



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

November 28, 2016

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

Meeting of November 28, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

Greg Evans, President
George Brown
George Poling
Claire Syrett

Alan Zelenka, Vice President
Mike Clark
Chris Pryor
Betty Taylor

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

1. PUBLIC FORUM

2. CONSENT CALENDAR

(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

A. Approval of City Council Minutes

B. Approval of Tentative Working Agenda

C. Resolution Approving a Low-Income Rental Housing Property Tax Exemption for the Property Located at 3350 Willamette Street, Eugene, Oregon. (St. Vincent de Paul Society of Lane County/ Applicant.)

3. PUBLIC HEARING

An Ordinance Concerning Erosion Prevention and Amending Sections 6.406, 6.625, 6.630, 6.635, and 6.640 of the Eugene Code, 1971.

4. WORK SESSION

Industrial Corridor Community Organization

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: November 28, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: November 28, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the following minutes: November 9, 2016, Work Session, November 14, 2016, Meeting, and November 16, 2016, Work Session.

ATTACHMENTS

- A. November 9, 2016, Work Session
- B. November 14, 2016, Meeting
- C. November 16, 2016, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

November 9, 2016
12:00 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy opened the November 9, 2016, meeting of the Eugene City Council.

1. WORK SESSION: Downtown Update

Police Chief Pete Kerns and Assistant City Manager Sarah Medary gave a brief PowerPoint presentation on downtown, including the history and context, social services and public safety, parks plazas and facilities, programming, health, smoke-free parks, amenities, and additional strategies for improvement.

Council discussion:

- Acknowledge the difference between homelessness and antisocial behavior.
- Create a short-term shelter; certain behaviors should not be tolerated.
- Provide more safe spaces for people to go; donation meter was a great idea.
- Provide additional dog waste stations, public restrooms, and way-finding maps.
- Park blocks feel unsafe and unwelcoming; appreciate all the tools that are being utilized.
- Closing the park or taking away the shelters is counterproductive to goal of creating welcoming environment.
- Dog license requirement should not be limited to downtown.
- Installation of security cameras could raise serious civil liberty issues.
- Many behavioral issues cannot be solved by public safety strategies alone.
- Send outreach team to address issues before using a police response.
- Presence of security cameras will just move the problems somewhere else.
- Focus on making actual changes/improvements to parks, rather than on closures.
- Greater concentration on the arts is needed.
- More emphasis on control of dogs by their owners is needed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to have further discussion on the installation of security cameras in the Park Blocks as part of the effort to improve safety and discourage illegal activity in the area. **FAILED 3:5** Councilors Poling, Clark, and Evans in support.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to have further discussion on the temporary closure of the areas under and around the concrete awnings in the Park Blocks, except for when the awnings are being used for permitted events, as part of the

effort to improve safety and discourage illegal activity in the area. **PASSED 5:3**, Councilors Brown, Taylor and Syrett opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to hold a work session and direct the City Manager to schedule a public hearing on adopting smoke-free areas in the downtown activity zone. **PASSED 5:3**, Councilors Brown, Taylor and Clark opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to direct the City Manager to schedule a work session on a code amendment that requires any dog brought into the downtown activity zone to be licensed.

PASSED 5:3 Councilors Brown, Taylor and Zelenka opposed.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

November 14, 2016
7:30 p.m.

Councilors Present: George Brown, Betty Taylor, George Poling, *Mike Clark via phone*, Greg Evans, Claire Syrett, Chris Pryor

Councilors Absent: Alan Zelenka

Council President Greg Evans opened the November 14, 2016, meeting of the Eugene City Council, and announced that Mayor Kitty Piercy was in Washington D.C. on City business.

1. PLEDGE OF ALLEGIANCE TO THE FLAG:

Led by Travis Hargitt, the council and meeting attendees recited the Pledge of Allegiance to the Flag in honor of Veterans Day on November 11.

2. ACTION: Resolution 5174 Declaring the City of Eugene's Commitment to Being a Welcoming, Inclusive, And Safe Community for Everyone

MOTION AND VOTE: Councilor Evans, seconded by Councilor Taylor moved to adopt Resolution 5174. **PASSED 7:0**

3. PUBLIC FORUM:

1. Sam Hahn – Said Whitaker Council supports more rest stops, but not in Ward 7.
2. John Brown – Opposed use of leaf blowers that cause street litter to go into river.
3. Irene Alltucker – Appreciated downtown improvements to the park blocks.
4. Jerry Diethelm – Supported renaming/rezoning of Broadway Plaza to Kesey Square.
5. Jennifer Hoover – Supported more rest stops and police officers citywide.
6. Laurence Siskind – Supported 1,000 ft. buffer between marijuana dispensaries.
7. Donna Riddle – Supported keeping canopies in the park blocks as they provide needed shelter.
8. Sue Sierralupé – Supported a variety of places for people to be and more restrooms.
9. David Hazen – Supported more rest stops and micro-housing citywide.
10. Ian Curtis – Supported use of Lane Transit District busses.
11. Abraham Luedtke – Supported the Climate Recovery Ordinance and more action on the TSP.
12. Brent Was – Supported more rest stops citywide, especially in Ward 2.
13. Lynne McKinney – Supported more shelters for homeless, especially those with disabilities.
14. David Fryefield – Supported more access to pools in Eugene.
15. Pat Hadley – Supported rest stop programs like Nightingale citywide.
16. Rainy Woods – Supported rest stop programs like Nightingale citywide.
17. Kristy Murray – Supported conflict resolution and diversity trainings for EPD.

18. Bernadette Bourassa – Supported more action to help Standing Rock.
19. Tracy Joscelyn – Supported more rest stops in every ward of the city.
20. Jennifer Frenzer-Knowlton – Supported expansion of rest stop program.
22. Betty Grant – Supported more rest stops in every ward of the city.
23. Heather Sielicki – Supported more rest stops in every ward of the city.
24. Chris Cunningham – Supported Nightingale having a permanent location, more rest stops.
25. Wes Georgiev – Supported more action on the climate recovery ordinance.
26. Alden McWayne – Supported transparency of actions on the climate recovery ordinance.
27. Michael Carrigan – Supported more rest stops in every ward of the city.
28. Corina MacWilliams – Supported continued action on the climate recovery ordinance.
29. Morgan Glenn – Supported the 1,000 ft. buffer zone between marijuana dispensaries.
30. Kay Kelly – Supported more rest stops citywide.
31. Lonnie Douglas – Supported more shelters for homeless and affordable housing.
32. David Strahan – Supported expansion and more rest stops citywide.
33. Alfredo Gormezano – Supported more rest stops citywide.
34. Bob Cassidy – Supported relocating City Hall in EWEB building at no cost.
35. Sally Phillips – Supported more rest stops like Opportunity Village citywide.
36. Jennifer Riehl – Supported more rest stops and efforts to help the homeless.
37. Brad Foster – Supported more rest stops in every ward of the city.
38. Susan Thomas – Supported more rest stops in every ward of the city.
39. Tod Schneider – Supported revisiting the ordinance to allow more rest stops citywide.
40. Leah Riedlinger – Introduced the idea of Lunch Match to help with communication.
41. Sylvan Magnus – Supported the 1,000 ft. buffer zone between marijuana dispensaries.
42. Lydia Lord - Supported more rest stops in every ward of the city.
43. Douglas Bovee – Supported more rest stops in every ward of the city.
44. Moshie Immerman- Supported holding a hearing to have the County sue Trillium.

Council discussion

- Very gratifying to hear support on rest stops; will increase public safety in Whitaker.
- Eager for expansion of rest stops and micro-housing.
- Request for list of tax lots and addresses of City-owned surplus properties.
- Important to stop demonizing each other after the election.

4. CONSENT CALENDAR:

MOTION AND VOTE: Councilor Evans, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar. **PASSED 7:0.**

5. ACTION: An Ordinance Concerning Annual Maintenance of the Land Use Code and Amending Sections 9.0500, 9.2160, 9.2451, 9.2461, 9.2600, 9.2620, 9.2750, 9.2777, 9.3165, 9.3210, 9.3215, 9.3970, 9.4130, 9.6210, 9.6640, 9.7000, 9.7015, 9.7230, 9.7405, 9.7505, 9.7810, 9.8005, 9.8085, 9.8090, 9.8215, 9.8220, 9.8320, 9.8325, 9.8360, 9.8423, 9.8430, 9.8440, 9.8445, 9.8515, 9.8520, 9.8705, 9.8710, 9.8750, 9.8755, 9.8760, 9.8810 and 9.8855 of the Eugene Code, 1971

MOTION AND VOTE: Councilor Evans, seconded by Councilor Taylor, moved to adopt Council Bill 5159, an ordinance concerning annual maintenance of Land Use Code. **PASSED 7:0.**

6. WORK SESSION: Human Rights Commission FY 2017 Work Plan and FY 2016 Annual Report.

Human Rights Neighborhood Involvement Manager Jennifer Van Der Haeghen, Commissioner Jennifer Frenzer-Knowlton, and Commissioner Ken Neubeck, shared the FY 2016 annual report and accomplishments, and the FY 2017 work plan.

Council discussion:

- Human Rights Commission work is more important than ever.
- Support finding more ways to let the community know the HRC exists.
- Appreciate recognition that emerging issues are often significant and should be prioritized; pleased to see accessibility issues included.
- There are no undesirable people downtown; but there are undesirable behaviors.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Taylor, moved to approve the Human Rights Commission FY 2017 work plan. **PASSED 7:0**

7. ACTION: Initiation of Renaming and Rezoning Process for Broadway Plaza

MOTION AND VOTE: Councilor Poling, seconded by Councilor Clark, moved to table item #7 until such time the public spaces review comes back to council for discussion.

PASSED 5:2, Councilors Brown and Taylor opposed.

The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

November 16, 2016
12:00 p.m.

Councilors Present: George Brown, Alan Zelenka, George Poling, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Betty Taylor, Greg Evans

Mayor Piercy opened the November 16, 2016, meeting of the Eugene City Council.

1. WORK SESSION: Rest Stop and Opportunity Village Pilot Programs

Homeless Policy Coordinator Regan Watjus and City Manager's Office Division Manager Mia Cariaga, gave a PowerPoint presentation discussing community and City efforts around local emergency homeless shelter efforts, including Opportunity Village Eugene (OVE), rest stops, 2015 impacts and current locations, and recommendations.

Council discussion:

- One of the most important aspects of the rest stop programs is its community support.
- Success of these rest stops is beyond expectations; no negative impacts reported.
- Goal is to create 600 affordable housing in the next five years.
- Rest stops and Opportunity Village possible because of countless community members.
- Rest stops and OVE have had a positive impact on the community; continue and expand.
- Facilities should be spread all around the community to be more equitable.
- More information about the demands and need for rest stops requested.
- Rest stops and OVE are just one piece of a larger stagey to address homelessness.
- Strongly support the proposed recommendations; dispersal policy needed.
- City should provide funding for the programs including staff time.
- Video on rest stops needs to be shown at every neighborhood association meeting.
- Shutting down a rest stop to move it is counterproductive; more beds are needed.
- Strongly support removing the sunset date for the rest stops; make program permanent.
- Education and outreach is key; the video on rest stops is effective tool.
- Working groups in wards should consist of residents, businesses, and schools.
- Support recommendations for transitional housing strategy in Eugene.
- More information is needed about the impact of camps before issues begin emerging.
- Support removing some of the restrictions that were initially placed on this program.
- Not willing to allow camps in developed parks; concern about using undeveloped parkland.

MOTION AND VOTE (*friendly included*): Councilor Zelenka, seconded by Councilor Poling, moved that we recognize Opportunity Village Eugene and rest stop pilots have been successful for those residents that have taken advantage of them, that the sunset should be eliminated, and the siting criteria should be reviewed for modifications. **PASSED 6:0**

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Poling, moved the City shall help build community understanding of the programs through education and outreach. The City Manager will work with community groups, neighborhoods, and residents to clarify purposes of the programs and dispel misunderstanding, especially by showing the video. **PASSED 6:0**

MOTION: Councilor Zelenka, seconded by Councilor Poling, moved that each City Councilor to establish a committee of interested parties in each ward to identify and propose at least one location, suitable for the programs. Membership could include but would not be limited to Neighborhood Associations, neighborhood school representatives, or area businesses. And we direct the City Manager to work with committees including identifying eligible properties in each ward and putting forward site recommendations for community feedback, Council consideration, and approval.

MOTION TO SUBSTITUTE AND VOTE: Councilor Clark, seconded by Councilor Zelenka, moved to direct the Manager to come back to Council at the earliest possible convenience with a work session to talk about how we implement an effective dispersal policy. **PASSED 6:0**

VOTE ON MAIN MOTION AS SUBSTITUTED: PASSED 6:0

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Poling, moved that we recognize that social services and homeless activity are more concentrated in Ward 7 and therefore move at least one of the existing rest stops to one of the newly identified sites.

PASSED 4:3, Councilors Brown, Poling, Clark opposed, Mayor Piercy broke the tie in favor.

The meeting adjourned at 1:24 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: November 28, 2016
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 22, 2016

NOVEMBER 28

MONDAY

5:30 p.m.

Harris Hall

Council Work Session

Expected Absences: Syrett

- A. WS: Contracting Equity Program Update
- B. WS: Council Communications

45 mins – CS/Silvers
CS/Ruiz

7:30 p.m.

Harris Hall

Council Meeting

Expected Absences: Syrett

- 1. Public Forum
- 2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
 - c. Resolution Approving LIRHPT for SVDP Youth House-3350 Willamette Street
- 3. PH: Ordinance Concerning Erosion and Sediment Control Program
- 4. WS: Industrial Corridor Community Organization

CS/Forrest
CS/Forrest
PDD/Meyi-Galloway
PW/Gillespie
PDD/Braud

NOVEMBER 30

WEDNESDAY

Noon

Harris Hall

Council Work Session

Expected Absences: Syrett

- A. WS: Parks and Recreation System Plan
- B. WS: Fireworks

60 mins – PW/Burke
30 mins – Fire

DECEMBER 5

MONDAY

*** NOTE: JEO MEETING ADDED ***

5:30 p.m.

Harris Hall

Joint Elected Officials Work Session

Expected Absences: Syrett

- A. WS: Coordinated Downtown Development

CS/Medary

DECEMBER 12

MONDAY

5:30 p.m.

Harris Hall

Council Work Session

Expected Absences:

- A. WS: Rental Housing Code
- B. WS: \$15 Minimum Wage for City and Contract Employees

45 mins – PDD/Nicholas
45 mins – CS/Hammitt

7:30 p.m.

Harris Hall

Council Meeting

Expected Absences:

- 1. Public Forum
- 2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
 - c. Adoption of Resolution Acknowledging Receipt of CAFR
 - d. Approval of Annexation for JLA Investments (A 16-8)
 - e. Approval of Annexation for Cowan, Doug (A 16-9)
- 3. URA Action: Resolution Acknowledging Receipt of Annual Financial Report
- 4. URA PH and Action: Supplemental Budget
- 5. PH and Action: Supplemental Budget
- 6. PH and Action: Ordinance Regulating Recreational Marijuana Business
- 6. Action: Ordinance Concerning Erosion and Sediment Control Program

CS/Forrest
CS/Forrest
CS/Lauderbach
PDD/Sullivan
PDD/Sullivan
CS/Lauderbach
CS/Miller
CS/Miller
CAO/Klein
PW/Gillespie

DECEMBER 14

WEDNESDAY

Noon

Harris Hall

Council Work Session

Expected Absences:

- A. WS: Coordinated Downtown Development

90 mins – CS/Medary

COUNCIL BREAK: DECEMBER 15, 2016 – JANUARY 4, 2017

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 22, 2016

JANUARY 4	WEDNESDAY
5:30 p.m. Hult Center Lobby	State of the City Expected Absences: A. State of the City
JANUARY 11	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. Election of 2017 Council Officers B. Process Session (including Minutes Recording)
	90 mins – CS/Cariaga
JANUARY 17	TUESDAY
7:30 p.m. Harris Hall	Council Public Hearing Expected Absences: 1. PH: Resolution on Measure 49 Claim
	CAO/Davies
JANUARY 18	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: Commercial Setback Code Requirement B. WS:
	45 mins – PDD/Planning
JANUARY 23	MONDAY
5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. WS:
7:30 p.m. Harris Hall	Council Meeting Expected Absences: 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda
	CS/Forrest CS/Forrest
JANUARY 25	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: New Housing Development on Unimproved Roads B. WS: Renter Protections
	45 mins - PW/ 45 mins – PDD/Jennings
FEBRUARY 8	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: Inclusionary Zoning B. WS: Public Notice Requirements and Policies for Property Sales
	45 mins – PDD/ 45 mins – PDD/Community Dev
FEBRUARY 13	MONDAY
5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. Committee Reports and Items of Interest B. WS:

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 22, 2016

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda

CS/Forrest
CS/Forrest

FEBRUARY 15

WEDNESDAY

Noon
Harris Hall

Council Work Session
Expected Absences:

- A. WS:
- B. WS:

FEBRUARY 21

TUESDAY

7:30 p.m.
Harris Hall

Council Public Hearing
Expected Absences:

1. PH: Enterprise Zone Revised Public Benefit Criteria

PDD/D'Souza

FEBRUARY 22

WEDNESDAY

Noon
Harris Hall

Council Work Session
Expected Absences:

- A. WS: South Willamette Next Steps

90 mins – PDD/Harding

FEBRUARY 27

MONDAY

5:30 p.m.
Harris Hall

Council Work Session
Expected Absences:

- A. Committee Reports and Items of Interest from Mayor, City Council and City Manager
- B. WS:

30 mins

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda

CS/Forrest
CS/Forrest

MARCH 8

WEDNESDAY

Noon
Harris Hall

Council Work Session
Expected Absences:

- A. WS: Overview of Chronic Nuisance Code
- B. WS:

45 mins – PDD/Nicholas

MARCH 13

MONDAY

5:30 p.m.
Harris Hall

Council Work Session
Expected Absences:

- A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed
- B. WS:

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
3. PH and Action: Capital Improvement Program

CS/Forrest
CS/Forrest
CS/Streepey

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 22, 2016

MARCH 15

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS:

B. WS:

COUNCIL BREAK: MARCH 16, 2017 – APRIL 10, 2017

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of a Resolution Approving a Low-Income Rental Housing Property Tax Exemption for the St. Vincent de Paul Youth House, Located at 3350 Willamette Street, Eugene, Oregon. (St. Vincent de Paul Society of Lane County, Inc./Applicant.)

Meeting Date: November 28, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Ellen Meyi-Galloway
Contact Telephone Number: 541-682-5532

ISSUE STATEMENT

City Council is asked to adopt a resolution for a 20-year Low-Income Rental Housing Property Tax Exemption (LIRHPTE) for the St. Vincent de Paul Youth House, located at 3350 Willamette Street. The developer of the project is St. Vincent de Paul Society of Lane County, Inc. (SVDP). SVDP has an option agreement to purchase the property. The property would be transitional housing for homeless high school students.

BACKGROUND

The City of Eugene utilizes federal and local subsidies to facilitate the development of housing affordable to low-income persons. The City issues a Housing Request for Proposals to identify proposed developments. Council may award land, federal HOME Investment Partnerships funds, Systems Development Charge exemptions, and property tax exemptions to selected development proposals. These local resources are combined with state and federal subsidies in order to achieve rents affordable to low-income persons.

Summary of the LIRHPTE program

The City adopted the low-income rental housing property tax exemption program in 1990. Since then, Eugene has approved tax exemptions for 29 developments with over 1,200 units. In 2011, Council unanimously approved extending the 20-year LIRHPTE program for an additional 10 years. The approved ordinance also enables recipients to reapply for the 20-year LIRHPTE after the initial 20-year period has expired.

Council reviews each tax exemption request on a case-by-case basis. Most recently, Council approved a LIRHPTE for River Road Apartments on River Road in June 2016. If an application meets the substantive criteria [EC 9.239(3)(a)-(i)] as referenced in the Report and Recommendation (Attachment A), the City must grant the exemption by resolution (Attachment B). A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution (Attachment C) that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest.

Summary of requested tax exemption for the SVDP Youth House

The requested tax exemption is for the SVDP Youth House, the proposed conversion of a former church building into a 15-unit affordable housing project. The proposed project was submitted through the 2016 Housing Request for Proposals. In addition to the LIRHPTE, SVDP requested \$640,000 in federal HOME Investment Partnership funds. City Council approved the use of HOME funds to acquire the property on October 10, 2016 and the HOME Consortium Governing Board awarded HOME funds to the project October 13, 2016. SVDP anticipates funding the rehabilitation and ongoing operating costs with bank loans, donated funds, and grants. If the LIRHPTE is approved, the acquisition is scheduled to occur in December 2016 and the rehabilitation would be completed by the fall of 2017.

The acquisition of the former church building at 3350 Willamette Street (Attachment D) is proposed to be transitional housing for homeless high school students. The units would be provided rent free. SVDP will work with Hosea Youth Services to provide on-site management, counseling, and services. The housing providers will also work with McKinney-Vento homeless student liaisons at 4J, Bethel and Springfield school districts.

If SVDP and Hosea Youth Services were not able to fund ongoing operations for the project, the project would convert to permanent housing targeted to very low-income young adults entering independence from foster care. The population would also meet the income requirements for the tax exemption program.

The requested exemption meets the substantive criteria [EC 9.239(3)(a)-(i)] as shown in the Report and Recommendation (Attachment A).

RELATED CITY POLICIES

In addition to the Eugene-Springfield 2015 Consolidated Plan, the proposed projects also advance goals established in other local plans and policies. These include the Residential Land Use and Housing Element of the Metropolitan Area General Plan, Eugene City Council Adopted Growth Management Policies, the Diversity and Equity Strategic Plan, the Lane County Ten-Year Plan to End Chronic Homelessness, Housing Dispersal Policy, and the Lane County Continuum of Care Plan. The proposed uses of funds also specifically support affordable housing goals set forth in the Envision Eugene pillars.

Approving the property tax exemption application for the SVDP Youth House supports the Envision Eugene pillar of providing housing affordable to all income levels. The Envision Eugene Housing Affordability pillar includes strategies to meet the growing and changing housing needs of Eugene residents by supporting subsidized affordable housing projects. Continuing to provide property tax exemptions to low-income rental housing developments has been identified as an action to help successfully implement this strategy.

COUNCIL OPTIONS

The City Council has two options:

1. Approve the tax exemption.
2. Deny the tax exemption.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends option 1, to Adopt Resolution No. 5175 granting a 20 year Low-Income Rental Housing Property Tax Exemption for the property located at 3350 Willamette Street, Eugene, Oregon (Assessor's Property Account Number 0634996) if SVDP becomes the owner of the property.

SUGGESTED MOTION

Move to adopt Resolution No. 5175 approving a 20 year Low-Income Rental Housing Property Tax Exemption for the property located at 3350 Willamette Street, if SVDP becomes the owner of the property.

ATTACHMENTS

- A. Report and Recommendation
- B. Resolution to approve the tax exemption
- C. Resolution to deny the tax exemption
- D. Maps of the proposed site

FOR MORE INFORMATION

Staff Contact: Ellen Meyi-Galloway
Telephone: 541-682-5532
Staff E-Mail: Ellen.E.Meyi-Galloway@ci.eugene.or.us

ATTACHMENT A

REPORT AND RECOMMENDATION of the Community Development Manager of the Planning and Development Department

**Application of St. Vincent de Paul Society of Lane County, Inc.
For Low Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 3350 Willamette Street, Eugene, Oregon**

**The Community Development Manager of the Planning and Development
Department of the City of Eugene finds that:**

1. St. Vincent de Paul Society of Lane County, Inc. (SVDP) has an option to purchase real property located at **3350 Willamette Street**, Eugene, Oregon, 97405 (Assessor's Map 18-03-07-13; Tax Lot Number 3500; Assessor's Property Account Number 0634996). SVDP ("the applicant"), located at PO Box 24608, Eugene, Oregon, 97402, has submitted an application pursuant to Subsection 2.939(3) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

2. I have reviewed the application and find that the applicant has submitted all materials, fees and documents required by the application, and is in compliance with the provisions of EC 2.939(3). Specifically I find:

- (a) The property, or portion thereof subject to the property tax exemption, will be occupied solely as a residence for low-income persons.
- (b) The applicant's application was filed prior to January 1, 2020.
- (c) The property is being purchased by a nonprofit corporation organized in a manner that meets the criteria for a public benefit corporation as described under ORS 65.001(35).
- (d) The property is being purchased by a nonprofit corporation that expends no more than ten percent of its annual income from residential rentals for purposes other than acquisition, maintenance or repair of residential rental property for low-income persons, or for the provision of on-site child care services for the residents of the rental property.
- (e) The applicant has complied with the policies set forth in the Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption adopted by council Resolution No. 5028.
- (f) The proposed development is consistent with the city's housing dispersal policy.
- (g) The proposed development does not cause the displacement of low-income persons.
- (h) The proposed development does not cause destruction of historic properties.
- (i) The proposed development is otherwise consistent with the Eugene Code

- and adopted city regulations and policies.
- (j) The applicant has executed, and agrees to maintain in effect for the duration of the tax exemption period, a Rent Regulatory Agreement.
 - (k) The applicant has consented in writing that for the duration of the tax exemption period, the city may inspect the property for which the exemption is granted.

3. Comments have been solicited from interested City departments, 4J School District, and the affected neighborhood groups. No comments have been received.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Envision Eugene Plan, and the criteria set forth in the City's adopted Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption, and I recommend that the application be approved.

Dated this 18 day of November, 2016.

Print: Michael J. Kinnison

Sign: 

Community Development Manager AIC of the Planning and Development Department 

RESOLUTION NO. _____

A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 3350 WILLAMETTE STREET, EUGENE, OREGON. (St. Vincent de Paul Society of Lane County/ Applicant.)

The City Council of the City of Eugene finds that:

A. St. Vincent de Paul Society of Lane County (“SVDP”) has entered into a Commercial Real Estate Sale Agreement to purchase real property located at 3350 Willamette Street, Eugene, Oregon, 97405 (Assessor’s Map 18-03-07-13, Tax Lot Number 3500) owned by Cascade Presbyterian Church, Inc., 3350 Willamette Street, Eugene, Oregon, 97405 (“the Property”). SVDP, located at 2890 Chad Drive, Eugene, Oregon, 97402, has submitted an application pursuant to Subsection 2.939(3) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City’s Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

B. The tax exemption is being sought for 15 residential studio units and a common residential area to be constructed in the former church building on the Property. Fourteen units will be provided as transitional housing for 14 low-income homeless youth and one unit will be provided for an on-site manager. All of the units will be provided rent-free.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by the application and Section 2.938(1) of the Eugene Code, 1971, and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in Section 2.939(3) of the Eugene Code, 1971.

NOW, THEREFORE,

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

Section 1. Based upon the above findings and the Report and Recommendation of the Community Development Manager, the City Council approves SVDP’s application for an ad valorem property tax exemption under the City’s Low-Income Rental Housing Property Tax Exemption Program for the property located at 3350 Willamette Street, Eugene, Oregon, 97405 (Assessor’s Map 18-03-07-13, Tax Lot Number 3500), which will include 15 residential studio units and a common residential area.

Section 2. Subject to the condition precedent set forth in Section 3 of this Resolution, the Property described in Section 1 above is declared exempt from local ad valorem property taxation commencing

July 1, 2017, and continuing for a continuous period of twenty (20) years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1 Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by January 1, 2020, and no extensions or exceptions were granted; or

2.2 The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5028, or any conditions imposed in this Resolution.

The tax exemption shall terminate immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event the exempt property, while being held for the development described in SVDP's application, is used for a purpose other than for the provision of low-income housing; the county assessor determines that a change of use to other than that described in SVDP's application has occurred; or, if a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The tax exemption shall not take effect unless and until closing occurs on the purchase of the Property by SVDP.

Section 4. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2017. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 28th day of November, 2016.

City Recorder

RESOLUTION NO. _____

A RESOLUTION DENYING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 3350 WILLAMETTE STREET, EUGENE, OREGON. (St. Vincent de Paul Society of Lane County/ Applicant.)

The City Council of the City of Eugene finds that:

A. St. Vincent de Paul Society of Lane County (“SVDP”) has entered into a Commercial Real Estate Sale Agreement to purchase real property located at 3350 Willamette Street, Eugene, Oregon, 97405 (Assessor’s Map 18-03-07-13, Tax Lot Number 3500) owned by Cascade Presbyterian Church, Inc., 3350 Willamette Street, Eugene, Oregon, 97405 (“the Property”). SVDP, located at 2890 Chad Drive, Eugene, Oregon, 97402, has submitted an application pursuant to Subsection 2.939(3) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City’s Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

B. The tax exemption is being sought for 15 residential studio units and a common residential area to be constructed in the former church building on the Property. Fourteen units will be provided as transitional housing for 14 low-income homeless youth and one unit will be provided for an on-site manager. All of the units will be provided rent-free.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by the application and Section 2.938(1) of the Eugene Code, 1971, and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in Section 2.939(3) of the Eugene Code, 1971.

NOW, THEREFORE,

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

Section 1. Notwithstanding the above findings and the Community Development Manager’s Report and Recommendation, the City Council denies SVDP’s application for an ad valorem property tax exemption under the City’s Low-Income Rental Housing Property Tax Exemption Program for the property located at 3350 Willamette Street, Eugene, Oregon, 97405 (Assessor’s Map 18-03-07-13, Tax Lot Number 3500) because the applicant has failed to demonstrate that it is qualified for the tax exemption.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, along with a notice informing the applicant of the right to appeal in the manner set forth in ORS 34.010 to 34.100.

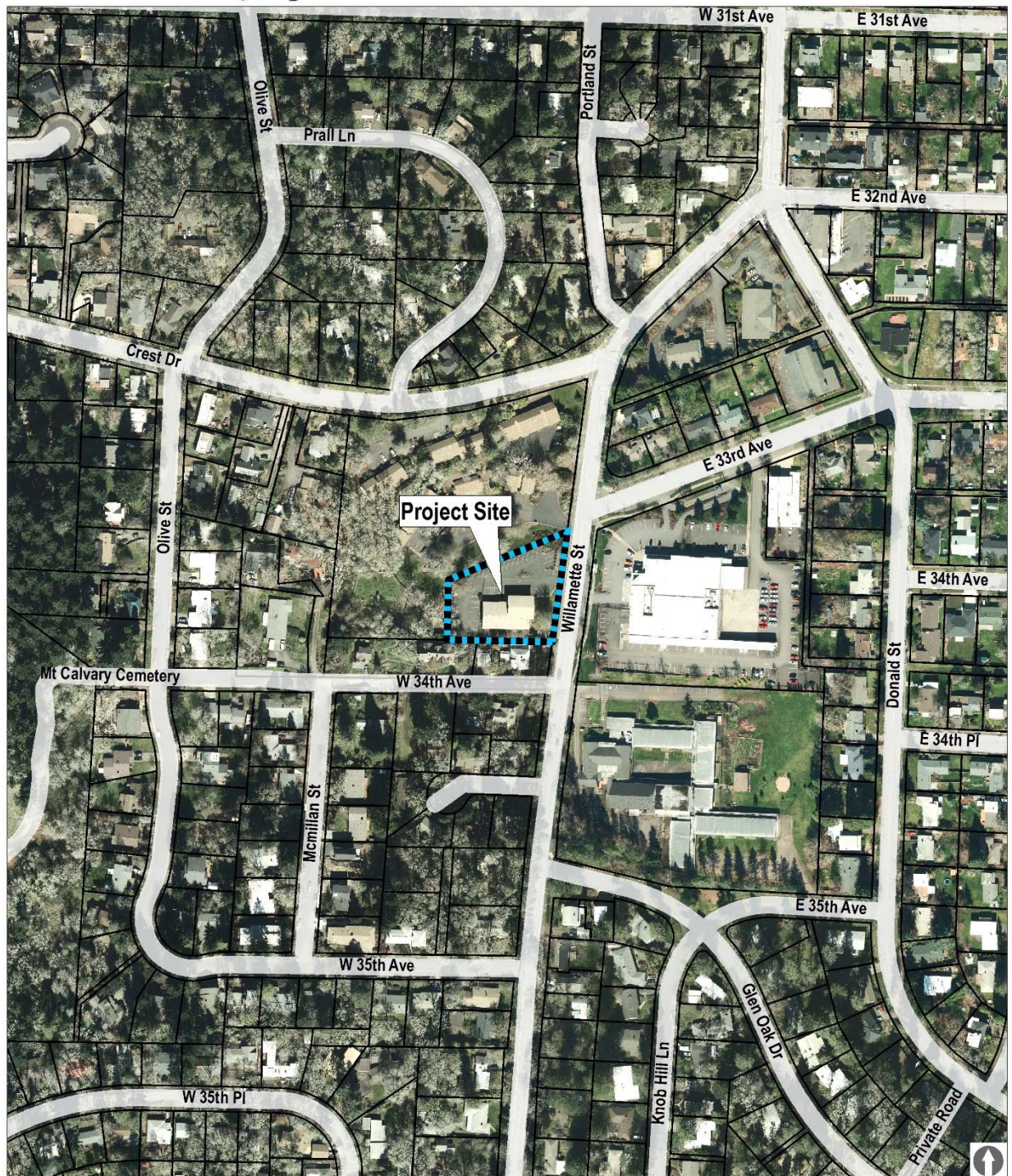
Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 28th day of November, 2016.

City Recorder

3350 Willamette St, Eugene

Aerial



0 100 Feet

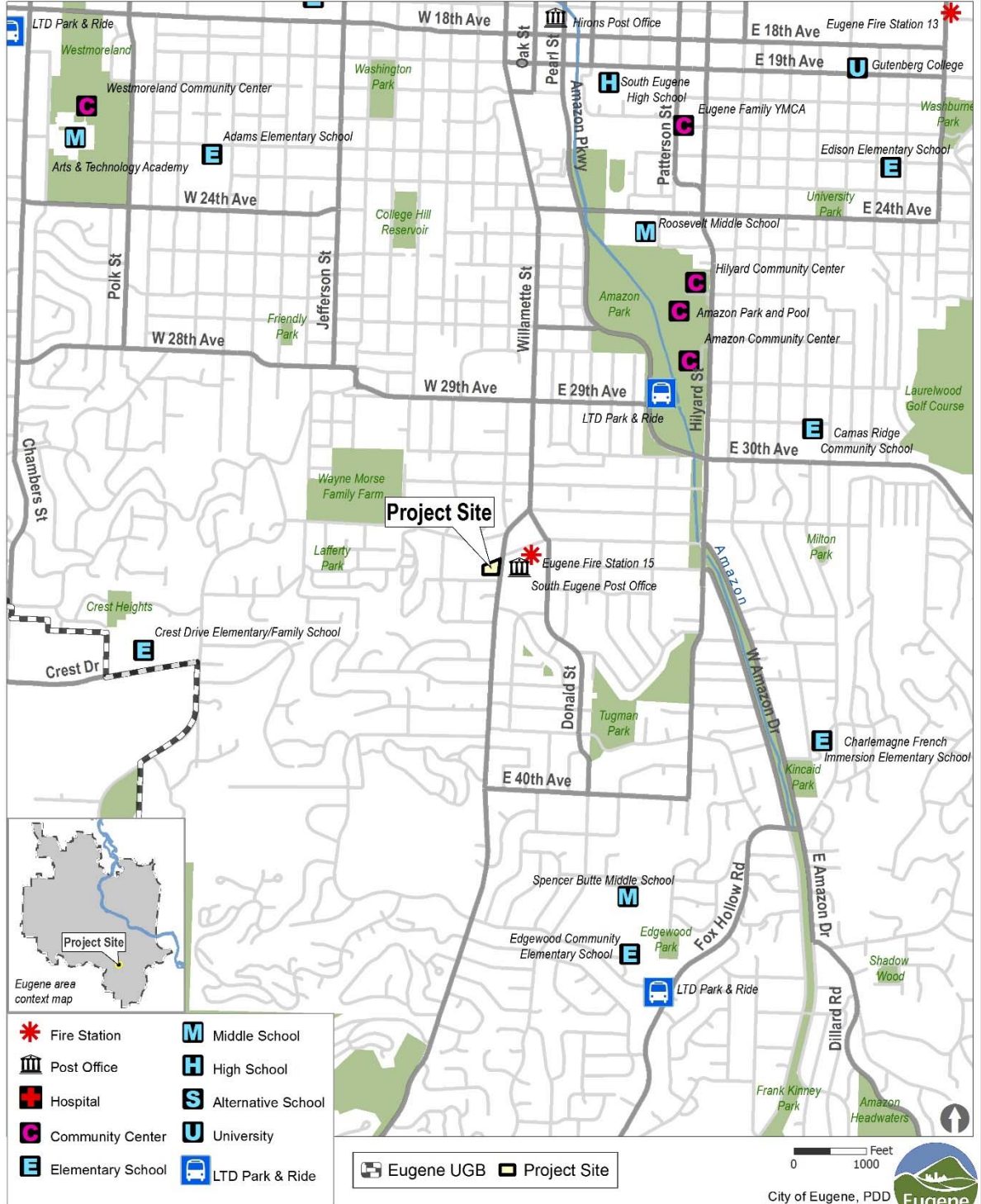


Caution: This map is based on imprecise source data, subject to change, and for general reference only.

City of Eugene, PDD
September 22, 2016

3350 Willamette St, Eugene

Context Map



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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Erosion Prevention and Construction Site Management Program and Amending Sections 6.406, 6.625, 6.630, 6.635 and 6.640 of the Eugene Code 1971.

Meeting Date: November 28, 2016
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Scott Gillespie
Contact Telephone Number: 541-682-2706

ISSUE STATEMENT

The City Council will hold a public hearing to consider environmental and health code amendments related to the Erosion Prevention and Construction Site Management Program.

BACKGROUND

An erosion and sediment control program is a requirement of the City's Federal and State Stormwater permits. The erosion ordinance has not been updated since its original adoption in 1996. The City is currently on the 4th iteration of federal and state stormwater permits and the industry practice has evolved since the original ordinance was adopted. Proposed changes to the erosion and sediment control ordinance are intended to address current stormwater permit requirements, address problematic unregulated construction sites and reflect current industry practice.

A summary of the proposed amendments and draft code language are provided as attachments A and B, respectively.

Staff engaged regulatory agencies, regulated sectors of our community and design professionals early in the process to gather feedback and discuss additional regulations.

RELATED CITY POLICIES

An erosion control program is a condition of the City's NPDES Municipal Stormwater Permit and a policy of the adopted Comprehensive Stormwater Management Plan, 1993.

COUNCIL OPTIONS

No Council action or recommendations are suggested at this time. This is a public hearing only.

CITY MANAGER'S RECOMMENDATION AND SUGGESTED MOTION

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 and associated motion to be included in the council packet for action.

ATTACHMENTS

- A. Summary memo to City Council dated July 8, 2016
- B. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Scott Gillespie
Telephone: 541-682-2706
Staff E-Mail: [scott.n.gillespie @ci.eugene.or.us](mailto:scott.n.gillespie@ci.eugene.or.us)

Memorandum

Date: July 8, 2016
To: Mayor Piercy & Eugene Councilors
From: Scott Gillespie, PE
Subject: Erosion and Sediment Control Program Updates

The purpose of the memo is to summarize proposed changes to the Erosion & Sediment Control Program Ordinance and Chapter 6 of Eugene Code. An erosion and sediment control program is a requirement of the City's Federal and State Stormwater permits. The erosion ordinance has not been updated since its original adoption in 1996. We are currently on the 4th iteration of federal and state stormwater permits and the industry practice has evolved since the original ordinance was adopted. Proposed changes to the erosion and sediment control ordinance are intended to address current stormwater permit requirements, address problematic unregulated construction sites and reflect current industry practice. Proposed changes include:

Erosion Ordinance (Changes to Chapter 6)

- Proposing to add 1 additional permit trigger.
 - Sites that require 5000 cubic feet of cut/fill. This specifically targets large commercial and student housing developments that have underground parking. Examples are The HUB, 13th & Patterson, etc. Projects generally include large excavations & roadway staging. City staff have enforced outcomes and discharges on a number of occasions for projects with these characteristics.
- Reduce permit types down from 3 to 2. Individual and Annual (eliminating "umbrella" permits). Put focus on the "development" rather than the numerous individual activities that make up a site. This reflects current practice.

Staff reviewed current state and federal permits for consistency. Staff also queried the Oregon Department of Environmental Quality on any potential changes at the state and federal levels. Our current program is comprehensive and consistent with current and pending permits. No changes are necessary to meet current or anticipated EPA and ODEQ regulatory requirements.

The current program was reviewed with external and internal stakeholders (contractors, developers, engineers, architects, utilities etc.). There was unanimous support for keeping the outcome based program. The outcome based program allows contractors and designers to select their own techniques provided they meet prescribed outcomes and protect the stormwater system. All stakeholders appreciate the flexibility along with not having another big manual to follow. All entities understood and acknowledged the proposed changes.

City staff presented the changes to the Lane County Homebuilders Association in March of 2016. The Home Builders association had no concerns with the proposed changes.

A public hearing on an ordinance with proposed changes to the Erosion and Sediment Control Program within Chapter 6 of the Eugene Code will be scheduled in the Fall of 2016.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING EROSION PREVENTION AND AMENDING SECTIONS 6.406, 6.625, 6.630, 6.635, AND 6.640 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following definitions in Section 6.406 of the Eugene Code, 1971, are amended to provide as follows:

6.406 **Definitions.** For purposes of sections 6.401 through 6.645, unless the context requires otherwise words and phrases shall have the meaning ascribed to them. In interpreting the meaning of words in a definition, other definitions of that word in this Code may be considered:

City stormwater system. Those stormwater facilities located on city-owned property, city right-of-way, city easements and any stormwater facility the city is contractually or legally obligated to operate and maintain, including but not limited to:

- (a) An open drainage way, headwater stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto city-owned property or into city maintained facilities;
- (b) A pipe or sewer and its related appurtenances that ~~carry~~ **convey** stormwater and have been designed and constructed expressly for use by the general public and accepted by the city;
- (c) Streets, curbs and gutters and other surfaces in the public way which are designed to carry stormwater, roadside drainage ditches along unimproved city streets but not access drive culverts; and
- (d) Flood control and stormwater quality facilities (levees, dikes, overflow channels, **conveyance** swales, ~~biofiltration facilities,~~ infiltration facilities, **stormwater facilities, water quality facilities**, detention basins, retention basins, dams, pump stations, groundwater ~~recharging~~ **recharge** basins, sediment ~~traps~~ **basins, vegetated buffers**, wetlands, etc.) that have been ~~designed~~ **designated**, and constructed expressly for use by the general public and accepted by the city.

Construction related materials. Potential water quality pollutants that are used or created during construction activities including, but not limited to, off-site deposits of sediments by vehicles (e.g., tracking, spilling), building material wastes (e.g., scrap metals, rubber, plastic, glass, masonry, wood; paints and thinners; packaging materials; insulation, plaster grout);

hazardous substances (e.g., **petroleum products**, cleaning solvents, chemical additives, concrete curing compounds, acids for cleaning masonry surfaces, paints, thinners); and concrete washout.

Construction site management plan (CSMP). A set of maps, data, drawings, **specifications** and narrative that describes expected runoff from new construction sites, and establishes **best management practices or equivalent** measures to be taken for preventing erosion[,]**and controlling** sediments, **surface runoff** and other pollutants from construction [related] activities. **For purposes of sections 6.401 through 6.645, the CSMP serves as the City of Eugene's equivalent requirement to the Erosion Sediment Control Plan (ESCP) required by the Oregon Department of Environmental Quality and the Stormwater Pollution Prevention Plan (SWPPP) required by the United States Environmental Protection Agency.**

Dewatering. The removal and disposal of surface water or groundwater **during construction or** for **the** purpose[s] of [preparing a site for] **facilitating** construction.

Jurisdictional wetland. *An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.* Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws. Synonymous with "wetland."

Minor recurring activities. Repetitive **minor** construction, **maintenance and operational** activities **on existing infrastructure** that are performed as part of an overall work plan [and] **or program when** no individual disturbance exceeds more than 500 square feet of land area and 50 cubic yards of fill or excavated material. **Examples include, but are not limited to, connections and extensions of utility service, repair of utility and infrastructure facilities, and maintenance of stormwater facilities' drainage capacity.**

~~[Owner. The fee owner of land including the contract purchaser of such land.]~~

Stormwater facilities. Any structure or configuration of the ground that is used or by its location becomes a place where stormwater flows or is accumulated including but not limited to pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, **water quality facilities**, wetlands and their appurtenances.

Stormwater [R]related natural resource[s] areas. [Natural resources] **Areas** located within or adjacent to the city's stormwater system, such as waterways, wetlands, **conservation zones or easements** and riparian areas, [that] **which, due to their location, topography, vegetation, or other factors** provide one or more of the following stormwater functions: flood control, **streambank stabilization and** water quality treatment, [and streambank stabilization] **including pollutant removal, shading and temperature stabilization.**

Wetland. *An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.* Any parcel or portion of a parcel which meets state or federal definition of wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland."

Section 2. Section 6.625 of the Eugene Code, 1971, is amended to provide as follows:

- 6.625 Erosion Prevention - Purpose.** Sections 6.625 to 6.645, and the rules issued thereunder, are intended to restrict the discharge of sediments or other construction related materials, including hazardous substances as defined in section 6.340, into the city's stormwater system in order to:
- (a) Prevent or minimize, to the maximum extent practicable, negative impacts to adjacent properties, water quality, and **stormwater** related natural resource[s] **areas** resulting from construction activities; and
 - (b) Maintain the capacity of the city's stormwater system by minimizing sedimentation.

Section 3. Section 6.630 of the Eugene Code, 1971, is amended to provide as follows:

- 6.630 Erosion Prevention - Applicability and Compliance.**
- (1) **Scope.** The provisions of sections 6.625 to 6.645, and the rules issued thereunder, apply to all construction [related] activities that result in any one or all of the following:
 - (a) Land disturbance, including, but not limited to clearing, grading, grubbing, logging, excavating, filling, and storing of materials;
 - (b) Structural development **or demolition**, including, but not limited to buildings, bridges, roads, and other infrastructure;
 - (c) Impervious surfaces, including, but not limited to parking lots, driveways, walkways, and patios; or

(d) Dewatering.

Notwithstanding the foregoing, the following activities shall be exempt from the provisions of sections 6.625 to 6.645: (i) actions by a public utility, the city, or any other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic; or (ii) actions by any other person when the city determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic.

- (2) Compliance. **Regardless of whether a permit is required under section 6.635,** ~~[N]~~no person shall engage in any construction ~~[related]~~ activity covered by subsection (1) in a manner that can potentially impact water quality, **adjacent properties or stormwater related natural resource areas** except as allowed by this code. All persons shall implement erosion prevention **and sediment control** measures designed to meet the outcomes established in administrative rules promulgated by the city manager. Failure to meet those outcomes shall subject the person to the same enforcement provisions as those applicable to a permit holder under section 6.640.

Section 4. Section 6.635 of the Eugene Code, 1971, is amended to provide as follows:

6.635 Erosion Prevention - Permits.

(1) Erosion Prevention Permit.

- (a) Permit required. Except as otherwise provided in subsection (3) below, no person shall commence any construction ~~[related]~~ activity without first obtaining from the city one of the erosion prevention permits listed in subparagraph (b) if the construction ~~[related]~~ activity:
1. Disturbs one or more acres of land ~~[at any one time]~~ by one or more phases of development, and the disturbance is located on the same parcel of land or on contiguous parcels of land under the same ownership; ~~[or]~~
 2. Is located in a sensitive area. The criteria for classifying sites, and the classification of such sites as sensitive areas shall be established in administrative rules issued by the city manager~~[-];~~ **or**
 3. ***Disturbs more than 5,000 cubic feet of material during one or more phases of development.***
- (b) Permit classifications. The city manager may issue ~~[all of]~~ the following types of permits, ~~[any]~~ **either** of which will meet the requirements of subsection (a) of this section:
1. Individual permit. A **person**, property owner or easement holder of record may obtain **an** ~~[separate]~~ individual permit for each construction activity on the same ~~[parcel of land]~~

development site (as defined at EC 9.0500), or for multiple construction activities proposed in connection with a development project on the same development site, including utility work, public improvements, private infrastructure, structures, and other site improvements.

~~[2. Umbrella permit. A property owner or easement holder of record may obtain an umbrella permit for multiple construction activities on the same parcel of land that are proposed in connection with a development, including utility work, private infrastructure, structures, and other site improvements.]~~

~~[3]~~2. Annual permit. **A person, property owner or easement holder of record may obtain** [A]an annual permit [may be issued] for minor recurring activities **occurring on one or more development sites.**

(c) Application. The application for an erosion prevention permit shall be accompanied by:

1. Fee. A fee established by the city manager pursuant to section 2.020 of this code in an amount sufficient to recover the city's administrative costs[;].

2. Construction site management plan for individual [and umbrella] permits. A construction site management plan prepared by a certified professional(s) designated by the manager in rules adopted hereunder. The construction site management plan need not be prepared by a certified professional if the development is one (1) single family dwelling or one (1) duplex dwelling. The **approved** construction site management plan shall be kept at the construction site and available for on-site inspection purposes. The construction site management plan shall identify: potential water quality impacts associated with the proposed construction activities; techniques and methods to be used to prevent and control erosion, sedimentation, and other pollutants associated with construction activity; and the location, design, and construction schedule for all erosion, sedimentation, and other construction site management control measures to be implemented and maintained[; and].

3. Work, scope and practices for annual permit. No construction site management plan shall be required for an annual permit. Instead, the applicant shall provide a **narrative** description of the scope of work to be performed and the practices [to be] employed for meeting the requirements of sections 6.625 to 6.645 of this code. A copy of the annual permit **and narrative** shall be kept at the site and available for on-site inspection purposes.

(d) Review and Issuance. The application for the erosion prevention permit shall be reviewed by the city and approved, approved with conditions, or denied, based on criteria set forth in rules adopted

by the city manager. The criteria to be adopted shall be designed to achieve the objectives listed in section 6.625. Issuance of an erosion prevention permit may be subject to conditions imposed by the city including, but not limited to, specific erosion and sedimentation prevention measures and schedules.

(e) Permit Duration.

1. An ***individual*** erosion prevention permit shall remain in effect for the full period of the construction activity. The manager may extend the duration of the permit for a period of up to, but not to exceed, two years after completion of the construction activity if the manager determines the extension is necessary to ensure that the construction activity has stabilized in accordance with the outcomes identified in the administrative rules.
2. ***Annual permits may be issued for a full calendar year, and shall expire on or before December 31 of the year issued. Annual permits may not be extended.***

(2) Appeal. Within the time and in the manner prescribed in section 2.021 of this code, the ***owner or*** applicant for a permit may appeal:

- (a) ~~[(t)]~~The denial of a permit~~[-]~~;
- (b) ~~[(a)]~~Any conditions imposed on a permit~~[-]~~;
- (c) ~~[(t)]~~The determination that the property is located in a sensitive area~~[-]~~; or
- (d) ***The denial of*** an extension of the duration of an ***individual*** permit under section 6.635(1)(e).

(3) Waiver of Erosion Prevention Permit. Notwithstanding any other provisions of this section, the following activities shall not require an erosion prevention permit:

- (a) Construction activities involving the disturbance of less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;
- (b) Issuance of permits and/or approvals for land divisions, interior improvements to an existing structure, or other approvals for which there is no physical disturbance to the surface of the land; and
- (c) Annual landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape.

This waiver applies only to the requirement to obtain an erosion prevention permit and shall not be construed as an exemption from any of the erosion prevention requirements of the Eugene Code, including but not limited to erosion prevention and sediment control measures designed to meet the outcomes established in administrative rules promulgated by the city manager.

Section 5. Section 6.640 of the Eugene Code, 1971, is amended to provide as follows:

6.640 Erosion Prevention - Enforcement.

- (1) Enforcement Policy.** The primary focus of sections 6.625 to 6.645 is to implement measures for preventing erosion and minimizing stormwater impact that will meet the outcomes established in administrative rules promulgated by the city manager, and the city will use the amount of enforcement necessary to achieve compliance. Where possible the city will rely on education rather than enforcement. The manager may provide educational programs or other informational materials that will assist permittees in meeting the desired erosion and sedimentation controls, and other construction site management practices outcomes.
- (2) Inspections.** The city may make periodic inspections to ensure compliance with this code, rules issued hereunder, or conditions imposed on an erosion prevention or other permit.
- (3) Violations.** Failure to comply with the provisions of this code, rules issued hereunder, the erosion prevention permits, or conditions imposed thereon, during the period that the permit(s) remains in effect may result in:
 - (a) The issuance of a ~~[stop work order or]~~ **corrective memorandum and/or an administrative** compliance order by the city;
 - (b) The issuance of a ~~[citation into municipal court for violation of this code]~~ **stop work order by the city;** ~~[and/or]~~
 - (c) The imposition of an administrative civil penalty pursuant to the provisions of section 2.018 of this code as authorized by section 6.995 of this code~~[-];~~ **and/or**
 - (d) *The issuance of a citation into municipal court for violation of this code.***Failure to comply with any stop work or compliance order issued by the city shall constitute a separate violation. Each day a violation continues also shall constitute a separate violation.
- (4) Appeal.** Any person to whom an order is issued may appeal a stop work order or compliance order within the time and in the manner prescribed in section 2.021 of this code. Notwithstanding any other provision of this code, a stop work order or compliance order shall be effective upon issuance, and shall continue in effect during the pendency of any appeal.

Section 6. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein,

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2016

Approved by the Mayor this

____ day of _____, 2016

City Recorder

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Industrial Corridor Community Organization

Meeting Date: November 28, 2016
Department: Planning and Development Department
www.eugene-or.gov

Agenda Item: 4
Staff Contact: Denny Braud
Contact Telephone Number: 541-682-5536

ISSUE STATEMENT

Council is being asked to consider a policy that would allow properties within the Industrial Corridor Community Organization (ICCO) to develop by requiring them to immediately annex if contiguous to City property and key urban services and facilities are available, or sign a binding consent to annex that delays annexation until such time as the property is contiguous and services become available.

BACKGROUND

The ICCO is a non-profit, formally recognized community organization. The ICCO boundary is generally the large triangle of land lying between the Northwest Expressway on the east and the Urban Growth Boundary (UGB) on the west (See Attachment A map). Most of the property within the ICCO area is zoned and designated for industrial uses. The ICCO area includes many large parcels, some developed by local legacy industries, some undeveloped, and some underdeveloped. The ICCO area includes 1,652 acres, approximately 96 percent of which is zoned industrial (38 percent Heavy Industrial/I-3, and 59 percent Light-Medium Industrial/I-2). Proximity to highways, railroad, and airport make the area highly-conducive to industrial uses. At the same time, there are development challenges associated with current policies, availability of urban services such as sanitary sewer, and lack of contiguity with City limits for a large portion of the area. Consistent with the goals and objectives of the Regional Economic Prosperity Plan, encouraging development and redevelopment within the ICCO area has the potential to create highly-desirable manufacturing jobs within local key industries.

Most of the area is outside the City limits of Eugene and does not have access to the full range of urban services such as sanitary sewer, stormwater drainage, police, and fire protection. In accordance with state and federal laws, as well as the Metro Plan and land use code, properties seeking development on these lands in most cases require connection to the City of Eugene sewer system and provision of urban services by the City of Eugene. The Metro Plan anticipates that all lands within the UGB will eventually be annexed and served by the City.

Currently, if a property owner within the ICCO/UGB wants to develop vacant land or divide a property, or wants to have new City services, the property must first be annexed to the City. Adopted City policy suggests that all annexations of private property should be voluntarily

initiated by the property owner, provided that the property is contiguous to City limits or separated only by right-of-way or a body of water. Properties must also demonstrate that a minimum level of key urban services are available or can be extended to serve the site. The specific triggers for annexation and/or annexation agreements are specified in the Lane County version of the Eugene Code (EC) 9.4640.

Property outside the city but inside the UGB used to be able to annex to the City even if the property was not contiguous, provided that the Lane County Boundary Commission approved. However, the Legislature abolished the Boundary Commission and the Council adopted code provisions making it difficult to develop unless property first annexed. That occurred prior to the beginning of the recent recession. With development activity beginning to pick up again, the policy question about whether to allow annexation agreements, rather than immediate annexation, warrants consideration by Council. In several cases, property owners have been unable to proceed with development plans due to lack of contiguity with City limits or the availability of urban services (which means they cannot annex). The alternative of allowing annexation agreements would be one way to allow industrial development to proceed in the area, with a binding agreement to annex in the future when possible.

RELATED CITY POLICIES

Encouraging development and redevelopment within the ICCO area supports adopted planning and policy goals and objectives. Examples include:

Envision Eugene Pillars

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.

Regional Prosperity Economic Development Plan

- o *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.*
- o *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

COUNCIL OPTIONS

1. Approve the proposed motion.
2. Do not approve the proposed motion.
3. Take no action at this time.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of proposed motion.

SUGGESTED MOTION

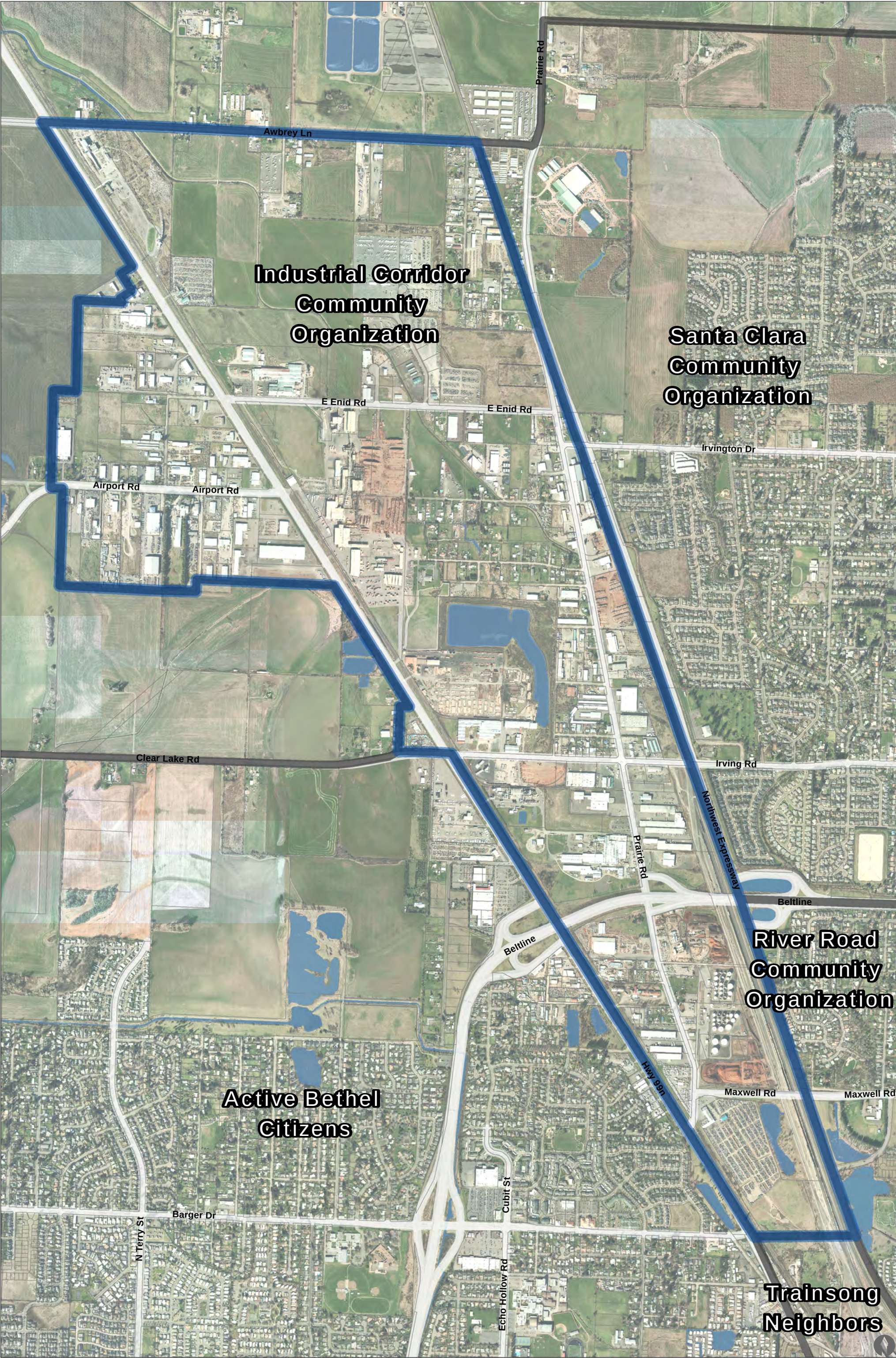
Move to direct the City Manager to develop a proposed ordinance and schedule a public hearing on an ordinance to enable someone who owns property within the Industrial Corridor Community Organization boundary and outside the City limits but inside the UGB, to obtain necessary permits and services by either (a) annexing to the City if legally able to do so, or (b) signing an irrevocable consent to annex authorizing the City to annex the property whenever the annexation is authorized by state law. The draft ordinance shall provide that the consent to annex shall allow the property to be subject to whatever conditions and standards exist at the time that the property is annexed.

ATTACHMENTS

- A. ICCO Boundary Map

FOR MORE INFORMATION

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Industrial Corridor Community Organization

Neighborhood Boundaries

1,652 Acres

0 1000 Ft

City of Eugene
Planning and Development
November 17, 2016



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