

Withdrawal Area

Received
OCT 3 1 2016
City of Eugene
Planning Division

Parcel 2, Land Partition Plat No. 96-P0928, Lane County Oregon Plat Records.



Kersey, Daniel & Chris (A 16-3)

Kersey Annexation

City of Eugene Annexation Submittal

All of Map and Tax Lots: 17-03-08-31 TL 3600, 3700, 3800, 3900

Beginning at the re-entrant angle of the Thomas N. Aubrey Donation Land Claim No. 39, in Section 8, Township 17 South, Range 3 West of the Willamette Meridian; thence South 0°00'00" East 3004.40 feet along the West line of the Thomas N. Aubrey Donation Land Claim No. 39, to a point; thence South 89°54'00" East 30.0 feet across a 30.0 foot right-of-way to the **True Point of Beginning**; thence continuing South 89°54'00" East 569.50 feet; thence North 0°00'00" East 225.50 feet; thence North 89°54'00" West 449.50 feet; thence North 0°00'00" East 2.85 feet; thence North 89°54'00" West 120.0 feet to the Easterly margin of a 30.0 foot right-of-way; thence along said Easterly right-of-way South 0°00'00" East 228.35 feet to the Point of Beginning, all in Lane County, Oregon.

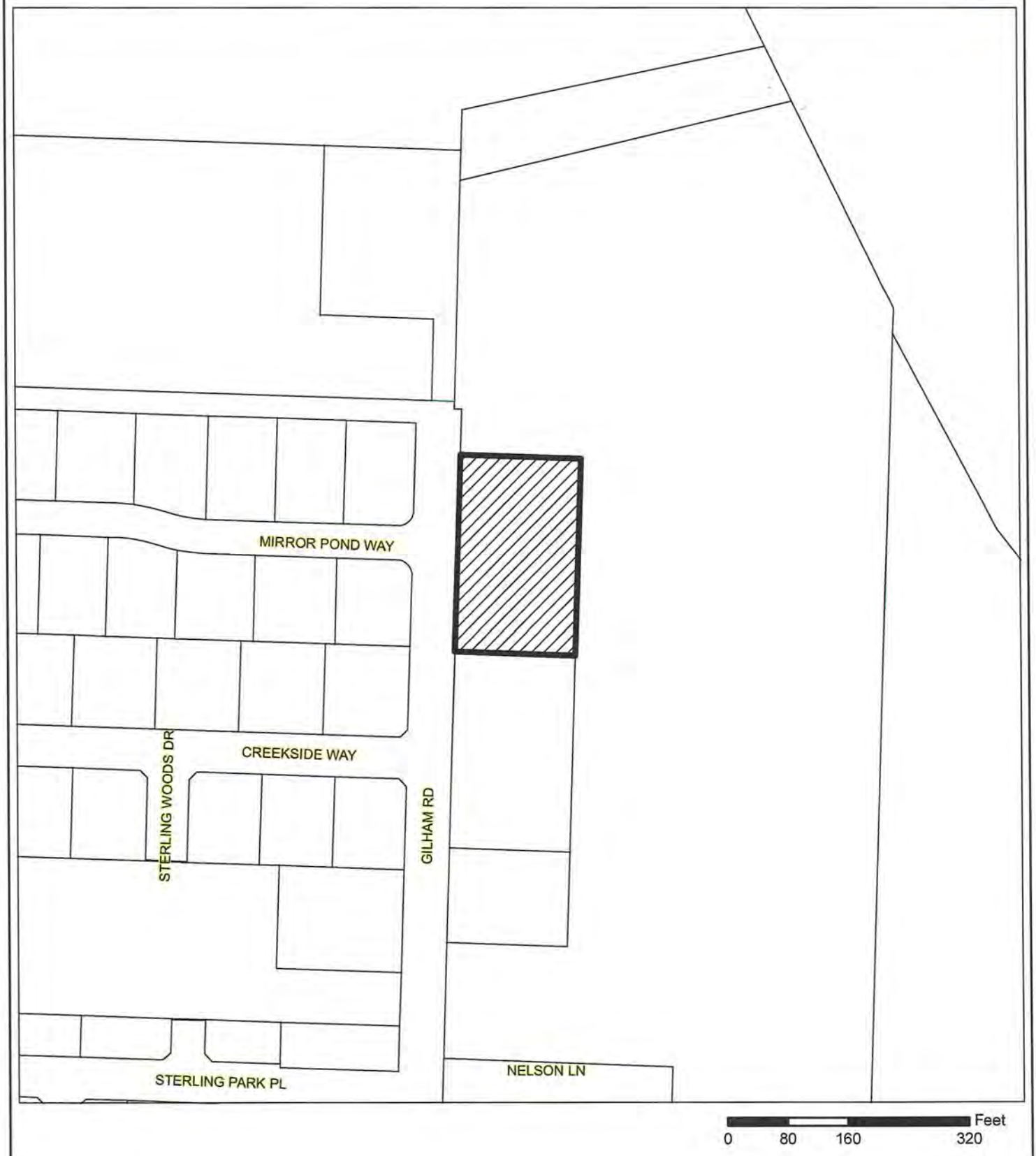
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524LS

EXPIRES: 12/31/2017

Stadter, John & Maureen (A 16-7)



Legend

Withdrawal Area

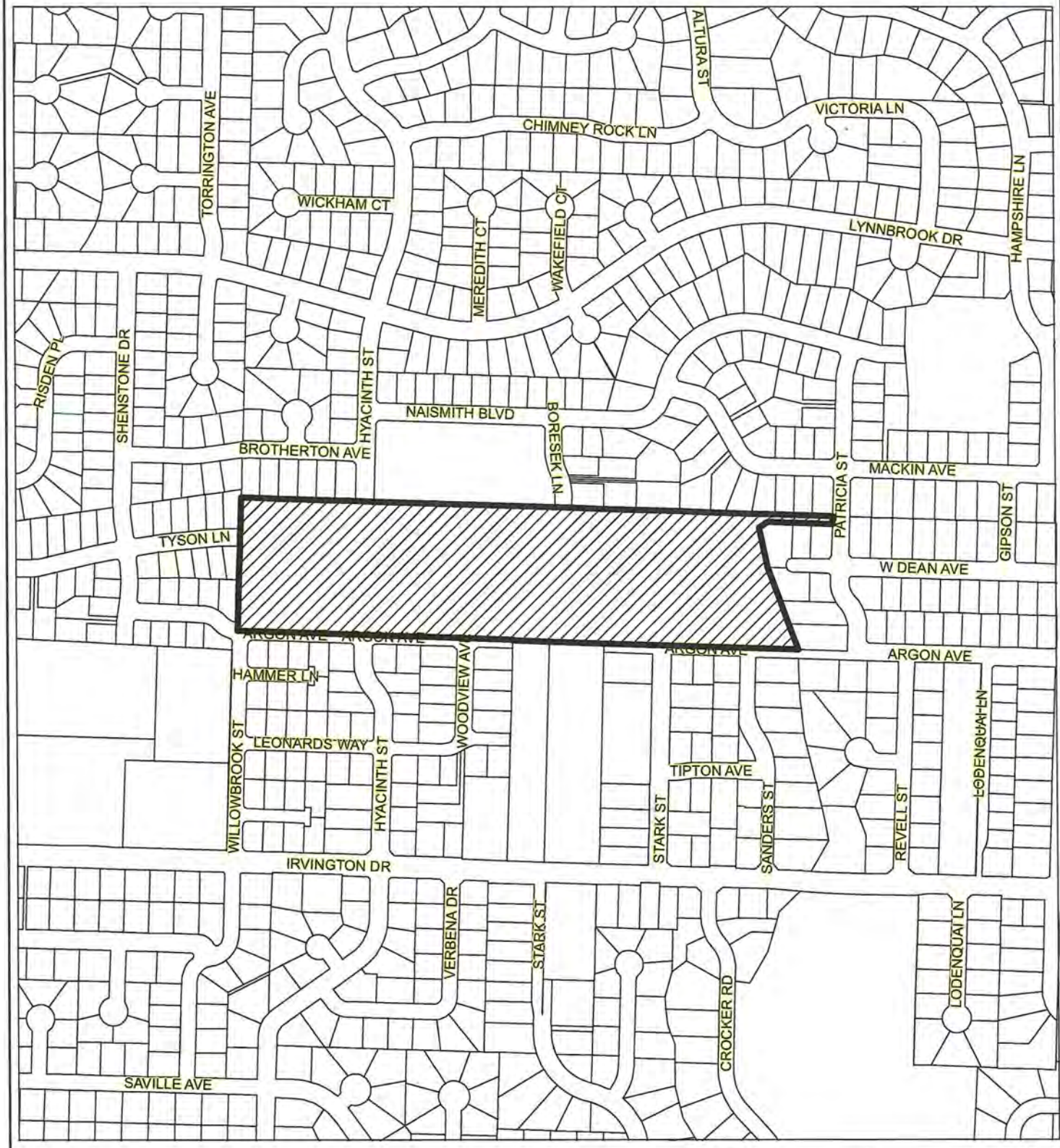
Stadter Annexation

Map 17-03-08 Tax Lot 303

Beginning at the Brass Cap marking the Northeast Corner of the A.B. Stevens Donation Land Claim No. 40, Township 17 South, Range 3 West of the Willamette Meridian; thence South 0°24'24" West 40.00 feet along the East line of said Donation Land Claim No. 40; thence South 89°33'00" East 30.00 feet to an iron pin set on the East right of way line of Gilham Road marking the **True Point of Beginning**; thence South 0°24'24" West 259.52 feet along said right of way line; thence South 89°35'36" East 160.00 feet; thence North 0°24'24" East 259.40 feet along a line parallel with the East line of said Donation Land Claim No. 40 to a point marked by an iron pin; then North 89°33'00" West 160.00 feet to the True Point of Beginning, in Lane County, Oregon.

EXPIRES: 12/31/2017

Karolyn S. Wolf Testamentary Trust (A 14-8)



Legend

Withdrawal Area

Legal Description

Tract A, Addyson Creek Subdivision.

Prairieview Ventures, LLC (A 16-2)

Legal Description of Territory to be Annexed

Lot 7, Block 1, WAREHOUSE CITY, as platted and recorded in Book 71, Page 17, Lane County Oregon Plat Records, in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael R Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: 12-31-2017

Forzano (A 16-4)

Legend

Withdrawal Area

Legal Description of Affected Territory to be Annexed

(Tax Lot #3700, #3701 and a portion of Hansen Lane)

A unit of land being situated in the northwest 1/4 Section 25, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of River Road, said point being perpendicular to and 60.00 feet opposite centerline station 21+16.14, said point also being located on the south right-of-way line of Hansen Lane;

Thence along the south right-of-way line of Hansen Lane, West 200.79 feet +/- to the northeast corner of Tax Lot #3701;

Thence leaving the south right-of-way line of Hansen Lane, South 126.30 feet to the southeast corner of Tax Lot #3701;

Thence West 50.00 feet to the southwest corner of Tax Lot #3701;

Thence continuing West 50.00 feet to the southwest corner of Tax Lot #3700;

Thence North 126.30 feet to the northwest corner of Tax Lot #3700, said northwest corner also being located on the south right-of-way line of Hansen Lane;

Thence continuing North 40.00 feet to the north right-of-way line of Hansen Lane;

Thence along the north right-of-way line of Hansen Lane, East 259.29 feet +/- to a point on the westerly right-of-way line of River Road, said point being perpendicular to and 95.00 feet opposite centerline station 21+61.75;

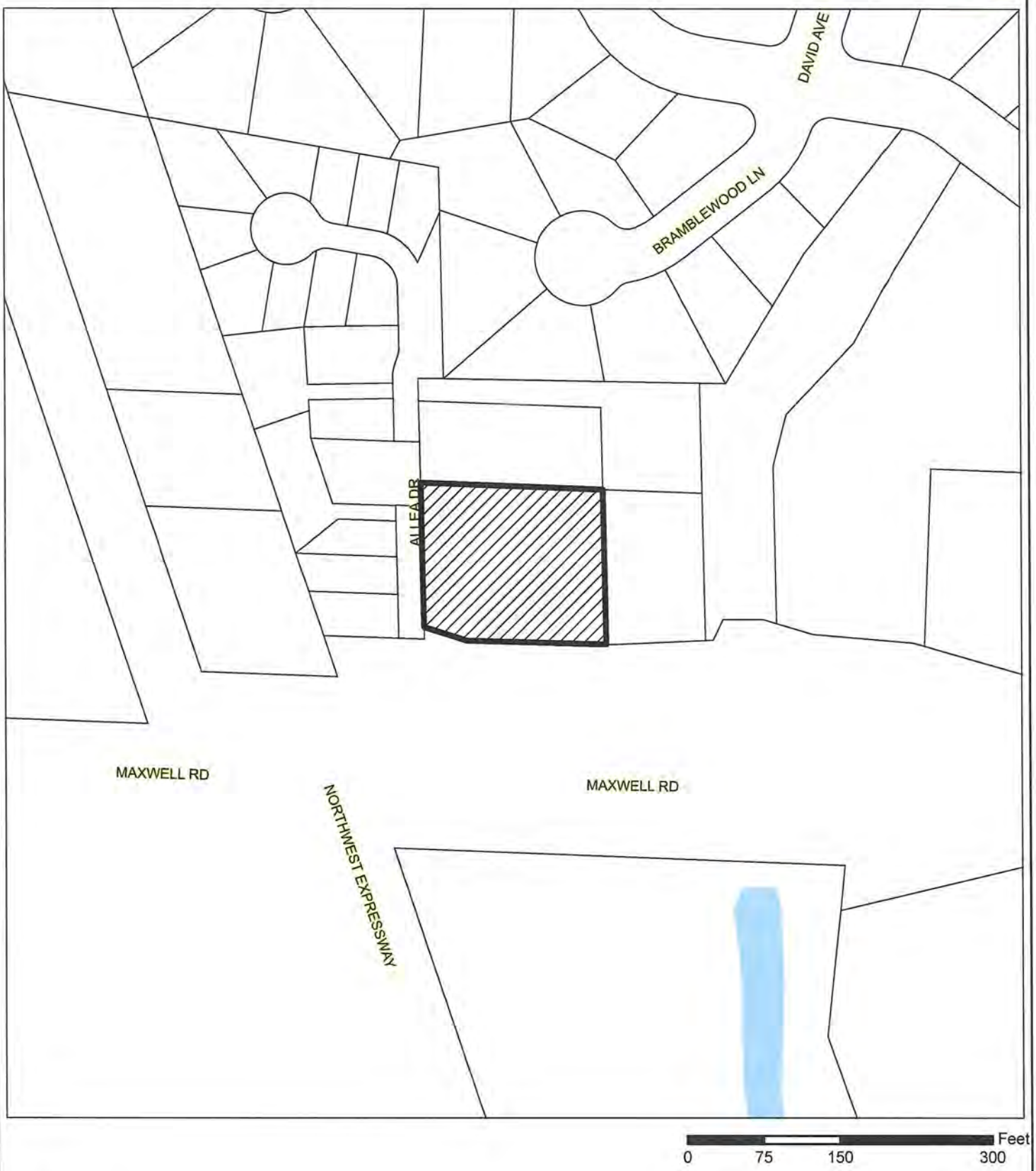
Thence South 46°03'19" East 57.64 feet to the point of beginning, all in Lane County, Oregon and containing 23,832 square feet (.55 acres) of land, more or less.

RENEWS: 12-31-2017

Cowan, Doug (A 16-6)

Beginning at the Northeast corner of Lot 2, Block 1, Huetter Park, as platted and recorded in Book 19, Page 20, Lane County Oregon Plat Records, thence East 100 feet; thence North 213 feet to the South line of Howard Avenue; thence West 100 feet; thence South 213 feet to the point of beginning, in Lane County, Oregon.

JLA Investments (A 16-8)



Legend

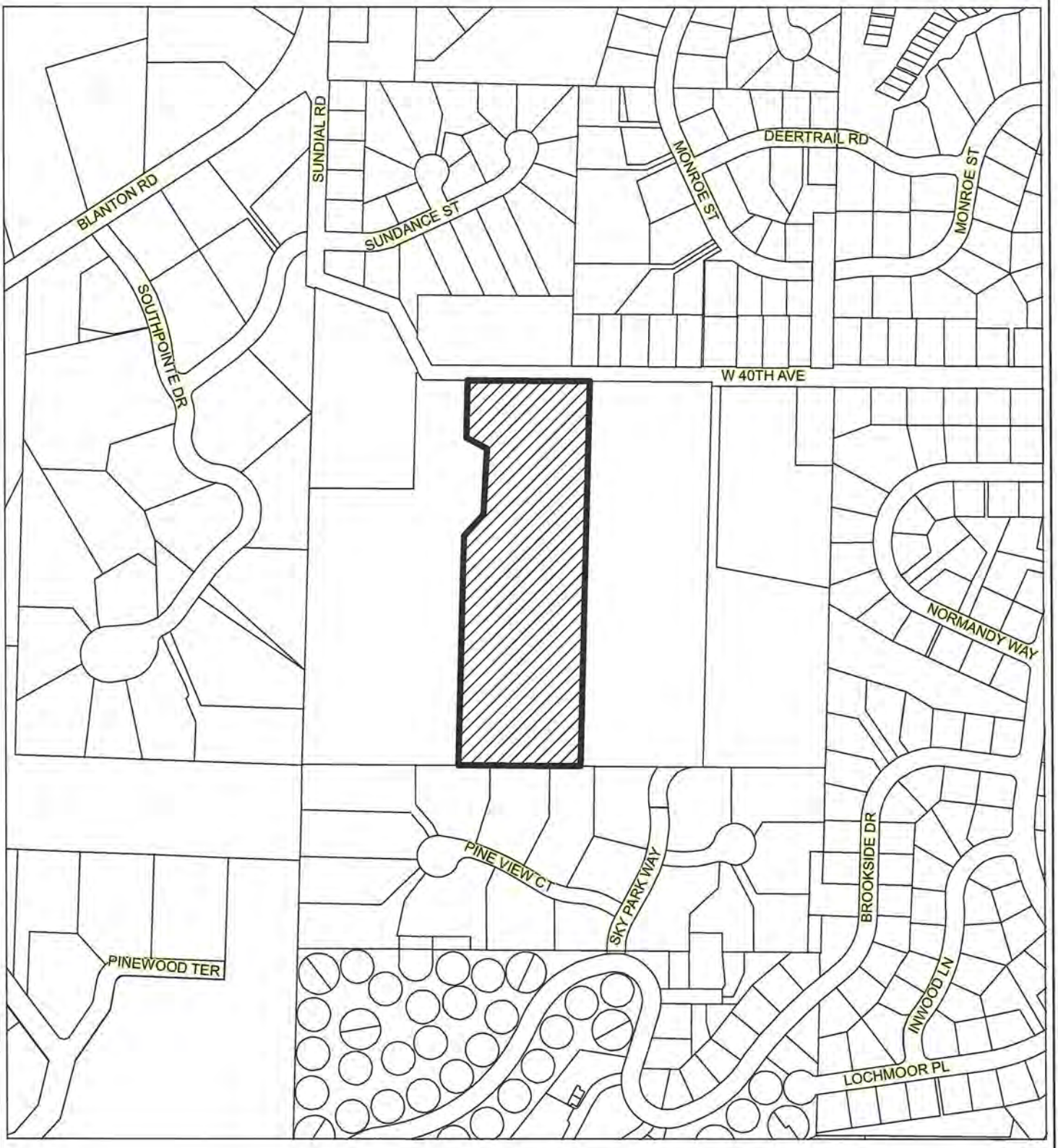
Withdrawal Area

10/31/16

Description of Property to be Annexed

Beginning at the Southeast corner of ALLEA ESTATES as platted and recorded in document No. 2013-054010, Lane County Oregon Official Records, said point also being on the Northerly margin of Maxwell Road; thence leaving said Northerly margin along the Easterly boundary of said ALLEA ESTATES, North 3° 03' 00" West 160.17feet; thence North 89° 03' 00" East 177.00 feet; thence South 3° 03' 00" East 163.11 feet to said Northerly margin of Maxwell Road; thence along said Northerly margin of Maxwell Road the following courses and distances West 133.59 feet, North 74° 58' 41" West 19.19 feet, South 5.00 feet, West 25.02 feet to the point of beginning in Lane County, Oregon.

McBirney Family Trust (A 16-5)



0 150 300 600 Feet

N

Legend

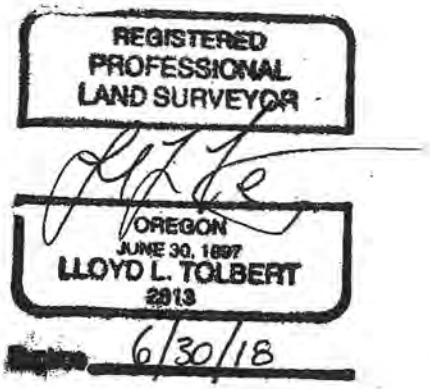
Withdrawal Area

LEGAL DESCRIPTION
FOR THE ANNEXATION OF THE MCBIRNEY FAMILY TRUST PROPERTY
TO THE CITY OF EUGENE
ASSESSOR'S MAP NO. 18-03-18-22, TAX LOT 601
JULY 20, 2016

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book, 2 Page 28 Lane County Oregon Plat Records; thence along the west line of said Lot 24 South 00°03'06" East 175.01 feet; thence leaving said west line bearing South 64°13'13" East 62.55 feet; thence South 01°23'40" West 177.46 feet; thence South 41°32'34" West 78.06 feet returning to said west line; thence along said west line South 00°03'06" East 606.61 feet to the north line of Lot 10, Sky Park Estates P.U.D as platted and recorded in File 73, Slide 717 in the Lane County Oregon Plat Records; thence along said north line of Sky Park Estates P.U.D. North 88°32'33" East 87.94 feet to the northeast corner of said Lot 10, being common to the north west corner of Lot 9; thence North 88°34'45" East 161.68 feet to the northeast corner of said Lot 9, being common to the northwest corner of Lot 8; thence North 88°28'41" East 81.20 feet; thence leaving said north line of Sky Park Estates P.U.D. and along the east line of said Lot 24 North 0°02'16" West 1044.97 feet to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet to the point of beginning, all in Lane County, Oregon.

Containing 7.66 acres, more or less

Courses and distances depicted hereon are based on County Survey File 42825, on file in the office of the Lane County Surveyor, in Lane County, Oregon.



EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Removing the Sunset Dates of the Rest Stop and Dusk-to-Dawn Programs

Meeting Date: February 21, 2017 | Agenda Item Number: 4
Department: City Manager's Office | Contact: Regan Watjus
www.eugene-or.gov | Contact Telephone Number: 541-682-8442

ISSUE STATEMENT
This public hearing is an opportunity for the public to provide feedback to the Eugene City Council on an ordinance that removes the sunset date for the rest stop and Dusk-to-Dawn pilot programs. After the public hearing, the Council is scheduled to take action on February 27, 2017. If no further action is taken, the programs will sunset on March 31, 2017 and need to either be renewed or repealed.

BACKGROUND
Program Overview
The rest stop program was initiated by Council in September 2013 to provide a temporary housing option to the community through a low cost, safe, transitional sheltering program. The program currently supports five rest stops, each of which allows up to 20 individuals to stay and keep their belongings while they work to find more permanent housing. Managing non-profits are responsible for the day to day operations of each site. The City contributes to the program through the Council-enacted ordinance. Properties used for this purpose require Council approval. The rest stop program has served over 300 people in the last two year reporting period and helped at least 89 get into permanent housing situations.

The Dusk to Dawn program was approved by the City Council in November 2015 to provide additional sleeping options for people who are homeless. The program allows people who are experiencing homelessness to sleep overnight at City approved sites between the hours of 4:30 pm and 7:30 am. A provision was added and approved in March 2016 to allow the City Manager to consider the seasonal sunset in determining the hours of permitted overnight sleeping in the Dusk-to-Dawn program. The Dusk-to-Dawn program managed by St. Vincent de Paul has served over 300 people to date, and its capacity expanded during the recent winter months of 2016-2017 compared to the previous winter.

Previous Council Actions
The City Council has renewed the rest stop program by ordinance amendment three times. The most recent amendment to extend the program was approved in March 2016. This latest amendment also extended the Dusk-to-Dawn program, and now both programs are scheduled to

sunset March 31, 2017. At the November 16, 2016 Council Work Session on this topic, Council unanimously approved a motion that the sunset date on the rest stop program should be eliminated. Therefore, this public hearing is being held to receive feedback from the public on the proposed ordinance to remove the sunset dates from the programs. The establishment of any new rest stop or Dusk-to-Dawn site will still require approval from City Council.

RELATED CITY POLICIES

1. Eugene Code 4.816 Permitted Overnight Sleeping.
2. Council goal for a safe community: A community where all people are safe, valued and welcome.

CITY MANAGER'S RECOMMENDATION

This is a public hearing. There is no City Manager recommendation.

SUGGESTED MOTION

None; public hearing only.

ATTACHMENTS

A. Proposed Ordinance
B. Ordinance No. 20517, adopted September 2013—An Ordinance Concerning Permitted Overnight Sleeping; Amending Section 4.816 of the Eugene Code, 1971; and Providing a Sunset Date for Uncodified Provisions (the rest stop pilot program).
C. Ordinance No. 20559, adopted November 2015—An Ordinance Adopting the "Dusk to Dawn" Permitted Overnight Sleeping Pilot Program and Providing for an Immediate Effective Date.
D. Ordinance No. 20563, adopted March 2016—An Ordinance Extending the Sunset Dates of the Rest Stop and Dusk-to-Dawn Pilot Programs; Amending Ordinance No. 20559; and Providing for an Immediate Effective Date.

FOR MORE INFORMATION

Staff Contact: Regan Watjus, City Manager's Office
Telephone: 541-682-8442
E-Mail: Regan.S.Watjus@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE REMOVING THE SUNSET DATES OF THE REST STOP AND DUSK-TO-DAWN PROGRAMS.

The City Council of the City of Eugene finds as follows:

A. On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that Ordinance adopted a permitted overnight sleeping ("rest stop") pilot program with a sunset date of March 31, 2014. The program was amended by Ordinance No. 20547. The rest stop program sunset date has been extended, most recently on March 14, 2016, by Ordinance No. 20563, which extended the sunset date to March 31, 2017.

B. On November 24, 2015, Ordinance No. 20559 was adopted establishing the permitted overnight sleeping (dusk to dawn) pilot program with a sunset date of March 31, 2016. The dusk to dawn program was amended and the sunset date extended to March 31, 2017, by Ordinance No. 20563 on March 14, 2016.

C. The Council has decided to remove the sunset date of the rest stop and dusk to dawn programs.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN that the sunset date for the rest stop program adopted in Section 3 of Ordinance No. 20517 and amended by Ordinance No. 20547, and the dusk to dawn program adopted by Ordinance No. 20559, is repealed.

Passed by the City Council this

_____ day of February, 2017.

_____
City Recorder

Approved by the Mayor this

___ day of February, 2017.

_____
Mayor

COUNCIL ORDINANCE NO. 20517

COUNCIL BILL 5098

AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING; AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE FOR UNCODIFIED PROVISIONS.

ADOPTED: September 25, 2013

SIGNED: September 25, 2013

PASSED: 6:2

REJECTED:

OPPOSED: Clark, Poling

ABSENT:

EFFECTIVE; September 25, 2013

ORDINANCE NO. 20517

AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING; AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE FOR UNCODIFIED PROVISIONS.

The City Council of the City of Eugene finds as follows:

A. Section 4.816 of the Eugene Code, 1971 (EC) provides for the regulation of overnight sleeping.

B. In order to create additional sleeping options for people who are homeless, Ordinance No. 20484 was adopted temporarily allowing overnight sleeping in a tent where overnight sleeping would be allowed in a vehicle. The sunset date of that provision was extended to December 31, 2014 by Ordinance No. 20501. Ordinance No. 20503 was adopted allowing overnight sleeping in a "Conestoga hut" where overnight sleeping would be allowed in a vehicle. That Ordinance will sunset on October 1, 2013. EC 4.816 should be amended to make those provisions permanent.

C. In addition, a pilot program expanding the permitted overnight sleeping provisions should be established and remain in effect until March 31, 2014, which will allow the City to monitor the program to determine whether it should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Subsection (1) of EC 4.816 is amended to provide as follows:

4.816 Permitted Overnight Sleeping.

(1) Notwithstanding any other provision of this code:

(a) Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection (1), the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.

(b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep

in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.

(c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than six vehicles used for sleeping at any one time.

Section 3. The following provisions are adopted as a pilot program and shall sunset and be repealed on March 31, 2014, unless extended or made permanent by future Council action:

Permitted Overnight Sleeping Pilot Program.

(1) Up to 15 persons may sleep overnight in vehicles, as that term is defined in section 4.816(1)(a) of this code on property authorized pursuant to Section 4 of this ordinance.

(2) No site may be used for overnight sleeping pursuant to subsection (1) of this section unless one or more entities enters into the agreement with the City referenced in Section 4 of this ordinance and one or more entities other than the City provides, at no cost to the City, adequate garbage, toilets and supervision. The entity providing supervision shall work with surrounding and nearby neighbors (businesses or residences) to address any concerns.

Section 4. The City Manager shall recommend to the City Council one or more proposed sites for the pilot project authorized by Section 3 of this Ordinance. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial. Before a proposed site may be used, the site must be approved by the City Council by motion and an agreement must be executed between the City and the entity referred to in subsection (2) of Section 3 above. Such an agreement may include but is not limited to provisions concerning (a) supervision, (b) selection of the individuals who may camp at the site, (c) number of continuous days that someone may camp at the site, (d) hours that people may stay at the site in addition to 9:00 p.m. to 7 a.m., (e) structures and

other items that may be placed on the site, and (f) closure of the site for non-compliance with the terms of the agreement.

Section 5. Due to the inclement weather and the need to provide assistance to homeless persons as soon as possible, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Passed by the City Council this
25th day of September, 2013.

Beth Forrest
City Recorder

Approved by the Mayor this
25 **day of September, 2013.**

Kitty Piercy
Mayor

ATTACHMENT C

COUNCIL ORDINANCE NO. 20559

COUNCIL BILL 5149

AN ORDINANCE ADOPTING THE "DUSK TO DAWN" PERMITTED OVERNIGHT SLEEPING PILOT PROGRAM AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ADOPTED: November 23, 2015

SIGNED: November 24, 2015

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: Immediate

ORDINANCE NO. 20559

AN ORDINANCE ADOPTING THE "DUSK TO DAWN" PERMITTED OVERNIGHT SLEEPING PILOT PROGRAM AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. In order to create additional sleeping options for people who are homeless, a pilot program ("the Dusk to Dawn program") expanding the permitted overnight sleeping provisions should be established allowing homeless persons to sleep overnight on City approved sites between the hours of 4:30 p.m. and 7:30 a.m.

B. The Dusk to Dawn program should remain in effect until March 31, 2016. The termination date of this program coincides with the current sunset date of the Rest Stop program, and will allow the City to monitor the program to determine whether it should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are adopted as the Dusk to Dawn program and shall sunset and be repealed on March 31, 2016, unless extended or made permanent by future Council action:

Dusk to Dawn Permitted Overnight Sleeping Pilot Program. Notwithstanding section 4.815 of the Eugene Code, 1971, the City Manager is authorized to permit persons to sleep overnight at designated sites, between the hours of 4:30 p.m. and 7:30 a.m., under the following circumstances:

1. The City Manager shall recommend to the City Council proposed sites for the Dusk to Dawn program. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, another governmental entity, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial.
2. Before a proposed site may be used, the site must be approved by the City Council by motion and the City Manager must adopt an administrative rule governing use of the site.
3. The City Manager may close a site at any time upon determining that allowing camping at a site would create dangerous conditions or a health threat to the public.

Section 2. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in order to provide additional places for people to camp.

Passed by the City Council this
23rd day of November, 2015.

Beth Forrest
City Recorder

Approved by the Mayor this
24 **day of** Nov **, 2015**

Kitty Piercy
Mayor

COUNCIL ORDINANCE NO. 20563

COUNCIL BILL 5153

AN ORDINANCE EXTENDING THE SUNSET DATES OF THE REST STOP AND DUSK-TO-DAWN PILOT PROGRAMS; AMENDING ORDINANCE NO. 20559; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

ADOPTED: March 14, 2016

SIGNED: March 16, 2016

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: Immediately upon Mayor's signature

ORDINANCE NO. 20563

AN ORDINANCE EXTENDING THE SUNSET DATES OF THE REST STOP AND DUSK-TO-DAWN PILOT PROGRAMS; AMENDING ORDINANCE NO. 20559; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that Ordinance adopted a permitted overnight sleeping ("rest stop") pilot program with a sunset date of March 31, 2014.

B. The rest stop program sunset date has subsequently been extended, most recently on July 25, 2015, by Ordinance No. 20554, which extended the sunset date to March 31, 2016.

C. On November 24, 2015, Ordinance No. 20559 was adopted establishing the permitted overnight sleeping (dusk to dawn) pilot program with a sunset date of March 31, 2016.

D. The Council has decided to extend the sunset date of the rest stop and dusk to dawn pilot programs to March 31, 2017. In addition, Ordinance No. 20559 establishing the dusk to dawn program is being amended to allow the City Manager to consider the seasonal sunset in determining the hours of permitted overnight sleeping at designated sites.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The rest stop pilot program adopted in Section 3 of Ordinance No. 20517, and the dusk to dawn pilot program adopted by Ordinance No. 20559, shall sunset and be repealed on March 31, 2017, unless extended or made permanent by future Council action.

Section 2. The dusk to dawn pilot program adopted in Section 1 of Ordinance No. 20559 is amended to provide as follows:

> **Dusk to Dawn Permitted Overnight Sleeping Pilot Program.** Notwithstanding section 4.815 of the Eugene Code, 1971, the City Manager is authorized to permit persons to sleep overnight at designated sites, between the hours of 4:30 p.m. and 7:30 a.m., under the following circumstances:
>
> **1.** The City Manager shall recommend to the City Council proposed sites for the Dusk to Dawn program. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, another governmental entity, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial.
>
> **2.** Before a proposed site may be used, the site must be approved by the City

Council by motion and the City Manager must adopt an administrative rule governing use of the site.

3. The City Manager may close a site at any time upon determining that allowing camping at a site would create dangerous conditions or a health threat to the public.
4. In determining the hours that the City Manager permits persons to sleep overnight at designated sites, the City Manager shall consider, among other things, the seasonal sunset.

Section 3. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor' s veto. An immediate effective date is necessary in order to continue to provide additional places for people to camp.

Passed by the City Council this

14th day of March, 2016.

Beth Forrest
City Recorder

Approved by the Mayor this

16 day of March, 2016.

Kitty Piercy
Mayor