



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 15, 2023

5:30 p.m. CITY COUNCIL PUBLIC HEARING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of May 15, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Alan Zelenka
Greg Evans
Emily Semple

Matt Keating, Vice President
Jennifer Yeh
Mike Clark
Lyndsie Leech

5:30 p.m. CITY COUNCIL PUBLIC HEARING

1. **PUBLIC HEARING: An Ordinance Concerning the Industrial Pretreatment Program, Repealing Sections 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591 and 6.596 of the Eugene Code, 1971; Adding Sections 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582 and 6.584 to that Code; and Providing for an Immediate Effective Date.**
2. **PUBLIC HEARING: An Ordinance Adopting an Amended Urban Renewal Plan for the Downtown Urban Renewal District.**
3. **PUBLIC HEARING: An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971.**

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 Hearing: An Ordinance Concerning the Industrial Pretreatment Program, Repealing Sections 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591 and 6.596 of the Eugene Code, 1971; Adding Sections 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582 and 6.584 to that Code; and Providing for an Immediate Effective Date.

Meeting Date: May 15, 2023
Department: Public Works, Wastewater Division
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Michelle Miranda
Contact Telephone Number: 541-682-8615

ISSUE STATEMENT

In November 2022, the Oregon Department of Environmental Quality issued a revised National Pollutant Discharge Elimination System Waste Discharge Permit to the Metropolitan Wastewater Management Commission. The last revision to this permit occurred in 2002. The permit requires amendments to sections of the Eugene Code related to use of the municipal wastewater sewer system and treatment plant by industrial and commercial users. Staff provided council with information about the Industrial Pretreatment Program, and amendments of the sections of Eugene Code 6.501 – 6.596 at their work session on April 26. This public hearing is an opportunity for the community to provide input on the proposed amendments.

BACKGROUND

Established as part of the Clean Water Act, the National Pretreatment Program is a cooperative effort of federal, state, and local regulatory agencies established to protect public health, wastewater infrastructure, and water quality. The local pretreatment program was first established in 1984 and has been very effective in protecting the health of the community and the environment, and specifically the Willamette River. The program regulates wastewater discharged by industries and other non-domestic sources into the municipal wastewater sewer systems. Oregon Revised Statutes stipulates that municipal wastewater treatment plants must implement an Industrial Pretreatment Program that meets the requirements outlined in the Federal Code of Regulations 403 and Schedule E of the National Pollutant Discharge Elimination System permit. The Industrial Pretreatment Program sets restrictions on what industrial and commercial facilities can discharge to the municipal wastewater sewer system and treatment plant. These restrictions, or Local Limits, are developed to protect operations and ensure compliance with federal, state, and local requirements.

The rules governing the Industrial Pretreatment Program appear in Eugene Code 6.501 – 6.596 &

6.995 and were last amended in 1997. In December of 2022, the Metropolitan Wastewater Management Commission submitted a revised Model Pretreatment Ordinance, along with uniform City Ordinances from the City of Eugene and the City of Springfield. The Metropolitan Wastewater Management Commission received conditional approval by Oregon Department of Environmental Quality for these submittals in February 2023. A public notice process pursuant ended on March 31, 2023. A Public Hearing was conducted by the Metropolitan Wastewater Management Commission on April 14, 2023, and the Model Pretreatment Ordinance was approved by Resolution 23-07. The proposed amendments update the code with current federal and state requirements, and satisfy requirements included in Metropolitan Wastewater Management Commission's National Pollutant Discharge Elimination System Waste Discharge Permit.

COUNCIL OPTIONS

This is a public hearing only and no action is required at this time. City Council deliberation and action is scheduled for May 22, 2023.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. An Ordinance Concerning the Industrial Pretreatment Program, Repealing Sections 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591 AND 6.596 of the Eugene Code, 1971; Adding Sections 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582 and 6.584 to that Code; and Providing for an Immediate Effective Date
- B. Eugene Code sections to be repealed by Section 1 of the Ordinance

FOR MORE INFORMATION

Staff Contact: Michelle Miranda
Telephone: 541-682-8615
Staff E-Mail: MMiranda@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE INDUSTRIAL PRETREATMENT PROGRAM; REPEALING SECTIONS 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591 AND 6.596 OF THE EUGENE CODE, 1971; ADDING SECTIONS 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582 AND 6.584 TO THAT CODE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591, and 6.596 of the Eugene Code, 1971, are repealed.

Section 2. Sections 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582, and 6.584 of the Eugene Code, 1971, attached as Exhibit A to this Ordinance are added.

Section 3. 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.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. To ensure there is no lapse in the City's compliance with the federal Clean Water Act It is necessary for this Ordinance to take effect concurrently with the Oregon Department of Environmental Quality's final approval of it, which could occur within the thirty days described in Section 32(1) of the Eugene Charter of 2002. Therefore, pursuant to the provisions of Section 32(2) of the Eugene Charter 2002, with the affirmative vote of two-thirds of the

members of the City Council, this Ordinance shall become effective on the date the Oregon Department of Environmental Quality grants it final approval,

Passed by the City Council this

___ day of _____, 2023

City Recorder

Approved by the Mayor this

___ day of _____, 2023

Mayor

INDUSTRIAL PRETREATMENT PROGRAM

6.550 Industrial Pretreatment Program — General Provisions.

(1) Purpose and Policy. EC 6.550 to 6.586 set forth uniform requirements for Users of the Publicly Owned Treatment Works for the City and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code U.S.C. section 1251 et seq.), and the regulations promulgated pursuant to the Clean Water Act, including but not limited to, and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* CFR Part 403) and National Categorical Pretreatment Standards (40 CFR Chapter 1 Subchapter N).

(a) The objectives of EC 6.550 to 6.586 are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
5. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

(b) In achieving the objectives of EC 6.550 to 6.586, it shall be the policy of the City to actively support the community's commerce and industry through accommodation, assistance and cooperation consistent with the City's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the metropolitan area.

(c) Pollutants shall be accepted into the Publicly Owned Treatment Works subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the City for the protection of sewerage facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance.

(d) The City, in carrying out the provisions of EC 6.550 to 6.586 regarding industrial discharge of pollutants by Users into the Publicly Owned Treatment Works necessary for the proper disposal of sewage and drainage from the City and adjacent territory, is further

authorized, in its administrative discretion, to adopt and to promulgate as regulations any laws of the state or the federal government.

(e) Discharge permit conditions shall be predicated on federal, state and local regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. Discharge permit conditions shall be reevaluated upon expiration of the permit and may be revised by the City Manager as required, to remain consistent with local, state or federal laws, regulations and requirements or to meet any emergency.

(f) Discharge permits may include, but shall not be limited to, conditions pertaining to discharge standards, self-monitoring requirements, treatment methods, housekeeping practices, inventory storage, manufacturing methods, etc., that are intended to protect the waters of the state.

(2) Applicability. EC 6.550 to 6.586 shall apply to all persons within the City of Eugene, and to all Users of the Publicly Owned Treatment Works. EC 6.550 to 6.586 authorize the issuance of individual wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(3) Administration. Except as otherwise provided herein, the City Manager shall administer, implement, and enforce the provisions of EC 6.550 to 6.586 to ensure that the City's pretreatment program complies with the objectives of EC 6.550 to 6.586, the applicable state and federal laws and regulations and the City's policy to cooperate with state and federal government. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to a duly authorized designee of the City Manager. The City Manager, in carrying out the provisions of EC 6.550 to 6.586 may adopt administrative rules pursuant to EC 2.019 of this code.

(4) Abbreviations. The following abbreviations, when used in EC 6.550 to 6.586, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
DEQ – The Oregon Department of Environmental Quality.
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User or User
mg/l – milligrams per liter
MWH – Mobile Waste Hauler
MWMC – The Metropolitan Wastewater Management Commission
NAICS – The North American Industry Classification System
NPDES – National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

(5) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in EC 6.550 to 6.586, shall have the meanings hereinafter designated.

Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Approval Authority. The State of Oregon.

Authorized or Duly Authorized Representative of the User.

(a) If the User is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices or (“BMPs”). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in EC 6.552(1) and 6.552(4). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Biochemical Oxygen Demand (“BOD”). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

City. The City of Eugene.

City Manager. The City Manager of the City as defined by the City's Charter, or the City Manager's designee.

Composite Sample. A representative sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Control Authority. The City.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Domestic User (“Residential User”). Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit.

Environmental Protection Agency (“EPA”). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source. Any source of discharge that is not a “New Source.”

Food Service Establishment. A non-domestic discharger where preparation, manufacturing, or processing of food and/or beverage occurs and include, but are not limited to restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption.

General Discharge Authorization. A written authorization issued for the discharge of wastewater from a User into the POTW.

Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Gray water. Gray water means shower and bath wastewater, bathroom sink wastewater, kitchen sink wastewater and laundry wastewater. Gray water does not mean toilet or garbage wastes, or wastewater contaminated by soiled diapers.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source, including a Mobile Waste Hauler, regulated under section 307 (b), (c), or (d) of the Act.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Mobile Waste Hauler. A person who, by contract or otherwise, collects wastewater, including domestic waste and septage waste, for transportation to and discharge into any portion of the POTW.

New Source.

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (a)2. or (a)3. above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - a. any placement, assembly, or installation of facilities or equipment; or
 - b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). Pollution is the introduction of pollutants which alters the chemical, physical, biological or radiological state of water.

Pollution Prevention. Source reduction and other practices that reduce or eliminate the creation of pollutants through:

- (a) Increased efficiency in the use of raw materials, energy, water, or other resources; or
- (b) Protection of natural resources by conservation.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of EC 6.550 to 6.586.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water, including, but not limited to wastes from bathrooms, laundries, and kitchens.

Sewer. Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

SIC Number. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Significant. Except as otherwise defined in EC 6.550 to 6.586, significant is defined on a case-by-case basis. If a person subject to EC 6.550 to 6.586 is concerned about whether an act, omission, or change is “significant,” they are advised to immediately contact the office of the City’s pretreatment program for clarification.

Significant Industrial User (SIU).

(a) An Industrial User subject to categorical Pretreatment Standards; or

(b) An Industrial User that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding domestic waste, noncontact cooling and boiler blowdown wastewater);
2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.

(c) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to City’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

2. The Industrial User annually submits the certification statement required in Section 8.14 B, together with any additional information necessary to support the certification statement; and

3. The Industrial User never discharges any untreated concentrated wastewater.

(d) Upon a finding that a User meeting the criteria in subsection(b) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance. A SIU (or an IU which violates(c), (d) or (h) below) is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standards or Pretreatment Requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standards or Requirement including instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City Manager's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City Manager determines will adversely affect the operation or implementation of the local Pretreatment program.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in EC 6.552(1) or Local Limits as described in 6.552(4). A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

User or Industrial User. A source of indirect discharge into a POTW. The source shall not include a Domestic User.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

6.552 Industrial Pretreatment Program — Regulations.

(1) Prohibited Discharge Standards.

(a) **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which will harm the health of the City's employees working in and around the POTW, interfere with the operation or performance of the POTW, contaminate the resulting biosolids, or will cause Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(b) Specific Prohibitions.

1. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or in combination with other pollutants to create a fire or explosive hazard in the POTW, or be injurious in any other way to the POTW or its operations, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides or wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21 or otherwise specified by the City Manager. At no time shall two successive readings on an explosion hazard meter, at the point of discharge (or at any point in the POTW) be more than five (5) percent nor shall any single reading be over ten percent of the lower explosive limit of the meter;
- b. Wastewater having a pH less than 5.5 or more than 12.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.;
- c. Solid or viscous substances which, either alone or in combination with other pollutants, may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- e. Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant or stimulate excessive biological activity in the POTW, resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- h. Trucked or hauled pollutants, except at discharge points designated by the City Manager in accordance with EC 6.554(4);
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other pollutants, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable local limits and State or Federal regulations;
- l. Any unpolluted water including, but not limited to, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City Manager;
- m. Medical Wastes, except as specifically authorized by the City Manager in an individual wastewater discharge permit
 - n. Any trucked or hauled domestic or non-domestic wastewater hauled and discharged into the POTW treatment plant influent having a pH less than 6.0 or greater than 9.0.
 - o. Any wastewater containing pollutants which, either alone or in combination with other pollutants, may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW or exceed any limitation set forth in a National Categorical Pretreatment Standard or any other Pretreatment Standard.
 - p. Any pollutant which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
 - q. Any pollutant which will cause the City to violate its NPDES permit.
 - r. Discontinued, expired, or unused pharmaceuticals to the sanitary sewer is prohibited. Pharmaceuticals include, but are not limited to: hazardous and non-hazardous prescriptions and over-the counter therapeutic drugs; excess medication in IV bags, syringes, or vials; chemotherapy drug wastes;

diagnostic agents; nutraceuticals; and antibiotics. Or any hazardous waste pharmaceutical as defined in 40 CFR 266.500.

2. Users that use continuous monitoring techniques for pH shall meet the requirements specified in EC 6.552(1)(b)(2); except that temporary excursion above the upper and lower pH values are allowed as long as:

- a. The total time during which values for pH are outside the prohibition or limitation value does not exceed eight (8) hours in any calendar month;
- b. No individual excursion exceeds sixty (60) minutes in length; and
- c. No excursion results in or contributes to violations of the prohibitions in EC 6.552.
- d. In no case shall the discharge have a pH lower than 5.0 except as authorized by the City Manager.
- e. When the City Manager determines that a sixty (60) minute excursion by any User will or may result in a violation, the City Manager may establish a shorter allowable duration for that User.

3. Pollutants, substances, or wastewater prohibited by EC 6.552 shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) National Categorical Pretreatment Standards. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. These categorical standards shall be met by all industrial users of the regulated industrial categories.

- (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City Manager may impose equivalent concentration or mass limits.
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the City Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (d) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the City Manager. The City may establish equivalent mass limits only if the

Industrial User meets all the conditions set forth in Sections (2)(d)1.a. through (2)(d)1.e. below.

1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
 - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the City Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in EC 6.552(2)(d)1.c, above. Upon notification of a revised production rate, the City Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to EC 6.552(2)(d)1.a., so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the City Manager:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to EC 6.552(6). The Industrial User must also be in compliance with EC 6.582(3) regarding the prohibition of bypass.
 - d. The City Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the City Manager.
- (e) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in EC 6.552 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (f) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (g) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Pretreatment Standards. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than the federal requirements and limitations or those in EC 6.550 to 6.586.

(4) Local Limits.

(a) The City Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

(b) The pollutant limits are established to protect against Pass Through and Interference. No SIU shall discharge wastewater containing those pollutants into the POTW, in excess of limitations specified by conditions of its discharge permit or published by the City Manager.

(c) The City Manager shall publish and revise from time to time rules that designate and establish limits for Restricted Substances. At all times these rules shall cover and be at least as strict as those for pollutants as defined in State or federal regulations.

(d) The limits apply at the point where the wastewater is discharged into the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City Manager may impose mass limitations in addition to the concentration-based limitations above.

(e) Individual limits for specific Users may be established on a case-by-case basis for compounds not specifically listed in published local limits.

(f) The City Manager may develop BMPs, by administrative order or in individual wastewater discharge permits, to implement Local Limits and the requirements of EC 6.552(1).

(5) City's Right of Revision. The City Manager reserves the right to establish, by administrative order or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of EC 6.550 to 6.586.

(6) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

(7) Pretreatment Standards – Best Management Practices.

(a) The City Manager may develop BMPs, or require a User to develop BMPs, to implement the prohibitions of EC 6.552(1) (Prohibited Discharge Standards), and EC 6.552(4) (Local Limits). BMPs shall be considered pretreatment standards and local limits for the purposes of EC 6.550 through 6.586 and Section 307(d) of the CWA. Additionally, BMPs may be categorical pretreatment standards as established by EPA.

(b) The City Manager may develop general BMPs that are applicable to categories of Users, or geographic areas.

(8) Special Agreements.

(a) Nothing contained in EC 6.552(1) (Prohibited Discharge Standards), EC 6.552(4) (Local Limits), and EC 6.552(7) (BMPs) shall be construed to prohibit an agreement between the City and any person whereby a discharge which would otherwise be prohibited by EC 6.550 to 6.586 may be admitted to the POTW.

(b) Such an agreement may be made when, in the opinion of the City Manager, special circumstances justify such agreement, provided that no Interference or Pass Through results from the discharge, no contamination of the resulting Biosolids or recycled wastewater occurs, and no additional costs are incurred by the City without recompense by the person.

(c) Categorical pretreatment standards and federal pretreatment requirements shall not be waived by special agreement of the parties.

(9) Wastewater Discharge Survey.

(a) User may be required to provide information to the City Manager pertaining to the nature and quantity of its wastewater discharge. The City Manager may, from time to time, require that a wastewater discharge survey be completed and returned to the City.

(b) Optionally, a site survey may be conducted and the necessary information obtained for evaluation. A User may also be required to complete a short-form wastewater discharge survey at the time of the site survey.

(c) In addition to or in place of a wastewater discharge survey, the City Manager may require a User to complete an individual wastewater discharge permit application.

6.554 Industrial Pretreatment Program — Pretreatment of Wastewater.

(1) Pretreatment Facilities.

(a) Users shall provide wastewater treatment as necessary to comply with EC 6.550 to 6.586 and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in EC 6.552 within the time limitations specified by EPA, the State, or the City Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City Manager for review, and shall be acceptable to the City Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the

User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of EC 6.550 to 6.586.

(b) A User may be required to install pretreatment facilities or make plant or process modifications or implement pollution management practices as deemed necessary by the City Manager to meet the requirements of EC 6.550 to 6.586.

(c) Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the User and in a manner and within the time prescribed by the City Manager as to enable the City to comply with all applicable regulations and requirements or to protect the POTW or treatment process.

(d) Review and approval of proposed facilities or modifications by the City Manager will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve an User of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of EC 6.550 to 6.586 and any individual wastewater discharge permit or Discharge Authorization issued to the User.

(e) Deadline for Compliance with Applicable Pretreatment Requirements.

1. Compliance by Existing Sources covered by Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard.
2. The City Manager shall establish a final compliance deadline date for any Existing Source not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said User are more restrictive than federal Categorical Pretreatment Standards.
3. New Sources are required to comply with the applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of the discharge. New Sources shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning discharge.

(2) Additional Pretreatment Measures.

(a) Whenever deemed necessary, the City Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of EC 6.550 to 6.586.

(b) The City Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental Discharge/Slug Discharge Control Plans. Users shall provide protection against accidental or slug discharges. The City Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The City Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall be provided and maintained at the User's cost and expense. Alternatively, the City Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the City Manager of any accidental or Slug Discharge, as required by EC 6.564(6); and

(d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(e) Whenever the facility changes its operations in such a way as to change the potential for an accidental/slug discharge, the plan must be updated.

(4) Hauled Waste.

(a) Any hauled waste approved to be discharged into the POTW is subject to all the requirements in EC 6.550 to 6.586.

(b) MWHs proposing to discharge waste to the Septage Receiving Station at the POTW Treatment Plant shall apply for a Mobile Waste Hauler Discharge Permit.

(c) With the exception of recreational vehicle waste and boat sewage, persons proposing to discharge waste to the RV Disposal Station shall request and be issued a Discharge Authorization Letter prior to discharge.

(d) Persons who wish to discharge recreational vehicle waste are not required to receive discharge authorization; however, a person may be prohibited from discharging if an actual or potential discharge violates the general discharge prohibitions in EC 6.552(1)(a).

6.556 Industrial Pretreatment Program — Individual Wastewater Discharge Permits.

(1) Wastewater Analysis. When requested by the City Manager, a User must submit information on the nature and characteristics of its wastewater. The City Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information in accordance with EC 6.552(9).

(2) Individual Wastewater Discharge Permit Requirement.

(a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the City Manager, except that a Significant Industrial User that has filed a timely application pursuant to EC 6.556 may continue to discharge for the time period specified therein.

(b) The City Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of EC 6.550 to 6.586. Any User that is informed by the City Manager that it is required to obtain an individual wastewater discharge permit shall do so in accordance with EC 6.556(3).

(c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of EC 6.550 to 6.586 and subjects the wastewater discharge permittee to the sanctions set out in EC 6.576, 6.578 and 6.580. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Duty to Apply.

(a) Users notified by the City Manager shall apply for an individual wastewater discharge permit ninety (90) days prior to:

1. Commencing discharge at a new connection where the discharge characteristics will meet the definition of a SIU;
2. Establishing a new point of discharge or making a substantial change in the volume or character of its discharge or process at a facility with an existing connection that will meet the definition of a SIU; or
3. Establishing a process or modifying a process that would then be subject to Categorical Pretreatment Standards;

(b) Any Users that do not meet the conditions above shall apply for an individual wastewater discharge permit within sixty (60) days of being notified by the City Manager of meeting the definition of a SIU.

(c) A User with an existing individual wastewater discharge permit proposing to establish a new point of discharge or make a substantial change in the volume or character of its discharge or process, shall apply for an amended permit and may discharge only in conformity with its existing permit until the permit is modified.

(d) A User with an existing individual wastewater discharge permit that wishes to continue operations or discharges covered under the permit after expiration shall apply for a new individual wastewater discharge permit a minimum of ninety (90) days prior the expiration of the existing permit.

(4) Individual Wastewater Discharge Permit Application Contents.

(a) All Users required to obtain an individual wastewater discharge permit must submit a permit application on forms provided by the City. The City Manager may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner;
- b. Contact information, description of activities, facilities, and plant production processes on the premises;
- c. SIC number and/or NAICS.

2. Environmental Permits. A list of any environmental control permits held by or for the facility and/or copies of any state or federal licenses issued to the applicant related to the transportation of wastewater, stormwater, or other liquid Waste.

3. Description of Operations.

- a. A description of activities, facilities, plant processes and products produced on the premises including a general description of types and quantities of all materials which are or could be discharged into the POTW;
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

- d. Type and amount of raw materials and chemicals processed (average and maximum per day) and stored;
 - e. Water source, water use, water use distribution throughout the facility and wastewater flow rates;
 - f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - g. Any pertinent special agreements between the applicant and the City concerning treatment of discharges, special user charges or rates, or any other information deemed necessary by the City Manager;
 - h. A list of wastewater pollutants and their characteristics actually or potentially discharged at the applicable plant site including pollutant measurements if requested by the City;
 - i. A description of activities and methods of collection, transportation, storage, and discharge of wastewater, stormwater, or other liquid waste;
 - j. A description of transportation and storage facilities;
 - k. A list of all vehicles that the applicant wishes to authorize to discharge into the POTW including vehicle make/model, vehicle license numbers, vehicle numbers, total tank capacity, and type of waste hauled;
 - l. Proof of adequate general liability and property damage insurance;
- 4. Time and duration of discharges;
 - 5. The location for monitoring all wastes covered by the permit;
 - 6. A description of spill prevention measures or plans which are currently in place;
 - 7. Flow Measurement. Information providing a description of flow monitoring and wastewater sampling equipment to be installed and methods to be used.
 - 8. Any other information as may be deemed necessary by the City Manager to evaluate the permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(5) Application Signatories and Certifications.

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in EC 6.566(1).
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City Manager prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User by the City Manager pursuant to subsection (3) and (4) of the definition of “Significant Industrial User” at EC 6.550(5) must annually submit the signed certification statement in EC 6.556(14)(b).

(6) Individual Wastewater Discharge Permit Decisions. The City Manager will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the City Manager will determine whether to issue an individual wastewater discharge permit. The City Manager may deny any application for an individual wastewater discharge permit.

6.560 Industrial Pretreatment Program — Individual Wastewater Discharge Permit Issuance.

(1) Individual Wastewater Discharge Permit Duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Individual Wastewater Discharge Permit Contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits must contain:

- 1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City Manager, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including BMPs, based on applicable Pretreatment Standards;
 4. Specifications for monitoring and sampling programs which may include monitoring and sampling locations, frequency of monitoring, sampling, number and types of tests, standards for tests and reporting schedules based on Federal, State and local law;
 5. Requirements for submitting technical reports, discharge reports, licenses, manifests, or plans;
 6. Requirements for maintaining and retaining records required by a wastewater discharge permit, and affording the City Manager access thereto;
 7. Requirements for notifying the City two (2) days after a permit holder that is subject to equivalent mass or concentration limits calculated from a production-based standard has a reasonable basis to know that the production level will significantly change within the next calendar month, and that without such notification, permit holder must meet the mass or concentration limits in its permit that were based on the original estimate of the long term average flow rate;
 8. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 9. Requirements to control Slug Discharge, if determined by the City Manager to be necessary.
 10. Requirements for immediately notifying the City of slug load discharges or a change in potential for spill or slug discharges;
 11. Requirement to report a bypass or upset of a pretreatment facility;
 12. Requirement for notifying the City Manager where self- monitoring results indicate noncompliance;
 13. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit analysis to the City Manager within thirty (30) days after becoming aware of the violation.
- (b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Payment of applicable fees;
 2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
4. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
5. Requirements to limit, control, or reduce the concentrations of pollutant discharges through the use of BMPs;
6. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
7. Requirements for installation and maintenance of pretreatment, inspection, or monitoring and sampling facilities and equipment, including flow measurement devices;
8. Compliance schedules;
9. Requirements for notifying the City of any new discharge of a restricted substance or any substantial change in the volume or character of the wastewater or any restricted substances being discharged;
10. Requirements that the permit holder notify the City of any disposal of wastewater in excess of five-hundred (500) gallons to any person in any period of twelve (12) consecutive calendar months;
11. Authorized points of discharge, regulated processes or waste streams;
12. Requirement for a written report within five (5) days of notification of an effluent limit violation;
13. Requirement for the SIU to establish and maintain a Sampling and Analysis Plan;
14. Requirement for adequate general liability and property damage insurance;
15. Requirement to apply in writing for permission to discharge any hauled non-domestic wastewater;
16. Requirement to provide the City advanced notice of any non-routine or hauled non-domestic wastewater discharges, and a statement on the authority for the City Manager to prohibit or condition such discharges;

17. Requirement that a hauled waste discharge site have any spilled material removed or cleaned up after discharge; or

18. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

19. Other conditions as deemed appropriate by the City Manager to ensure compliance with EC 6.550 to 6.586, and State and Federal laws, rules, and regulations.

(c) The City Manager may, at its discretion, issue a certification in lieu of a control mechanism for NSCIUs and NDCIUs.

(3) Permit Modification. The City Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with (4) below.

(4) Individual Wastewater Discharge Permit Transfer.

Individual wastewater discharge permits may be assigned or transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City Manager and the City Manager approves the individual wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit voidable as of the date of facility transfer. The notice to the City Manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Assumes full responsibility for complying with the existing individual wastewater discharge permit.

(5) Individual Wastewater Discharge Permit Revocation.

(a) The City Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the City Manager of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the City Manager of changed conditions pursuant to EC 6.566(5);
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the City Manager timely access to the facility premises and records;
7. Failure to meet discharge limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;

11. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;

13. If the City Manager has to invoke its emergency provision as cited in EC 6.576(8); or

14. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or EC 6.550 to 6.586.

(b) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

(c) The industrial user whose discharge permit is revoked pursuant to this subsection (5) above shall be prohibited from applying for a new discharge permit for a period of two years from the date of final decision. The prohibition may be waived if the City Manager determines that the issuance of a new discharge permit is necessary to avert an imminent or existing danger to the health or welfare of persons, property, or the environment.

(d) The filing of an appeal pursuant to EC 6.562 shall stay enforcement of the action by the City Manager under this subsection (5) above pending final administrative action on the appeal. This provision supplements and does not restrict other provisions of this code, laws or regulations authorizing termination of service for delinquency in payment of fees or charges.

(6) Individual Wastewater Discharge Permit Reissuance. A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with EC 6.556(4), a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit. Discharge limits or rules in effect and incorporated into any permit shall remain in effect for that permit until it expires, except as modified pursuant to EC 6.560(3).

(7) Continuation of Expired Permits. Individual wastewater discharge permits issued for a duration of less than five (5) years, may be administratively extended up to five (5) years from the effective date of the permit, but in no case shall an individual wastewater discharge permit be administratively extended past the maximum duration established in EC 6.560(1). An expired permit shall continue to be in effect until a final action has been taken on the renewal application to issue or deny the permit if:

(a) The permit holder has submitted a complete permit application at least ninety (90) days prior to the expiration of its permit; and

(b) The failure to take Final Action is not due to any act or failure to act on the part of the permit holder.

6.562 Industrial Pretreatment Program — Reconsideration and Appeals

(1) Reconsideration by Industrial Pretreatment Program. Any person may request a modification to a decision by the City Manager related to the provisions of EC 6.550 to 6.586 via an administrative review with the City. The request for modification must be submitted within fifteen (15) days of receipt of notification of a decision or action. If the request for modification is denied by Industrial Pretreatment Program staff, the requestor may file for Reconsideration by City Manager per subsection (2) below.

(2) Reconsideration by City Manager. Any person aggrieved by the final determination of the Industrial Pretreatment Program staff or aggrieved of any other decision or action not subject to Industrial Pretreatment Program administrative review, other than judicial enforcement actions, may file a written request with the City Manager for reconsideration thereof within fifteen (15) days of receipt of notification of such decision or action. The notice of appeal shall be on a form provided by the City Manager and shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reconsideration. The City Manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the MWMC pursuant to subsection (3) below.

(3) Appeal to MWMC.

(a) Any person aggrieved by the final determination of the City Manager may appeal such determination to the MWMC. Written notification of such appeal shall be filed with the MWMC and City Manager, together with the payment of a fee of \$50.00, within ten (10) days after receipt of the final determination of the City Manager. The notice of appeal shall be on a form provided by the MWMC and shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reversal or modification of the City Manager's determination.

(b) The MWMC shall conduct a hearing on the appeal according to procedures to be established by the MWMC pursuant to paragraph twelve (12) of the Intergovernmental Agreement. The MWMC shall submit a copy of its findings and recommendations regarding the appeal to the City Council within ten (10) days after the hearing. The City Council may hold a hearing on the recommendations. If the City Council decides to hold a hearing, it will do so within sixty (60) days after their filing.

(4) Settlement of Administrative Penalty Assessment. Upon receipt of a Notice of Administrative penalty Assessment, a User may request a conference with the City Manager or designee. The City Manager may compromise or settle any unpaid administrative penalty assessed under EC 6.550 to 6.586. A request under this subsection shall not act as a stay, or otherwise affect the filing or processing of an appeal under subsection (3) above.

EC 6.564 Industrial Pretreatment Program — General Discharge Authorization.**(1) Sector Control Programs.**

- (a) The City Manager may establish sector control programs for, and issue discharge authorization letters to User to control specific pollutants as necessary to meet the objectives and requirements of EC 6.550 to 6.586.
- (b) The City Manager may require a User to provide information through a wastewater discharge survey, wastewater discharge permit application, or other means to aid in the classification of a User.

(2) Discharge Authorization Letter Conditions.

- (a) Users subject to sector control program requirements will be issued a Discharge Authorization Letter. Letters shall contain, where applicable, the following conditions:

- 1. A statement of general requirements containing the applicable sector control program requirements to which the User is subject;
- 2. Issuance date and effective date of the discharge authorization;
- 3. Requirements for the installation and maintenance of pretreatment facilities or devices, if applicable;
- 4. Applicable effluent limits and BMPs;
- 5. Requirements for submitting discharge reports, BMP compliance reports, technical reports, manifests, maintenance records, or plans;
- 6. Requirements for maintaining and retaining records required by a Discharge Authorization Letter.

- (3) Discharge Authorization Letter Duration. Discharge authorizations shall be in effect indefinitely unless it is cancelled by the City Manager, a User fails to meet the requirements of a discharge authorization letter, or the authorization letter contains an end date or end discharge date.

6.566 Industrial Pretreatment Program — Reporting Requirements.**(1) Baseline Monitoring Reports.**

- (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the City Manager a

report which contains the information listed in subsection (1)(b). A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

1. The name and address of the facility including the name of the operator and owners;
2. A list of any environmental control permits held by or for the facility;
3. A brief description of the nature, average rate of production, and SIC number of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). (See subsection (b)6.d. below.)
5. The City Manager may allow for the verifiable estimates of these flows where it is justified by cost or feasibility considerations.
6. Measurement of pollutants.
 - a. Pretreatment Standards applicable to each regulated process;
 - b. The results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or City Manager) of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City Manager or the applicable Standards to determine compliance with the Standard;
 - c. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection 6.
 - d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process

if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City Manager;

e. Sampling and analysis shall be performed in accordance with subsections (10) and (11);

f. The City Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

g. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

7. Compliance Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

8. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to EC 6.566 must meet the requirements set out in subsection (2) below.

9. The conditions established in EC 6.6.566(2) shall apply to any schedule required by subsection (1)(b)8. above.

10. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with subsection (14)(a) below and signed by an Authorized Representative.

(2) Compliance Schedule. Should any schedule of compliance be established in accordance with the requirements of EC 6.550 to 6.586, the following conditions shall apply to such schedule:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards

(such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City Manager.

(3) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User, including all existing sources, subject to such Pretreatment Standards and Requirements shall submit to the City Manager a report containing the information described in subsections (1)(b)4. through (1)(b)6. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in EC 6.552(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) below. All sampling will be done in conformance with subsection (11).

(4) Periodic Compliance Reports.

(a) All SIUs must, at a frequency determined by the City Manager submit no less than twice per year, in June and December reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City Manager or the Pretreatment Standard necessary to determine the compliance status of the SIU.

1. In support of the information submitted with a periodic compliance report, the City Manager may also require supporting documents such as, but not limited to, calibration records, instrumentation maintenance records, and off-site disposal methods and/or records.

2. The City Manager may, in its discretion, require NSCIUs and NDCIUs to comply with EC 6.566.

(b) Hauled Waste Reports.

1. All MWHs subject to the requirements of a Mobile Waste Hauler Permit must, at a frequency determined by the City Manager, submit a hauled waste manifest for each load discharged that includes information on the origination, collection, source, and type of wastes discharged along with any other information necessary to track the source, collection, and discharge of hauled waste into the POTW.
2. Any MWH may be required to provide a waste analysis of any loads for any pollutants necessary to determine compliance with EC 6.550 to 6.586.
3. In addition to hauled waste manifests, MWHs may be required to submit information showing that the hauler is authorized to haul waste in the state, that the hauler's vehicles are in proper working order, and that the hauler has a minimum amount of liability insurance as deemed necessary by the City Manager.

(c) BMP Reports. All IUs required to implement BMPs must, at a frequency determined by the City Manager, submit documentation necessary to determine compliance with the BMP. The documentation may include, but is not limited to, calibration records, instrumentation maintenance records, off-site disposal methods and/or records, and wastewater treatment records.

(d) Sector Control Program Reports. All Users required to keep and maintain records in accordance discharge authorization requirements may be required to submit those records to the City Manager as necessary to evaluate compliance with Discharge Authorization Letter requirements.

(e) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City Manager, using the procedures prescribed in Section 8.11 of this Ordinance, the results of this monitoring shall be included in the report.

(5) Reports of Changed Conditions. Each IU must notify the City Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change unless a permit application is required to be submitted in which case, the IU must notify the City Manager ninety (90) days before the change.

(a) The City Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under EC 6.560(2).

(b) The City Manager may issue an individual wastewater discharge permit under EC 6.560(5) or modify an existing discharge permit under EC 6.560(3) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, on becoming aware of the circumstances, the User shall immediately telephone and notify the City Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the User shall, unless waived by the City Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to EC 6.550 to 6.586.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in (6)(a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) SIUs are required to notify the City Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Unpermitted Users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the City Manager as the City Manager may require.

(8) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the City Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager within thirty (30) days after becoming aware of the violation. The User must submit a certified report with the laboratory report or field data showing the violation and a written narrative detailing the cause of the violation and what the User will do or has done to prevent the violation from happening again within five (5) days after notification. Resampling by the User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the User.

(9) Notification of the Discharge of Hazardous Waste and Reporting Requirements.

(a) Any User who commences the discharge of hazardous waste shall notify the City Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if

otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection (9) need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (5) above. The notification requirement in this subsection (9) does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards in baseline monitoring, ninety (90) day and periodic compliance reports.

(b) Users are exempt from the requirements of subsection (9)(a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this subsection (9), the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This subsection (9) does not create a right to discharge any substance not otherwise permitted to be discharged by EC 6.550 to 6.586, a permit issued thereunder, or any applicable Federal or State law.

(10) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant

in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City Manager or other parties approved by EPA.

(11) Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) Samples for pH may be obtained by using grab collection techniques or continuous monitoring techniques.

1. The method required is at the discretion of the City Manager.

2. For continuous monitoring techniques, the City Manager may specify the period and conditions of a pH excursion, including, but not limited to, equipment maintenance and calibration.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in EC 6.566, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager may authorize a lower minimum. For the reports required by EC 6.566(3), the User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked or on the date of receipt of the report by the City Manager.

(13) Recordkeeping. Users subject to the reporting requirements of EC 6.550 to 6.586 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any

monitoring activities required by EC 6.550 to 6.586, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years and shall be made available for physical or electronic inspection and copying by the City Manager, State, or EPA. This retention period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City Manager, State, or EPA.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with EC 6.556(5); Users submitting baseline monitoring reports under subsection (1) above; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines; Users submitting 90-Day compliance reports required by EC 6.566(3), and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative as defined in EC 6.550(5):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the City Manager must annually submit the following certification statement signed in accordance with the definition of “Authorized or Duly Authorized Representative of the User” in EC 6.550(4). This certification must accompany an alternative report required by the City Manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in

subsections (3) and (4) of the definition of “Significant Industrial User” at EC 6.550(5);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

(c) Hauled Waste Manifests. For MWHs subject to discharge reporting requirements in Hauled Waste Permits, the following certification Statement must be signed by a driver/operator of a hauled waste vehicle authorized to discharge at the Septage Receiving Station:

I certify under penalty of law that the information listed in this manifest was prepared by me and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that all discharges covered by this manifest are not hazardous as defined at 40 CFR Part 261. I further certify that all discharges made to the POTW are being made in accordance and in compliance with the requirements specified in Sections ____ to ____ of ____ City Code and the Mobile Waste Hauler Permit.

(15) Electronic Reporting. Users that submit electronic documents to the City to satisfy the requirements of EC 6.566 must ensure all documents comply with the CROMERR requirements, as set out in EC 6.552.

6.568 Industrial Pretreatment Program — Compliance Monitoring.

(1) Right of Entry: Inspection and Sampling. The City Manager shall have the right to enter the premises of any User as often as deemed necessary (SIUs should expect to be inspected at a minimum once annually) to determine whether the User is complying with all requirements of EC 6.550 to 6.586 and any individual wastewater discharge permit or order issued hereunder. Users shall allow authorized representatives of the City, State and EPA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the representatives shall be permitted to enter without delay for the purposes of performing specific responsibilities. Unreasonable delays in allowing representatives from the City, State, or EPA access to the User's premises shall be a violation of EC 6.550 to 6.586.
- (b) Entry may not be conditioned upon any City, State, or EPA representative signing any type of confirmation, release, consent, acknowledgement, or other type of agreement.
- (c) The City, State and EPA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling, observation, inspection, compliance monitoring and/or metering of the User's operations.
- (d) The City, State and EPA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at the manufacturer's recommendation to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City, State and EPA and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (f) Unreasonable delays in allowing the City, State and EPA access to the User's premises shall be a violation of EC 6.550 to 6.586.

(2) Monitoring Facilities.

- (a) The City Manager may require the User to install and maintain at its expense a suitable sampling location(s) and/or monitoring equipment, to facilitate representative observation, sampling and measurement of wastewater being discharged.
- (b) If feasible, such sampling location shall be located where it is accessible from a public road or street and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the City. If infeasible, the User shall receive prior approval for deviation from this requirement.
- (c) It shall be constructed in accordance with plans and at a location approved by the City Manager. The approval of such plans shall in no way relieve the User from the responsibility of modifying such sampling location(s) as necessary to ensure representative observation, sampling and measurement.
- (d) The sampling location(s) and monitoring equipment required in this subsection (2) shall be maintained in proper working order and kept safe and accessible at all times.

(3) Search Warrants. If the City Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of EC 6.550 to 6.586, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with EC 6.550 to 6.586 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City Manager may seek issuance of a search warrant from the Lane County Circuit Court of Oregon.

6.570 Industrial Pretreatment Program — Confidential Information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public and other governmental agencies without restriction, unless the User specifically requests in writing, and is able to demonstrate to the satisfaction of the City Manager, that such records are exempt from disclosure under the Oregon Public Records Law ORS 192.410, et seq. All such information and data shall be available at least to the extent necessary to permit the City Manager to ensure compliance with EC 6.550 to 6.586 as well as the requirements of 40 CFR section 2.302. Any such request must be asserted at the time of submission or collection of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. However, all information and data reported shall be available for use by the City, state or any state agency or federal agency in judicial or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

6.572 Publication of Users in Significant Noncompliance. The City Manager shall publish annually, in a newspaper or other media of general circulation that provides meaningful public notice within the City metropolitan area, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

6.574 Industrial Pretreatment Program — Cross Media Electronic Reporting (Cromerr).

(1) EC 6.574 serves as the framework establishing electronic reporting in compliance with 40 CFR Part 403 and 40 CFR part 3.

(2) Definitions to establish the framework for electronic reporting. For the purposes of EC 6.574, the following definitions apply:

Copy of Record. A true and correct copy of an electronic document received by an electronic document receiving system, which copy can be viewed in a human-readable

format that clearly and accurately associates all the information provided in the electronic document with descriptions or labeling of the information. A copy of record includes:

- (a) All electronic signatures contained in or logically associated with that document;
- (b) The date and time of receipt; and
- (b) Any other information used to record the meaning of the document or the circumstances of its receipt.

Electronic Document. Any information in digital form that is conveyed to an agency or third-party, where “information” may include data, text, sounds, codes, computer programs, software, or databases. “Data,” in this context, refers to a delimited set of data elements, each of which consists of a content or value together with an understanding of what the content or value means; where the electronic document includes data, this understanding of what the data element content or value means must be explicitly included in the electronic document itself or else be readily available to the electronic document recipient.

Electronic Document Receiving System. Any set of apparatus, procedures, software, records, or documentation used to receive electronic documents.

Electronic Signature Agreement. An agreement signed by an individual with respect to an electronic signature device that the individual will use to create his or her electronic signatures requiring such individual to protect the electronic signature device from compromise; to promptly report to the agency or agencies relying on the electronic signatures created any evidence discovered that the device has been compromised; and to be held as legally bound, obligated, or responsible by the electronic signatures created as by a handwritten signature.

Electronic Signature Device. A code or other mechanism that is used to create electronic signatures. Where the device is used to create an individual's electronic signature, then the code or mechanism must be unique to that individual at the time the signature is created and they must be uniquely entitled to use it. The device is compromised if the code or mechanism is available for use by any other person.

Electronic Signature. Any information in digital form that is included in or logically associated with an electronic document for the purpose of expressing the same meaning and intention as would a handwritten signature if affixed to an equivalent paper document with the same reference to the same content. The electronic document bears or has on it an electronic signature where it includes or has logically associated with it such information.

Handwritten Signature. The scripted name or legal mark of an individual, handwritten by that individual with a marking-or writing-instrument such as a pen or stylus and executed or adopted with the present intention to authenticate a writing in a permanent form, where “a writing” means any intentional recording of words in a visual form, whether in the form of handwriting, printing, typewriting, or any other tangible form. The physical instance of the

scripted name or mark so created constitutes the handwritten signature. The scripted name or legal mark, while conventionally applied to paper, may also be applied to other media.

Valid Electronic Signature. An electronic signature on an electronic document that has been created with an electronic signature device that the identified signatory is uniquely entitled to use for signing that document, where this device has not been compromised, and where the signatory is an individual who is authorized to sign the document by virtue of his or her legal status and/or his or her relationship to the entity on whose behalf the signature is executed.

(3) **Reporting Requirements for Electronic Submissions.** Beginning on [FILL IN the effective date of this Ordinance], and if authorized by the City, reports and notifications required by SIUs under EC 6.550 to 6.586 shall be electronically submitted to the City. All electronic documents shall be submitted by the designated electronic document receiving systems and verified with a valid electronic signature to develop a copy of record.

(4) **Reporting Requirements.**

(a) A person is subject to any applicable federal civil, criminal, or other penalties or remedies for failure to comply with a reporting requirement if the person submits an electronic document to the City and fails to comply with the applicable provisions for electronic reporting.

(b) Where an electronic document submitted to the City bears an electronic signature, the electronic signature legally binds, obligates, and makes the signatory responsible, to the same extent as the signatory's handwritten signature would on a paper document submitted to the City.

(c) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

(d) Nothing in EC 6.574 limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

(5) **IU Reporting and Notification Requirements.** Non-SIU Users who are not subject to mandatory electronic reporting may choose to provide reports and notifications electronically, and may do so only by in accordance with the requirements set out in EC 6.574.

6.576 Industrial Pretreatment Program — Administrative Compliance Remedies.

(1) **Warning Letter.** When the City Manager finds a User has violated any provision of EC 6.550 to 6.586, a wastewater discharge permit, General Discharge Authorization, Discharge Authorization Letter, or any other Pretreatment Standard or Requirement, the City may issue a written Warning Letter to the User. The Warning Letter shall specify the violations(s) and consequences of

continued noncompliance. For violations of a Discharge Authorization Letter, the Warning Letter may contain corrective action(s) and a schedule for completing the corrective action(s).

(2) Notification of Violation. When the City Manager finds that a User has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, General Discharge Authorization, Discharge Authorization Letter or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may serve upon that User a written Notice of Violation. The Notice of Violation shall specify the violation and may require a written response from the violator detailing the actions that will be taken to resolve the violation(s) and/or corrective actions and a schedule for completing the corrective action(s). A Notice of Violation may also include a Notice of Administrative Penalty Assessment. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in EC 6.574 shall limit the authority of the City Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(3) Administrative Compliance Orders. When the City Manager finds that a User has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, General Discharge Authorization, Discharge Authorization Letter, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue a written Administrative Compliance Order to the User directing that the User come into compliance within a specified time. The Order shall specify the violation(s) and require compliance measures. The Order may also include a Notice of Administrative Penalty Assessment for the violation. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(4) Stipulated Enforcement Orders. The City Manager may enter into a stipulated enforcement order for any violation. The Stipulated Enforcement Order shall state findings, direct the User to come into compliance within a specified time and may contain other requirements to address the noncompliance, including but not limited to interim pretreatment limits and compliance goals, and additional self-monitoring and management designed to minimize the amount of pollutants discharged to the POTW.

(5) Service. Enforcement actions shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to

an address within this state, and seven (7) days after the date mailed if to an address outside of this state.

(6) Cease and Desist Orders. When the City Manager finds that a User has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, General Requirement, Discharge Authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(7) Administrative Penalties or Fines.

- (a) When the City Manager finds that a User has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, General Requirements, Discharge Authorization, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Manager may fine such User in an amount not to exceed \$25,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) As a part of a Notice of Violation, Administrative Compliance Order, or separately, the City Manager may issue a Notice of Administrative Penalty Assessment pursuant to EC 6.550 to 6.586 for any violation. The amount of the administrative penalty shall be determined through the use of the Enforcement Response Plan.
- (c) Collection of the penalties determined by the City Manager may be in the manner provided in this code for the collection of sewer user charges, in accordance with any other provisions of this code, or in any other manner provided by law.
- (d) If the User objects to the assessment of any penalty provided by EC 6.576, the User shall have all the rights and shall proceed in compliance with the provisions of EC 6.562.
- (e) Any person who violates EC 6.550 to 6.586 or a condition of a discharge permit, as a result of which the City performs or causes to be performed preventative or corrective work or which results in damage to the POTW shall be liable to the City for such damage and the cost of such preventive or corrective work, additional treatment and for any penalties, including withholding of any grant money, levied against the City for violation of State or federal permits resulting from said violation. The City may collect such charges in the

manner provided in this code for the collection of sewer user charges, in accordance with any other provisions of this code, or in any other manner provided by law.

(f) In the event that a User discharges such pollutants which cause the City to violate any condition of its NPDES permit and the City is fined by EPA or the State for such violation, then such User shall be fully liable for the total amount of the fine assessment against the City by the EPA and /or State.

(g) No person shall willfully or negligently break, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subjected to sanctions set out in EC 6.550 to 6.586.

(h) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions.

(a) The City Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed, unless the termination proceedings EC 6.576(9) are initiated against the User.

2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City Manager prior to the date of any Reconsideration or Appeal under EC 6.562.

(b) The filing of an appeal pursuant to EC 6.562 shall not stay an emergency suspension by the City Manager.

(9) Termination of Discharge.

(a) In addition to the provisions in EC 6.560(2), any User who violates the following conditions is subject to discharge termination:

1. Violation of individual wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the Pretreatment Standards in EC 6.552.

(b) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to appeal as set out in EC 6.562. Exercise of this option by the City Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

6.578 Industrial Pretreatment Program — Judicial Enforcement Remedies.

(1) General. Nothing in EC 6.550 to 6.586 shall prevent the City Manager from seeking judicial or governmental agency assistance to implement the purposes and provisions of EC 6.550 to 6.586.

(2) Injunctive Relief. When the City Manager finds that a User has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Manager may petition the Lane County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by EC 6.550 to 6.586 on activities of the User. the City Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(3) Civil Penalties.

(a) A User who has violated, or continues to violate, any provision of EC 6.550 to 6.586, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty allowed under State law but not less than \$1,000 per violation but not to exceed

\$25,000, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(4) Criminal Prosecution.

(a) A User who willfully or negligently violates any provision of EC 6.550 to 6.586, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than one year, or both.

(b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 but not more than \$25,000, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to EC 6.550 to 6.586 individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under EC 6.550 to 6.586 shall, upon conviction, be punished by a fine of not less than \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than one year, or both.

(d) In the event of a second conviction, a User shall be punished by a fine of not less than \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than three years, or both.

(5) Remedies Nonexclusive. The remedies provided for in EC 6.550 to 6.586 are not exclusive. The City Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's

enforcement response plan. However, the City Manager may take other action against any User when the circumstances warrant. Further, the City Manager is empowered to take more than one enforcement action against any noncompliant User.

6.580 Industrial Pretreatment Program — Supplemental Enforcement. Action.

(1) **Payment of Outstanding Fees and Penalties.** The City Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of EC 6.550 to 6.586, a previous individual wastewater discharge permit, or order issued hereunder.

(2) **Water Supply Severance.** Whenever a User has violated or continues to violate any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

(3) **Public Nuisances.** A violation of any provision of EC 6.550 to 6.586, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

6.582 Industrial Pretreatment Program — Affirmative Defenses to Discharge Violations.

(1) **Upset.**

(a) An upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of subsection (1)(c) below are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The User has submitted the following information to the City Manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

- a. A description of the indirect discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in EC 6.552(1)(a) or the specific prohibitions in EC 6.552(1)(b)1.c. through EC 6.552(1)(b)1.g. if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of EC 6.582:

1. “Bypass” means the intentional diversion of wastestreams from any portion of a User’s treatment facility.
2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (3)(c) and (3)(d).

(c) Bypass Notifications.

1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the City Manager, at least ten (10) days before the date of the bypass, if possible.
2. A User shall submit oral notice to the City Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. the City Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass.

1. Bypass is prohibited, and the City Manager may take an enforcement action against a User for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which

occurred during normal periods of equipment downtime or preventive maintenance; and

c. The User submitted notices as required under subsection (3)(c) above.

2. The City Manager may approve an anticipated bypass, after considering its adverse effects, if the City Manager determines that it will meet the three conditions listed in subsection (3)(d) above.

6.584 Industrial Pretreatment Program — Fees.

(1) Purpose. The purpose of EC 6.584 is to reduce the City's cost of implementation of the pretreatment program through a system of equitable charges or fees to be paid by the IUs subject to EC 6.550 to 6.586. These fees are in addition to the basic charges and flow based fees. The applicable charges or fees shall be set forth in a schedule of fees.

(2) Pretreatment Charges and Fees. To implement the provisions of EC 6.550 to 6.586, the City Manager may administratively impose fees pursuant to EC 2.020 of this code.

(a) In establishing or modifying industrial or business use fees for the POTW, the City Manager may consider all applicable factors, including but not limited to the following:

1. Reimbursement of costs of setting up and operating the POTW pretreatment program, and including the cost of plant investment, supplies, equipment, and personnel; and
2. Monitoring, inspection, and surveillance procedures including the cost of reviewing monitoring reports submitted by the industrial users.

(b) In addition to fees of general application, the POTW may charge user-specific fees based upon the actual cost for personnel, supplies and equipment, for the following:

1. Reviewing accidental discharge procedures and construction;
2. Permit application, to include the cost for processing permit applications;
3. For filing appeals; or
4. For sewer maintenance as a result of inadequate pretreatment equipment or improper maintenance of pretreatment equipment.

(c) Other fees as the City Manager may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by EC 6.550 to 6.586 and are separate from all other fees, fines, and penalties chargeable to the POTW.

6.501 Industrial Pretreatment Program – Declaration of Policy.

(1) The provisions of sections 6.501 to 6.596 of this code set forth requirements for the industrial discharge of pollutants into the city wastewater system. The objectives of these sections are to:

- (a) Prevent the discharge of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) Prevent the discharge of pollutants into the city sewerage system which will pass through the system, inadequately treated, into receiving waters;
- (c) Improve the opportunity to recycle and reclaim wastewater and sludge from the city wastewater system;
- (d) Protect the health of the city's employees working in and around the city wastewater system.

(2) In achieving the objectives of sections 6.501 to 6.596 of this code it shall be the policy of the city to actively support the community's commerce and industry through accommodation, assistance and cooperation consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the metropolitan area.

(3) Pollutants shall be accepted into the city wastewater system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the city for the protection of sewerage facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance. Pretreatment standards shall be developed to ensure that, at a minimum, the city and industrial users comply with Sections 307(b) and 307(c) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 and the regulations promulgated pursuant to these sections of the Act, including but not limited to, 40 CFR Part 403 (General Pretreatment Regulations) and 40 CFR Chapter I Subchapter N (National Categorical Pretreatment Standards).

(4) The city manager, in carrying out the provisions of sections 6.501 to 6.596 of this code regarding industrial discharge of pollutants by industrial users into the city wastewater system necessary for the proper disposal of wastewater and stormwater from the city and adjacent territory, is authorized, in his or her administrative discretion, to adopt and to promulgate as regulations any laws of the state or the federal government in accordance with the procedures of section 2.019 of this code. Discharge permit conditions shall be predicated on federal, state and local regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. Discharge permits may include, but shall not be limited to, conditions pertaining to discharge standards, self monitoring requirements, treatment methods, housekeeping practices, inventory storage, manufacturing methods, etc., that are intended to protect the waters of the state. Permit conditions shall be reevaluated upon expiration of the permit and may be revised by the city manager as required, to remain consistent with local, state or federal laws, regulations and requirements or to meet any emergency.

(5) The city manager shall administer, implement, and enforce the provisions of sections 6.501 to 6.596 of this code to ensure that the city's pretreatment program complies with the objectives of sections 6.501 to 6.596 of this code, the applicable state and federal laws and regulations and the city's policy to cooperate with the state and federal government. Cross references in sections 6.501 to 6.596 of this code to other statutes and regulations are to the versions in effect on the effective date of this ordinance.

6.506 Industrial Pretreatment Program – Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in sections 6.501 to 6.596 of this code shall have the following meanings.

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251, et seq.

Authorized representative of industrial user. An authorized representative of an industrial user shall be:

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- (a) A president, vice-president, secretary or treasurer in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, if the industrial user is a corporation.
 - (b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or
 - (c) A duly authorized representative of the individual designated in (a) or (b) provided the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates or a position of equivalent responsibility or having overall responsibility for environmental matters for the company, is made in writing by an individual designated in (a) or (b) and such authorization is provided to the city prior to or together with any reports signed by an authorized representative as provided in 40 CFR 403.12(1) or required by the city manager.

BOD (Biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius expressed in milligrams per liter.

CFR. The referenced Code of Federal Regulations provision.

City manager. The city manager of the city of Eugene, or the city manager's designee.

City wastewater system. A treatment works as defined by section 212 of the Act. This definition includes any publicly owned sewer that convey wastewater to the treatment plant, whether or not a part of the regional sewerage facilities as defined in the Intergovernmental Agreement executed by the cities of Eugene and Springfield and Lane County as of February 9, 1977, as amended (Intergovernmental Agreement), but does not include the city stormwater system.

Constituent. Any pollutant regulated by section 6.501 to 6.596 of this code or by any permit issued pursuant to section 6.551 of this code, or any volume discharge limits established by a permit issued pursuant to section 6.551 of this code.

Cooling water. The water discharged from any use to which the only pollutant added is heat.

DEQ. The Oregon Department of Environmental Quality.

Discharge. The deposit of pollutants into the city wastewater system, whether deliberate or as an unintended result of any action or failure to act.

Discharge permit. A wastewater discharge permit or a mobile waste hauler permit.

Domestic waste. Wastewater derived from ordinary living processes, free from process wastewater and which will permit satisfactory disposal without special treatment into the city wastewater system.

EPA. The United States Environmental Protection Agency.

Immediate or Immediately. Immediate or immediately means as soon as reasonably possible but in no event longer than 24 hours.

Industrial user. Any person, including a mobile waste hauler, who discharges wastewater from a source other than a single or multiple dwelling unit directly connected to the city wastewater system.

Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, either:

- (a) Inhibits or disrupts the city, its wastewater system treatment processes or operations, or its sludge processes, use or disposal; or
- (b) Is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations); Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act or regulations promulgated by the city manager.

Mobile waste hauler. A person who, by contract or otherwise, collects wastewater, including domestic waste and septage waste, for transportation to and discharge into any portion of the city wastewater system. "Domestic waste" and "septage waste" as used herein have the meaning found in section 6.506.

Mobile waste hauler permit. A permit issued pursuant to section 6.551 of this code.

NPDES permit. National Pollution Discharge Elimination System permit issued pursuant to ORS 468.740 and the Act.

New significant industrial user. Any person discharging from any building, structure, facility or installation (source), the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (b) or (c) of this paragraph but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (d) Begun, or caused to begin as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (e) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and

contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Pass through. A discharge which exits the city wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city wastewater system NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, joint-venture, firm, company, cooperative, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity. The masculine gender shall include the feminine and the singular shall include the plural.

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion activity expressed in moles per liter of solution.

Pollutant. Any element or compound discharged into the city wastewater system except water unless the water has been heated, cooled or irradiated.

Pollution. The alteration of the chemical, physical, biological or radiological state of water.

Pollution management practices. Schedules of activities, requirements or prohibitions of practices, operating procedures, maintenance procedures, and other management procedures used to reduce the amount of pollutants entering the city wastewater system.

Pollution prevention. Source reduction and other practices that reduce or eliminate the creation of pollutants through:

- (a) Increased efficiency in the use of raw materials, energy, water, or other resources, or
- (b) Protection of natural resources by conservation.

Pretreatment. The reduction or elimination of pollutants in wastewater prior to discharge.

Process wastewater. Water which, during manufacturing or processing, comes into contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct or waste product.

Restricted substance. Pollutants listed in section 6.511 of this code, or as prescribed by the city manager pursuant to section 6.516 of this code.

Sample. Any portion of wastewater representing a discharge, which may be a grab sample, or a composite of several samples representing the sewer discharge over a period of time.

Septage waste. Domestic waste extracted from a sewage containment system.

SIC number. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, through the effective date of this ordinance.

Significant industrial user. Any industrial user which:

- (a) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N or rules promulgated by the city manager, or
- (b) Discharges an average of at least 25,000 gallons per day of wastewater (excluding domestic waste, boiler blowdown, and noncontact cooling water) in any period of 12 consecutive calendar months, or
- (c) Discharges process wastewater, which on any day in any period of 12 consecutive calendar months constitutes at least five percent of the average daily dry weather hydraulic or organic capacity of the city wastewater system, or
- (d) Is determined by the city manager to have a reasonable potential for adversely affecting the city wastewater system's operation or for violating any pretreatment standards.

Slugload. Any discharge of a non-routine episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Standards. The limitations and requirements established by federal, state and local laws and regulations for discharges to the city wastewater system.

Suspended solids. The total elements and compounds which float on the surface of, or are suspended in, wastewater and which are removable by laboratory filtration.

Toxic pollutant. Any pollutant or combination of pollutants identified pursuant to section 307(a) and section 502 of the Act or otherwise listed as toxic in regulations previously promulgated by the EPA, or as identified by the city manager.

Wastewater. Liquid or water-carried pollutants including any stormwater that may be present, whether treated or untreated, which is discharged, flows, or infiltrates into the city wastewater system.

Wastewater discharge permit. A permit issued pursuant to section 6.551 of this code.

6.511 Industrial Pretreatment Program – General Discharge Prohibitions.

No industrial user shall discharge any pollutant in a quantity which will harm the health of the city's employees working in and around the city wastewater system, interfere with the operation or performance of the city wastewater system, or contaminate the resulting sludge, or will pass through the system inadequately treated, into receiving waters, including but not limited to any of the following substances.

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or in combination with other pollutants to cause fire or explosion or be injurious in any other way to the city wastewater system or its operations, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, prechlorates, bromates, carbides, hydrides and sulfides; wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified by the city manager. At no time shall two successive readings on an explosion hazard meter, at the point of discharge (or at any point in the city wastewater system) be more than five percent nor any single reading over ten percent of the lower explosive limit of the meter.
- (b) Pollutants which result in the presence of toxic gases, vapors, or fumes within the city wastewater system in a quantity that may cause acute worker health and safety problems.
- (c) Any trucked or hauled pollutants, except at discharge points designated by the city manager.
- (d) Solid or viscous substances which either alone or in combination with other pollutants may cause obstruction to the flow in a sewer or other interference with the operation of the city wastewater system such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or

fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(e) Any wastewater having a pH less than 5.5 or greater than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the city wastewater system.

(f) Any wastewater containing pollutants which, either alone or in combination with other pollutants, may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, creates a toxic effect in the receiving waters of the city wastewater system or exceeds any limitation set forth in a National Categorical Pretreatment Standard or any other pretreatment standard.

(g) Any noxious or malodorous liquid, gas or solid which, either alone or in combination with other pollutants, is sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the city wastewater system for maintenance or repair.

(h) Any pollutant which may cause the city wastewater system's effluent or any other product of the city wastewater system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(i) Any pollutant which will cause the city to violate its NPDES permit.

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(k) Any wastewater having a temperature which will inhibit biological activity in the treatment plant or stimulate excessive biological activity in the city wastewater system, but in no case wastewater with a temperature at the point of discharge into the city wastewater system which exceeds 65 degrees C (150 degrees F) or with a temperature which exceeds 40 degrees C (104 degrees F) at the regional treatment works plant influent.

(l) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the city manager or applicable state or federal standards.

(m) Any unpolluted water, including, but not limited to, non-contact cooling water, or stormwater.

6.516 Industrial Pretreatment Program – Pretreatment Standards – Restricted Substances.

No industrial user shall discharge wastewater containing restricted substances into the city wastewater system, in excess of limitations specified by conditions of its discharge permit or published by the city manager. The city manager shall publish and revise from time to time rules which designate and establish limits for restricted substances. At all times these rules shall cover and be at least as strict as those for pollutants as defined in state or federal regulations. Discharge limits or rules in effect and incorporated into any discharge permit shall remain in effect for that permit until it expires, except as modified as provided in section 6.551 of this code.

6.521 Industrial Pretreatment Program – Excessive Discharge.

No industrial user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards contained in sections 6.501 to 6.596 of this code.

6.526 Industrial Pretreatment Program – Accidental Discharges.

Industrial users shall provide protection from accidental discharge of prohibited or regulated materials or substances established in this section. Where deemed necessary by the city, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's cost and expense. An accidental spill prevention plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which industrial user is required to develop an ASPP and require that industrial user to submit the ASPP within 60 days after notification by the city. Each industrial user shall implement its ASPP as submitted after such ASPP has been reviewed and approved by the city. Review and approval of such

plans and operating procedures by the city shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of sections 6.501 to 6.596 of this code.

6.531 Industrial Pretreatment Program – Notice of Discharges.

(1) *Telephone notice.* Any industrial user or employee thereof becoming aware of a discharge which:

- (a) Could cause interference or pass through, including any slug load; or
- (b) Violates sections 6.501 to 6.596 of this code, shall report such discharge immediately by telephone to the city manager. Prompt notification of such discharges will allow the city to take necessary precautions to minimize hazards and to prevent damage to the receiving waters, thereby avoiding or minimizing discharge violations and fines from state and federal regulatory agencies and the city. The notification shall include the location of the discharge, type, concentration and volume of pollutant discharged and corrective actions proposed and/or taken.

(2) *Written notice.* Within five days following such a discharge, the industrial user shall submit to the city manager a detailed written report describing the cause and location of the discharge, the type, concentration and volume of pollutant discharged, and any hazards which may be posed to life or property and the measures taken or to be taken to prevent similar future occurrences.

(3) *Advance notice.* An industrial user shall promptly notify the city manager in advance of any substantial change in the volume or character of pollutants in its discharge, including hazardous wastes for which the industrial user has provided initial notification under section 6.536 of this code.

(4) *Notice to employees.* Each industrial user subject to section 6.551 of this code shall permanently post a notice on its bulletin board or other prominent place advising employees whom to call in the event of a discharge covered by subsection (1) of this section. Employers shall ensure that all employees who may cause or suffer such a discharge to occur or who are likely to detect such discharge are advised of the emergency notification procedure.

6.536 Industrial Pretreatment Program – Notice of Hazardous Waste Discharge.

(1) *Local notice and prior approval.* Prior to the discharge of any substance referenced in subsection (2) of this section, the industrial user shall obtain prior written approval from the city manager for such discharge. The written request for prior approval shall include the name of the hazardous waste as set forth in 40 CFR Part 261, identification of the hazardous constituents contained in the waste, an estimate of the mass and concentration of such constituents, the volume of the discharge, and any other information the city manager may deem appropriate.

(2) *Federal notice requirements.* Industrial users shall notify the city manager, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the city wastewater system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the city wastewater system, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

(a) An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(b) An estimation of the mass constituents in the wastestream discharged during that calendar month; and

(c) An estimation of the mass constituents in the wastestream expected to be discharged during the following 12 months. Industrial users who commence discharging after December 31, 1991 shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted under section 6.430(3) of this code. The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of this code.

(3) *Exemption.* Industrial users are exempt from the requirements of subsection (2) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(4) *New regulations.* In the case of any new regulations under section 3001 of the Resource Conservation and Recover Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the city manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(5) *Certification.* In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

6.541 Industrial Pretreatment Program – Agreements.

Nothing contained in sections 6.501 to 6.521 of this code shall be construed to prohibit an agreement between the city and any person whereby a discharge which would otherwise be prohibited by sections 6.501 to 6.596 of this code may be admitted to the city wastewater system. Such an agreement may be made when, in the opinion of the city manager, special circumstances justify such agreement, provided that no interference or pass through results from the discharge and no additional costs are incurred by the city without recompense by the person. Categorical pretreatment standards shall not be waived by special agreement of the parties.

(Section 6.541, formerly Section 6.434 added by Ordinance No. 19791, enacted July 8, 1991; renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993; and amended by Ordinance No. 19940, enacted November 17, 1993, effective December 17, 1993.)

6.546 Industrial Pretreatment Program – Fees.

(1) *Purpose.* It is the purpose of this section to reduce the city's cost of implementation of the pretreatment program through a system of equitable charges or fees to be paid by the industrial users of the city wastewater system who are subject to section 6.551(1)(a) of this code for certain services. The applicable charges or fees shall be set forth in a schedule of fees established as provided in section 2.020 of this code.

(2) *Fees.* When adopting fees as provided in subsection (1) of this section the city manager may adopt fees to reduce the city's cost of providing the following services:

- (a) Setting up and operating the pretreatment program;
- (b) Sampling, monitoring, inspections and surveillance procedures;
- (c) Reviewing accidental discharge procedures and control;
- (d) Reviewing and acting upon permit applications; and
- (e) Other services as the city manager may deem necessary to carry out the requirements contained in sections 6.501 to 6.596 of this code.

6.551 Industrial Pretreatment Program – Administration.

(1) *General.*

(a) *Wastewater discharge survey.* The city manager or designee may require an industrial user to provide information pertaining to the nature and quantity of the industrial user's wastewater discharge. The city manager may, from time to time, require an industrial user to complete a wastewater discharge survey and returned it to the city.

(b) *Monitoring facilities.* When required by the city manager, the industrial user shall install and maintain at its expense a suitable control accesshole to facilitate observation, sampling and measurement of wastewater being discharged. Such accesshole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans and at a location approved by the city manager and shall be

arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the city.

(c) *Inspection and sampling.* The city may inspect the facilities of any industrial user as often as deemed necessary (significant industrial users should expect to be inspected no less often than at least one to four times annually) to ascertain whether the provisions of sections 6.501 to 6.596 of this code are being complied with. The owner, operator or agent in charge of the premises shall allow authorized representatives of the city, state and EPA access at all reasonable times to all parts of the premises where wastewater related facilities are located or in which records required by this code are kept for the purpose of the performance of any of their duties, including but not limited to, inspection, observation, photographing, sampling, and/or records copying and examination. The city, state and EPA shall have the right to set up on the industrial user's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations. The industrial user shall make arrangements with its employees so that upon presentation of their credentials, representatives from the city, state or EPA will be permitted to enter, without delay, for the purpose of performing their responsibilities.

(d) *Pretreatment facilities.* An industrial user may be required to install pretreatment facilities or make plant or process modifications or implement pollution management practices as deemed necessary by the city manager to meet the requirements of sections 6.501 to 6.596 of this code. Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the industrial user and in a manner and within the time prescribed by the city manager to enable the city to comply with all state and federal regulations or to protect the city wastewater system or treatment process. The industrial user shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three years and shall be subject to review in accordance with subsection (1)(a) of this section. Approval of proposed facilities or modifications by the city manager will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve an industrial user of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the

applicable standards, limitations and conditions of sections 6.501 to 6.596 of this code and, in the case of a permit holder, the wastewater discharge permit.

(e) *Confidential information.* Information and data obtained by the city from reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other governmental agencies without restriction unless the industrial user requests in writing that it be confidential and demonstrates to the satisfaction of the city manager that such records are exempt from disclosure under the Oregon Public Records Law, ORS 192.410, et seq. Notwithstanding anything herein to the contrary, all such data shall be available at least to the extent necessary, to permit the city manager to ensure compliance with sections 6.501 to 6.596 of this code as well as the requirements of 40 CFR section 2.302. When confidentiality is requested and the right thereto is established by the industrial user, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to sections 6.501 to 6.596 of this code, the NPDES permit, or pretreatment programs. However, all portions of a report shall be available for use by the city, state or any state agency or federal agency in judicial or enforcement proceedings involving the person furnishing the report.

(2) *Wastewater discharge permits.*

(a) *General.* Every significant industrial user shall secure a wastewater discharge permit from the city. Any discharge by a significant industrial user without a wastewater discharge permit is a violation of this code except as provided in subparagraph (b) of this subsection.

(b) *Application.* An existing industrial user which will become a significant industrial user upon establishing a new point of discharge, or making a substantial change in the volume or character of its discharge or process, shall apply for a wastewater discharge permit at least 90 days prior to establishing a new discharge point or making such change in discharge or process. Any such action by the industrial user without a permit is a violation of sections 6.501 to 6.596 of this code. Any other existing industrial users shall apply for a wastewater discharge permit within seven days of becoming a significant industrial user and may continue to discharge until the earlier of, the denial of the application or the passage of 90 days without permit issuance. Thereafter, any further discharge shall be a violation of sections 6.501 to 6.596 of this code. New significant industrial users shall apply for a wastewater discharge permit at least 90 days prior to the earlier of connecting to the

city wastewater system or discharging. Any discharge by a new significant industrial user without a permit is a violation of sections 6.501 to 6.596 of this code. An existing significant user proposing to establish a new point of discharge or make a substantial change in the volume or character of its discharge or process, shall apply for an amended permit and may discharge only in conformity with its existing permit until the permit is modified. Applications shall be made to the city manager in writing on forms provided by the city and shall include the following information:

1. Name, address, telephone number and authorized representative of the applicant and service address together with the name of the operator and owners;
2. SIC number;
3. A list of environmental control permits held by or for the applicant;
4. A list of wastewater pollutants and their characteristics actually or potentially discharged at the applicable plant site including measured or estimated daily average and daily maximum concentrations of these pollutants;
5. A description of spill prevention measures or plans which are currently in place in the plant;
6. Water use and wastewater flow rates, including maximum daily, average daily, average monthly and seasonal variations, if any;
7. A detailed site, floor, or plumbing plan showing the size and location of all sewers, sewer connections and appurtenances, or any other facilities designed to help the applicant in meeting sections 6.501 to 6.596 of this chapter;
8. A description of activities, facilities and plant processes on the premises including a general description of types and quantities of all materials which are or could be discharged into the city wastewater system;
9. A statement regarding whether or not compliance is being achieved with sections 6.501 to 6.596 of this code on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the applicant to comply with sections 6.501 to 6.596 of this code;

10. Where additional pretreatment and/or operation and maintenance activities will be required to comply with sections 6.501 to 6.596 of this code, the applicant shall provide a compliance schedule consisting of a declaration of the shortest schedule by which the applicant will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

a. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the applicant to comply with the requirements of this division including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with sections 6.501 to 6.596 of this code.

b. Under no circumstances shall a time increment for any single step directed toward compliance which exceeds nine months be permitted.

c. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the applicant shall submit a progress report to the city, including at least, a statement on whether or not the applicant complied with the increment of progress represented by that milestone date and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the applicant to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the city;

11. A list of each product produced by type, amount, process or processes, and rate of production;

12. A list of the type and amount of raw materials utilized including chemicals used in process which may be discharged to the city wastewater system (average and maximum per day);

13. Any pertinent special agreements between the applicant and the city concerning treatment of discharges, special user charges or rates, or any other information deemed necessary by the city manager;

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14. The application shall be signed by an authorized representative of the industrial user;

The city manager will evaluate the data furnished by the applicant and may determine that additional information or sampling of wastewater characteristics is necessary. If such a determination is made, the applicant, unless the time period is extended, will be given 30 days to provide the required information or sampling. If it is not provided within the designated time period, the application shall be denied. After determining that the submitted application contains all of the information required by this subsection, the city manager will consider the submission, any additional evidence that may have been requested, and any other available information relevant to the application. If the city manager determines that the proposed discharge meets the requirements of sections 6.501 to 6.596 of this code, the city manager will, within 30 days after determining that the application is complete, issue a wastewater discharge permit subject to appropriate conditions. Any application determined by the city manager to be complete shall constitute compliance with baseline monitoring report requirements under 40 CFR 403.12(b).

(c) *Modification of permit.* Conditions included in a wastewater discharge permit shall remain in effect for that permit until it expires, except that they may be revised by the city manager whenever the city manager deems a revision is necessary in order to effectively implement the pretreatment program, as required by city, state or federal standards or in order to effectuate the objectives of sections 6.501 to 6.596 of this code, and the city's policy to cooperate with the state and federal government or to meet any emergency. The permit holder shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change except in the event of an emergency.

(d) *Duration.* Permits shall be issued for a specified time period, not to exceed three years. The permit holder shall apply for permit reissuance a minimum of 90 days prior to the expiration of its existing permit if it desires to continue to discharge. An expired permit will continue to be in effect until the city takes final action on the renewal application to issue or deny the permit ("final action") if:

1. The permit holder has submitted a complete permit application at least 90 days prior to the expiration of its permit; and
2. The failure to take final action is not due to any act or failure to act on the part of the permit holder.

(e) *Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of sections 6.501 to 6.596 of this code. Where applicable, permits shall contain the following conditions:

1. Payment of applicable fees;
 2. Limits on the average and maximum discharge of restricted substances, including mass limits;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulators and equalization;
 4. Requirements for installing and maintaining pretreatment, inspection or monitoring sampling facilities;
 5. Specifications for monitoring and sampling programs which may include monitoring and sampling locations, frequency of monitoring, sampling, number, types and standards for tests and reporting schedules;
 6. Compliance schedules;
 7. Requirements for submitting technical reports or discharge reports;
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city manager, and affording the city manager access thereto;
 9. Requirements for notifying the city of any new discharge of a restricted substance or any substantial change in the volume or character of the wastewater or any restricted substances being discharged into the city wastewater system;
 10. Requirements for notifying the city within two business days after a permit holder has a reasonable basis to know that the production level will significantly change within the next calendar month, and that without such notification, a permit holder must meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate;
 11. Requirements for immediately notifying the city of slug load discharges;
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12. Requirements that the permit holder notify the city of any disposal of wastewater in excess of 500 gallons to any person in any period of 12 consecutive calendar months;
 13. Authorized points of discharge and regulated processes;
 14. Requirement for immediately notifying the city manager where self-monitoring results indicate noncompliance;
 15. Requirement to report a bypass or upset of a pretreatment facility;
 16. Requirement for the significant industrial user who reports noncompliance to repeat the sampling and analysis and submit analysis to the city manager within 30 days after becoming aware of the violation;
 17. Requirement for any significant industrial user whose pretreatment system contains a back-up system to notify the city before the primary system is taken off-line, and the back-up system is put into use;
 18. Statement of applicable civil and criminal penalties for violation of pretreatment standards; and
 19. Other conditions as deemed appropriate by the city manager to achieve compliance with sections 6.501 to 6.596 of this code.

(f) *Transfer.* A wastewater discharge permit shall be issued to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold without the approval of the city manager. Any successor significant industrial user shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the city manager of a transfer, sale or assignment of the permit.

(g) *Analysis and reporting requirements.* Permit holders will be required to submit information, certifications, compliance schedules and samples of discharges or perform such tests and report such test results to the city manager as follows:

1. When required by the terms and provisions of 40 CFR Sec. 403.12 or 403.6(c)(7);
2. When requested by state or local public agencies; or

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3. When deemed necessary by the city manager for the proper treatment, analysis or control of discharges.

All such tests and reports shall be at the cost of the permit holder. The city shall have the right to implement and enforce the provisions of 40 CFR Sec. 403.12 and 403.6(c)(7) by order of the city manager. When deemed necessary by the city manager, a permit holder may be required to obtain, install, operate and maintain an automatic sampler, analyzer or flow measuring device to monitor its discharges in the manner directed by the city.

All sampling and analysis shall be done in a manner and by a laboratory previously approved by the city manager. The city manager shall require all analysis related to any permit to be performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Sec. 136 or other applicable analytical procedures approved by the EPA.

To the degree practicable, the city manager will provide each permit holder or applicant with information on applicable local, state and federal wastewater analysis and reporting requirements, provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements.

(3) *Mobile waste hauler permits.*

(a) *Permit required.* Any person proposing to be a mobile waste hauler and any person the city manager has determined is likely to be a mobile waste hauler shall secure a mobile waste hauler discharge permit from the city. Any discharge by a mobile waste hauler without a permit is a violation of sections 6.501 to 6.596 of this code except as provided in subparagraph (b) of this subsection.

(b) *Application.* Any existing mobile waste hauler shall apply for a mobile waste hauler discharge permit within 30 days after becoming subject to the requirements of subparagraph (a) of this subsection. Any new mobile waste hauler subject to the requirements of subparagraph (a) of this subsection shall apply at least 30 days prior to its initial discharge. Applications shall be made to the city manager in writing on forms provided by the city and shall include the following information:

1. Name, address, telephone number and authorized representative of the applicant;
2. SIC number and other state or federal license numbers;

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3. A list of environmental control permits held by or for the applicant;
 4. A description of spill prevention measures or plans which are currently in place for use during storage or discharge of wastewater;
 5. A description of activities and methods of collection, transportation, storage and discharge of wastewater, a description of transportation and storage facilities, and a general description of types and quantities of all materials which are or could be discharged; and
 6. Proof of adequate general liability and property damage insurance.

The city manager shall evaluate the data furnished by the applicant and may determine that additional information or sampling of wastewater characteristics is necessary. If such a determination is made, the applicant, unless the time period is extended, will be given 30 days to provide the required information or sampling. If it is not provided within the designated time period, the application shall be denied. After determining that the submitted application contains all the information required by this subsection, the city manager shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the application. If the city manager determines that the proposed discharge meets the requirements of sections 6.501 to 6.596 of this code, the city manager shall, within 30 days after determining that the application is complete, issue a mobile waste hauler discharge permit subject to appropriate conditions.

(c) *Modification of permit.* Conditions included in a mobile waste hauler discharge permit shall remain in effect for that permit until it expires, except that they may be revised by the city manager whenever the city manager deems a revision is necessary in order to effectively implement the pretreatment program, as required by city, state or federal standards in order to effectuate the objectives of sections 6.501 to 6.596 of this code, and the policy of the city to cooperate with the state and federal government or to meet any emergency. The permit holder shall be informed of any proposed change in its permit at least 30 days prior to the effective date of change except in the event of an emergency.

(d) *Duration.* Permits shall be issued for a specified time period, not to exceed three years. The permit holder shall apply for permit reissuance a minimum of 90 days prior to the expiration of its existing permit if it desires to continue to discharge. An expired permit will

continue to be in effect until the city takes final action on the renewal application to issue or deny the permit ("final action") if:

1. The permit holder has submitted a complete permit application at least 90 days prior to the expiration of its permit; and
2. The failure to take final action is not due to any act or failure to act on the part of the permit holder.

(e) *Conditions.* Mobile waste hauler discharge permits shall be expressly subject to all provisions of sections 6.501 to 6.596 of this code. Mobile waste hauler permits shall contain the following conditions:

1. Payment of applicable fees;
2. Limits on the average and maximum discharge of restricted substances;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Compliance schedules;
5. Requirements for submission of technical reports or discharge reports;
6. Requirements for notification of the city of any new introduction of restricted substances or any substantial change in the volume or character of the wastewater or any restricted substances being discharged;
7. Requirements that the permit holder notify the city of any disposal of wastewater in excess of 500 gallons to any other person in any period of 12 consecutive calendar months;
8. Requirements for insurance coverage for all activities subject to the provisions of sections 6.501 to 6.596 of this code;
9. Requirements that the permit holder retain a copy of a valid mobile waste hauler discharge permit in each vehicle used for transportation of wastewater, and present that permit to any employee of the city authorized to inspect the mobile waste hauler discharge permit;

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10. Requirements that the permit holder present a manifest of origin of all wastewater proposed for discharge;
 11. Requirements that the permit holder discharge only at the designated discharge point and at designated times;
 12. Requirements that the permit holder remove or otherwise clean up all spilled material or waste after discharge and that the permit holder agree to pay any public agency which provides assistance in such clean up or which performs such clean up after a failure by the permit holder to comply, an amount representing twice the amount of the actual expenditures of the public agency for labor and materials necessary to clean any spilled waste;
 13. Requirements that the permit holder apply in writing on approved forms for permission to discharge any wastewater containing any restricted substance or wastewater containing any substances other than domestic or septage waste and provide the operator of the treatment facility at least 24 hours' notice of proposed time of delivery of any such approved waste; and
 14. Other conditions as deemed appropriate by the city manager to achieve compliance with sections 6.501 to 6.596 of this code.

(f) *Transfer.* A mobile waste hauler discharge permit shall be issued to a specific mobile waste hauler for a specific operation. A mobile waste hauler discharge permit shall not be assigned, transferred or sold without the approval of the city manager. Any successor mobile waste hauler shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the city manager of a transfer, sale or assignment of the permit.

(g) *Analysis and reporting requirements.* Permit holders shall be required to submit information, certifications, compliance schedules and samples of discharges or perform such tests and report such test results to the city manager as follows:

1. When requested by state or local public agencies; or
2. When deemed necessary by the city manager for the proper treatment, analysis or control of discharges.

All such tests and reports shall be at the cost of the permit holder. To the degree practicable, the city manager shall provide each permit holder or applicant with information on applicable local, state and federal wastewater analysis and reporting requirements, provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements.

6.556 Industrial Pretreatment Program – Public Nuisance.

- (1) *Unlawful discharges.* Any discharge in violation of sections 6.501 to 6.596 of this code, the conditions of a discharge permit, or any other violation of sections 6.501 to 6.596 of this code is hereby declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed therefor in accordance with other provisions in this code or in any other manner provided by law.
- (2) *Activities causing unlawful discharge.* Any activity which could result in or cause discharges in violation of sections 6.501 to 6.596 of this code on at least one day a month for any six months during the course of 12 consecutive calendar months is hereby declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed therefor in accordance with other provisions in this code or in any other manner provided by law.
- (3) *Additional personnel or monitoring devices.* The city manager may order the employment of one or more personnel or the installation of secured monitoring devices to assure compliance with any abatement order. Where the city manager deems such action necessary, the city manager may select the persons to be employed as monitors. The cost for compliance with such order shall be apportioned according to the laws regarding nuisance abatement.

6.561 Industrial Pretreatment Program – Cease and Desist Order.

- (1) In the event of any actual or threatened discharge in violation of sections 6.501 to 6.596 of this code or the conditions of a discharge permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause interference, pass through or contamination of the resulting sludge, the city manager may issue an order to cease and desist and direct that the person responsible for such violation:

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- (a) Comply forthwith;
 - (b) Comply in accordance with the time schedule set forth by the city manager; or
 - (c) Take appropriate remedial or preventative action.

(2) If the person or permit holder in violation fails to comply with the order, the city shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The city shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to section 6.591 of this code shall not stay enforcement.

6.566 Industrial Pretreatment Program – Submission of Time Schedule.

If the city manager finds that a discharge has taken or may take place in violation of sections 6.501 to 6.596 of this code or the conditions of a discharge permit, the city manager may require the person or permit holder responsible therefor to submit for approval, within such time and with such modifications as the city manager deems necessary, a detailed time schedule of specific actions which the person or permit holder shall take in order to prevent or correct the violation.

6.571 Industrial Pretreatment Program – Termination and Revocation of Discharge Permit.

(1) Any industrial user who violates any of the provisions of sections 6.501 to 6.596 of this code or, where applicable, the conditions of its discharge permit, may have its discharge permit revoked and/or sewer connection severed by order of the city manager.

(2) The order shall be signed by the city manager and shall specify the nature and source of the violation. The order shall be delivered or sent by regular mail to the address of the industrial user. The order may specify the corrective actions to be taken and shall allow reasonable time for satisfactory correction. If the industrial user does not correct the violation within the time specified, or such additional time as may be allowed in writing by the city

manager, then the discharge permit shall be revoked and/or the sewer connection severed as provided in the order. Correction of the violation shall not preclude assessment of monetary penalties.

(3) The filing of an appeal pursuant to section 6.591 of this code shall stay enforcement under this section pending final administrative action on the appeal. This provision supplements and does not restrict other provisions of this code, laws or regulations authorizing termination of service for delinquency in payment of fees or charges.

(4) Any industrial user whose discharge permit is revoked pursuant to this section shall be prohibited from applying for a new discharge permit for a period of two years from the date of final decision. The prohibition may be waived if the city manager determines that the issuance of a new discharge permit is necessary to avert an imminent or existing danger to the health or welfare of persons, property or the environment.

6.576 Industrial Pretreatment Program – Public Notification of Significant Noncompliance.

The city shall publish in a daily newspaper with the largest daily circulation in the metropolitan area, not less than annually, a list of those industrial users which during the previous 12 months were in significant noncompliance with sections 6.501 to 6.596 of this code or their discharge permits. This notification will summarize enforcement action by the city during the same 12 months. For purposes of this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria.

- (a) Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

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- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the city's exercise of its emergency authority under section 6.561 of this code to halt or prevent such a discharge;
 - (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance;
 - (h) Any other violation or group of violations which the city manager determines will adversely affect the operation or implementation of the local pretreatment program.

(Section 6.576, formerly 6.462 added by Ordinance No. 19791, enacted July 8, 1991; renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993; and amended by Ordinance No. 19940, enacted November 17, 1993, effective December 17, 1993.)

6.581 Industrial Pretreatment Program – Implementation.

Nothing in sections 6.501 to 6.596 shall prevent the city manager from seeking judicial or governmental agency assistance to implement the purposes and provisions thereof.

6.586 Industrial Pretreatment Program – Enforcement Orders.

- (1) *Generally.* In addition to any penalty or fine which may otherwise be charged, or other enforcement action which may otherwise be taken against any industrial user found to be in violation of any provision of this code, the city manager may:

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- (a) Issue a written notice of noncompliance;
 - (b) Issue a written notice of violation;
 - (c) Impose an administrative civil penalty under section 2.018 of this code; and
 - (d) Issue a written compliance order. The person to whom the compliance order is issued shall comply with the order. Any violation of the compliance order shall be subject to the same enforcement actions as any other violation of this code.

The notices or orders authorized hereunder shall advise the industrial user of the right to appeal the penalty or order in accordance with the provisions of subsection (6) of this section.

(2) *Basis of penalty.* A noncompliance penalty may be levied by the city manager when either a constituent limitation has been exceeded or a compliance requirement has not been met. The city manager may impose a penalty on any such industrial user for each day the industrial user has allowed a discharge in violation of this code, rules adopted hereunder, notice of violation, or administrative compliance order, or in excess of permit limitations or otherwise has failed to observe the requirements of its discharge permit. The city manager may adopt a schedule of graduated penalties based on the nature, length and frequency of noncompliance.

(3) *Constituent limitation.* A constituent limitation is exceeded when:

- (a) The concentration of a restricted substance in any sample or in a series of samples taken during the appropriate time period therefor, has exceeded limitations published by the city manager, or any other limitation imposed by a discharge permit; or
- (b) The pH of any sample is outside the permitted pH range, or
- (c) A continuous recording pH instrument indicates that the pH of the industrial discharge:
 - 1. Is lower than 5.5 or greater than 12.0 for more than 30 minutes in any calendar day, or
 - 2. Is lower than 5.0 or greater than 12.5 at any time during a calendar day, or
- (d) The volume restrictions of a discharge permit are exceeded.

(4) *Compliance requirement.* A compliance requirement has not been met when any requirement established by the discharge permit or by any provision of sections 6.501 to 6.596

of this code, or by regulations published by the city manager or by an order issued by the city manager other than a constituent limitation, has not been met, including a failure to submit any required reports.

(5) *Collection procedure.* Collection of the penalties determined by the city manager shall be in the manner provided in this code for the collection of sewer user charges, in accordance with any other provisions of this code, or in any other manner provided by law.

(6) *Appeal.* If the industrial user objects to any civil penalty or compliance order issued pursuant to subsection (1) of this section, the industrial user may appeal therefrom in accordance with the provisions of section 2.021 of this code.

(7) *Penalties cumulative.* The penalties provided in this section shall be in addition to any other remedy that the city may have pursuant to this code or in any other manner provided by law.

6.591 Industrial Pretreatment Program – Reconsideration and Appeal.

(1) *Reconsideration by city manager.* Any person aggrieved by any decision or action of the city manager, other than action under section 6.586 of this code, may file a written request with the city manager for reconsideration thereof within ten days of receipt of notification of such decision or action. The request for reconsideration shall be on a form provided by the city manager and shall set forth in reasonable detail the decision or action objected to and the facts and arguments supporting the appellant's request for reconsideration. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the Metropolitan Wastewater Management Commission (MWMC) pursuant to subsection (2) of this section.

(2) *Appeal to Metropolitan Wastewater Management Commission.* Any person aggrieved by the final determination of the city manager, other than action under section 6.586 of this code, may appeal such determination to the MWMC. Written notification of such appeal shall be filed with the MWMC and city manager within ten days after receipt of the final determination of the city manager. A fee established as provided in section 2.020 of this code shall accompany the notice of appeal filed with the city. The notice of appeal shall be on a form provided by MWMC and

shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination. The MWMC shall conduct a hearing on the appeal according to procedures to be established by the MWMC pursuant to paragraph 12 of the Intergovernmental Agreement. The MWMC shall submit a copy of its findings and recommendations regarding the appeal to the city council within ten days after the hearing. The city council may hold a hearing on the recommendations and, in any event, shall take action on the recommendations within 20 days after their filing.

6.596 Industrial Pretreatment Program – Damage to Facilities/Correction of Violations.

Any person who violates sections 6.501 to 6.596 of this code or a condition of a discharge permit, as a result of which the city performs or causes to be performed preventive or corrective work or which results in damage to the city wastewater system shall be liable to the city for such damage and the cost of such preventive or corrective work, additional treatment and for any penalties, including withholding of any grant money, levied against the city for violation of state or federal permits resulting from said violation. The city may collect such charges in the manner provided in this code for the collection of sewer service charges, in accordance with any other provisions of this code, or in any other manner provided by law.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Adopting An Amended Urban Renewal Plan For The Downtown Urban Renewal District.

Meeting Date: May 15, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Amanda D'Souza
Contact Telephone Number: 541-682-5540

ISSUE STATEMENT

The public is invited to comment on a proposed ordinance to amend the Downtown Urban Renewal Plan. On April 12, 2023, Council (acting as the Urban Renewal Agency Board) began the Plan amendment process that includes increasing the spending limit by \$50 million and expanding the list of projects eligible for urban renewal funds to include: support for new housing development, physical improvements in the Plan area to address safety and comfort; and emerging projects directed or initiated by the Agency Board.

BACKGROUND

In response to a City Council poll, Council considered the future of the Downtown Urban Renewal District at a June 13, 2022 work session. Council discussed the status of the District, ongoing projects, the Plan amendment process, and the fiscal implications for extending the life of the District or ceasing collection of tax increment funds. At that work session, Council directed staff to identify projects that could potentially be funded with Urban Renewal dollars by creating a list of projects and priorities within the Downtown Urban Renewal Area that are consistent with the Eugene Downtown Plan. With this direction, staff conducted a robust community outreach effort and created a list of Downtown Priorities and Projects based on the input received through this process and previous downtown outreach conducted over the past few years (Attachment D). City Council, in its role as the Urban Renewal Agency Board discussed the Downtown Priorities and Projects at the January 25, 2023 work session.

The list of Downtown Priorities and Projects consists of six categories: Housing, Public Safety, Social Services, Commercial Activity & Development, Public Spaces & Mobility, and Events & Culture. Within each category are listed priorities, and within each priority are listed possible projects and programs

At the January 25 work session, the Agency Board also discussed the future of the Downtown Urban Renewal District. The Downtown Urban Renewal District is projected to reach its spending limit (also known as maximum indebtedness) in December 2023, which means the District would cease the collection of tax increment funds. If the Agency wishes to continue to collect tax increment revenue in the Downtown District, Council must approve an amendment to the

Downtown Urban Renewal Plan by June 2023. This would allow time for the amendment to be placed on the November ballot, if referred. At the January 25 work session, the Agency Board provided direction to draft a proposal to amend the Downtown Urban Renewal Plan to expand the District's financial capacity and to add language to allow urban renewal funds to be used for additional eligible projects.

Proposed Downtown Urban Renewal Plan Amendment

On April 12, 2023, the Urban Renewal Agency Board initiated the process to consider an amendment to the Eugene Downtown Urban Renewal Plan that would increase the spending limit in the Plan and include new projects in the Plan, both of which will result in high priority improvements within the Downtown Urban Renewal District. The proposed ordinance for the 2023 amendment is included as Attachment A. Exhibit A to the ordinance is the proposed Downtown Urban Renewal Plan amendment and Exhibit B to the ordinance is a draft Report on the Plan amendment that describes, among other things, the financial impact of the Plan amendment.

The proposed Plan amendment includes three types of projects that will be eligible for urban renewal funding, described below and summarized in Attachment B:

- Housing (including property acquisition for the development of housing and financial assistance to cover the cost of permits and fees for development of new housing in the downtown);
- Physical Improvements to Address Safety and Comfort (including street, curb, alley, and sidewalk improvements, streetscape projects, and pedestrian, bike, and multi-modal transportation improvements); and
- Emerging Projects Directed or Initiated by the Agency Board (could include Community Facilities, Open Space Improvements, and Development Support).

The project types included in the proposed Plan amendment are aimed at providing assistance to increase the supply of housing in the downtown core, encouraging private investment in downtown, and creating a safe and accessible downtown neighborhood where people want to live, work, visit, and play. The Agency Board has indicated they expect to direct a majority of the funds included in the proposed new spending limit to support the creation of new housing in the downtown core. The actual project funding allocations will depend on future Agency Board budgetary action and project implementation. Should the Plan be amended, staff anticipates bringing the first projects to the Agency Board for consideration in the Fall of 2023. See Attachment B for more detailed summaries of implementation strategies.

To use urban renewal funds on these new proposed project types, the City Council must adopt an ordinance substantially amending the current Downtown Urban Renewal Plan to increase the spending limit (i.e., maximum indebtedness) for the Plan. The Agency has nearly reached the current spending limit of \$66 million, with the bulk of that funding spent in support of investments such as development of the Downtown Eugene Library, Lane Community College's Downtown Campus on 10th Avenue, the Farmers Market Pavilion and Plaza, the downtown fiber network, building rehabilitation/reuse, and physical improvements to enhance downtown public safety.

The proposed Plan amendment includes a \$50 million increase to the spending limit. If the Plan amendment is approved, the Agency will continue to collect tax increment revenue within the Downtown Urban Renewal District. The proposed amendment will not reduce the amount of tax revenue the overlapping taxing districts (such as the City, County, and Eugene 4J School District) are currently receiving from within the Downtown District boundary. Based on current financial projections, a \$50 million spending limit increase would extend the life of District by an estimated 19 years. The proposed Plan amendment does not include any boundary changes to the Downtown District.

Adopting a “maximum indebtedness” figure does not authorize or obligate the District to issue bonds or pay for specific projects. Rather, it sets a spending limit for the District and allows the current and future Agency Boards the ability to fund projects over time, either with cash or by issuing bonds.

Downtown Urban Renewal District - Fiscal Implications

The Downtown District generates approximately \$2.6 million in tax increment revenue per year as of FY22. The impact to City finances depends on the path ultimately chosen by the Agency Board:

- **Continue the Downtown Urban Renewal Plan.** The \$2.6 million in annual revenue will continue to grow and be directed to the District to be used on eligible capital projects.
- **Discontinue Downtown District’s collection of tax increment revenue.** If the District no longer collects revenue from the division of tax, the tax increment revenue will be directed to the overlapping taxing districts. Under this scenario, the City’s General Fund would receive approximately 50% of what the Downtown District collects (\$1.3 million per year as of FY22). Lane County would receive approximately 9% (\$235,000 per year as of FY22). Approximately 34% (\$880,000 per year as of FY22) would be collected on behalf of School District 4J, although it is important to note that the impact to 4J’s overall budget would be negative. This is due to State funding mechanisms for education and local properties that are in ‘compression’ related to State laws regarding property tax limits. If the Downtown Urban Renewal District ceases to collect tax increment revenue, the *net impact to School District 4J would be an estimated decrease of \$150,000 per year as of FY22.*

Amendment Process, Timing, and Next Steps

State law requires a “substantial plan amendment” for council to increase the spending limit. (See Attachment C for more information on the amendment process.) The substantial amendment process requires a mailed notification to all Eugene property owners; review by the Planning Commission; notification to other impacted taxing districts; and a public hearing. Concurrence from certain overlapping taxing districts is required. The proposed ordinance containing the 2023 amendments is included as Attachment A. (The proposed Plan as amended and the report on the Plan are included as Exhibits A and B to the ordinance, respectively.)

A notice of the proposed Plan amendments and this public hearing was mailed to Eugene property owners on April 28. Overlapping taxing districts received written notice on or before April 21. Council will accept comments on the proposed Plan amendments from affected taxing districts until June 5, 2023. Council is scheduled to review comments from the public hearing, Planning Commission, and taxing districts at the June 12 work session. Council action on whether to amend the Downtown Urban Renewal Plan is scheduled for June 21.

RELATED CITY POLICIES

Climate Action Plan (CAP) 2.0

CAP 2.0 includes multiple strategies that support the development of downtown and increase of compact housing in the downtown. Smaller homes tend to have a smaller carbon footprint during construction and use, and housing units built close to transit, jobs, and other amenities allow residents to access the community using fewer trips.

Eugene Downtown Plan

- Downtown development shall support the urban qualities of density, vitality, livability, and diversity to create a downtown, urban environment.
- Emphasize Broadway, Willamette Street, 5th, and 8th Avenues as Great Streets through public improvements and development guidelines. Include portions of these streets as follows:
 - 8th Avenue between Willamette Street and the Willamette River.
- Enhance public places throughout downtown through the careful design of civic buildings, streetscapes, parks, and plazas. Include public art and other elements to create special places for all ages.
- Connect special places downtown with enhanced street designs, public art, directional signs, transit routes and historic markers to create an inviting and memorable route through downtown.
- Support public safety activities that increase visibility, access actual and perceived safety for individuals and property downtown.
- Enhance functional designs for streets, sidewalks, and related public improvements with carefully chosen design elements, including materials, alignments, plantings, and streetscape elements.
- Use downtown development tools and incentives to encourage development that provides character and density downtown.
- Actively pursue public/private development opportunities to achieve the vision for an active, vital, growing downtown.

Housing Implementation Pipeline (HIP)

Encouraging compact development in the downtown core is one critical way to provide housing for our growing community. Increasing the number of housing units in the downtown core achieves other policy goals related to climate recovery and resiliency, compact development transportation efficiency, downtown vibrancy, and fiscal sustainability. A target goal in the HIP is to increase the amount of housing downtown by 50% from 2021: an increase of over 1,000 units.

Envision Eugene Pillars

- Provide ample economic opportunities for all community members.
- Promote compact urban development and efficient transportation options.
- Protect, repair, and enhance neighborhood livability.
- Provide for adaptable, flexible, and collaborative implementation.

PREVIOUS COUNCIL DIRECTION

[June 13, 2016, Work Session](#)

City Council passed two motions and approved Ordinance 20564 to amend the Downtown Urban Renewal Plan to increase the spending limit, expanded on a previously approved project, and authorized several new projects. The previously approved project was the improvements to the Lane County Farmers Market which was expanded to include improvements to parks and plazas throughout the Plan Area. The new projects were High-Speed Fiber for the implementation costs within the District and 1059 Willamette Redevelopment. (Both motions passed 5:3)

[November 23, 2020, Work Session](#)

City Council approved Ordinance 20644 to amend the Downtown Urban Renewal Plan to remove the spending cap on the Farmers Market Improvements, making it eligible for a larger share of tax increment revenue funding. This amendment did not change the overall spending limit for the District. (Motion passed 8:0)

[June 13, 2022 Work Session](#)

City Council directed the City Manager to create a Downtown Action Plan that is consistent with the Eugene Downtown Plan, to identify projects that could potentially be funded with Urban Renewal. (Motion passed 8:0)

[January 25, 2023 Work Session](#)

Move to direct the Agency Director to draft a proposal to amend the Downtown Urban Renewal Plan to expand the District's financial capacity and add language to allow urban renewal funds to be used for additional eligible projects, and further direct the Agency Director to schedule a work session to allow the Board to review and comment on that proposal. (Motion passed 8:0)

[April 12, 2023 Work Session](#)

Move to direct the Agency Director to begin the process of amending the Downtown Urban Renewal Plan using total maximum indebtedness of \$50 million consistent with the draft plan and report and included in Attachments A and B. (Motion passed 7:1)

COUNCIL OPTIONS

This is a public hearing only. No action is requested at this time. Deliberation is scheduled for June 12, 2023 and action is scheduled for June 21, 2023.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Proposed Ordinance Amending the Downtown Urban Renewal Plan
 - Exhibit A:* Proposed Downtown Urban Renewal Plan
 - Exhibit B:* Accompanying Report
 - Exhibit C:* Blight Findings
- B. Preliminary Project Implementation Information
- C. Downtown Urban Renewal District - Technical Details
- D. Downtown Priorities and Projects

FOR MORE INFORMATION

Staff Contact: Amanda D'Souza, Development Programs Manager
Telephone: 541-682-5540
Staff E-Mail: adsouza@eugene-or.gov

ORDINANCE NO. _____**AN ORDINANCE ADOPTING AN AMENDED URBAN RENEWAL PLAN
FOR THE DOWNTOWN URBAN RENEWAL DISTRICT.****The City Council of the City of Eugene finds that:**

A. The Downtown Urban Renewal Plan (the “Plan”) was initially adopted on July 3, 1968, by Resolution No. 257 of the Urban Renewal Agency of the City of Eugene (the “Agency”), and on December 19, 1968, by Resolution No. 1609 of the Eugene City Council. The Plan has subsequently been amended, most recently by Ordinance No. 20644, adopted on November 23, 2020, by the Eugene City Council.

B. The City Council’s adopted 2021 Vision, Values, Goals and Outcomes include as a goal “A community that meets its present environmental, economic, and social needs while planning for and investing in the ability of future generations to meet their own needs,” as well as the outcomes of “encourage[ing] and sustain[ing] downtown, transit corridors, and riverfront growth,” and “[i]ncreas[ing] access and options to housing and shelter.”

C. In the Fall of 2022, city staff conducted a robust community outreach effort to identify priorities and projects that would enhance downtown Eugene’s role as the regional economic, governmental, and cultural center of the city. The effort also sought public input on projects and priorities to support downtown Eugene as a safe and vibrant place to live, work, and visit. The public outreach effort led to six categories of recommendations for Eugene’s downtown: Housing; Public Safety; Social Services; Commercial Activity and Development; Public Spaces and Mobility; and Events and Culture.

D. On January 25, 2023, the Urban Renewal Agency Board considered the recommendations from downtown community outreach effort and directed the Agency Director to draft a proposal to amend the Downtown Urban Renewal Plan to expand the Downtown Urban Renewal District’s financial capacity and to add language to the plan to allow urban renewal funds to be used for additional eligible projects.

E. On April 12, 2023, the Agency Board initiated the process to amend the Downtown Urban Renewal Plan to increase the Plan’s total maximum indebtedness limit by \$50 million and to expand the list of projects eligible for urban renewal funds. The new project categories include: development fee assistance for the creation of new housing in the Plan area; real property acquisition and disposition to support the creation of housing in the Plan area; physical improvements in the Plan area to address safety and comfort, including street, curb, alley and sidewalk improvements, streetscape projects, and pedestrian, bicycle and multi-modal transportation improvements; and emerging projects directed or initiated by the Agency Board, which could include community facilities, open spaces, and/or development support.

F. On April 20, 2023, copies of the proposed Plan amendments and the accompanying report were delivered to the following affected taxing districts by mail and email, along with an offer to consult and confer with each district: Lane County, Lane Community College District,

Lane Education Service District, and Upper Willamette Soil and Water Conservation District.
[Description of comments received from the affected taxing districts, if any].

G. On April 19, 2023, copies of the proposed Plan amendments and the accompanying report were delivered to the Eugene School District 4J by mail and email, along with a request for concurrence from 4J Board in the proposed \$50 million increase in total maximum indebtedness for the Downtown Urban Renewal District. ORS 457.220 provides that in order to increase the Plan's total maximum indebtedness by more than 20% of the Plan's initial maximum indebtedness, the written concurrence of taxing districts imposing at least 75% of the permanent rate levy for the downtown urban renewal area is required. The City of Eugene and Eugene School District 4J impose more than 75% of the amount of the taxes imposed under permanent rate limits in the downtown urban renewal area. On May ____, 2023, the 4J Board voted to [support/oppose] the proposed Plan amendments and on May ____, 2023, the District provided a written statement of [concurrence/non-concurrence] with the proposed Plan amendments.

H. On April 25, 2023, the Eugene Planning Commission reviewed the proposed Plan amendments and the accompanying report and recommended that the Council adopt the proposed Plan amendments.

I. On April 28, 2023, notice of the City Council's public hearing on the proposed Plan amendments was mailed to all owners of real property located in the City as required by ORS 457.120.

J. On May 15, 2023, the City Council held a public hearing on the proposed Plan amendment. On June 12, 2023, the City Council held a work session to consider public testimony, comments from affected taxing districts, and the Planning Commission's recommendation on the proposed Plan amendment.

K. Based on the recommendations of the Agency Board and the Planning Commission, and the written and oral testimony provided to the Planning Commission and the City Council, the City Council hereby finds and determines that:

(1) The revised Plan includes the following elements:

(a) An increase in the Plan's maximum indebtedness of \$50 million, for a total of \$116 million;

(b) The addition of new project categories to the Plan, including: development fee assistance for the creation of new housing in the Plan area; real property acquisition and disposition to support the creation of housing in the Plan area; physical improvements in the Plan area to address safety and comfort, including street, curb, alley and sidewalk improvements, streetscape projects, and pedestrian, bicycle and multi-modal transportation improvements; and emerging projects directed or initiated by the Agency Board, which could include community facilities, open spaces, and/or development support; and

(c) Continued annual review of tax increment projects by the Expenditure Review Panel.

(2) The area defined in the Plan attached as Exhibit A is blighted for the reasons explained in Exhibit C to this Ordinance;

(3) The rehabilitation and redevelopment described in the Plan is necessary to protect the public health, safety or welfare of the City;

(4) The Plan conforms to the Eugene-Springfield Metropolitan Area General Plan, Statewide Land Use Planning Goals, the Downtown Plan, the City's adopted Growth Management Policies, the Vision for Greater Downtown Eugene, the Envision Eugene Comprehensive Plan, Eugene's Community Climate Action Plan 2.0, the Housing Implementation Pipeline, and other City plans and policies, and provides an outline for accomplishing the urban renewal projects proposed in the Plan;

(5) No specific relocation activity is identified in the Plan; however, provision has been made in Chapter 10 of the Report included in Exhibit B to this Ordinance, to, if necessary, house displaced persons within their financial means in accordance with ORS 35.500 to 35.530, and, except in the relocation of elderly individuals or individuals with disabilities, without displacing on priority lists persons already waiting for existing federally subsidized housing;

(6) To the extent acquisition of real property is provided for by the Plan, it is necessary to implement the projects included in the Plan;

(7) Adoption and carrying out of the Plan is economically sound and feasible as described in the Report included in Exhibit B to this Ordinance;

(8) The City shall assume and complete any activities prescribed it by the Plan; and

(9) The City Council concurs in the amount of total maximum indebtedness included in the Plan attached as Exhibit A to this Ordinance.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based upon the above findings, the Report attached as Exhibit B, and the blight findings attached as Exhibit C to this Ordinance, all of which are hereby adopted, the revisions to the Urban Renewal Plan for the Downtown Urban Renewal District, as reflected in Exhibit A attached hereto, are approved and adopted as the urban renewal plan for the area set forth therein.

Section 2. The City Manager is requested to:

(a) Publish a notice of the adoption of the amended Plan in the Register-Guard, a newspaper published within the City of Eugene and having the greatest circulation within the City, no later than four days following the date that this Ordinance is adopted. In accordance with ORS 457.135, the notice shall contain a statement that the amended Plan shall be conclusively presumed valid for all purposes 90 days after its adoption by this Ordinance and that no direct or collateral attack on the action adopting the amended Plan may be commenced thereafter;

(b) Forward a copy of this Ordinance and the amended Plan to the Urban Renewal Agency of the City of Eugene, which Agency will cause the amended Plan to be recorded in the official records of Lane County, Oregon; and

(c) Forward a copy of this Ordinance and the amended Plan to the Lane County Assessor and request that the Assessor perform the duties directed by ORS 457.430 through ORS 457.435 and ORS 457.440 through ORS 457.450.

Passed by the City Council this

___ day of June, 2023

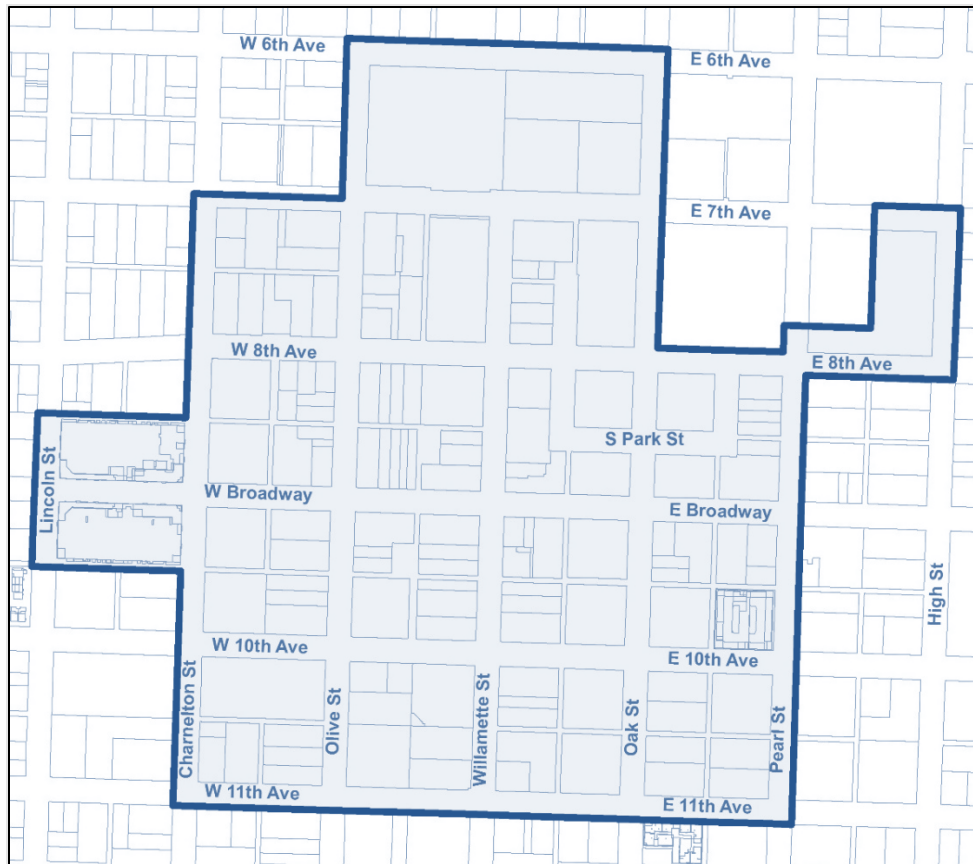
Approved by the Mayor this

___ day of June, 2023

City Recorder

Mayor

Urban Renewal Plan for the Downtown Urban Renewal District



Adopted July 1968

- Modified -

December 1968

December 1989

June 1998

September 13, 2004

May 24, 2010

June 13, 2016

November 23, 2020

Amended ____, 2023 by Ordinance No. ____

Urban Renewal Agency of the City of Eugene, Oregon



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I. ADOPTION

Resolution Number	Date	Purpose
Resolution No. 257	7/3/1968	Adoption of the Urban Renewal Plan for the Central Eugene Project (the Plan).

II. AMENDMENTS

Amendment Number	Date	Purpose
Resolution No. 1609	12/19/1968	<ul style="list-style-type: none"> ○ Modified the Plan to allow for additional projects as required by HUD to receive additional federal funds.
Ordinance No. 19648	11/8/1989	<ul style="list-style-type: none"> ○ Aligned the Plan with Metro Plan policies: strengthen the area's position as a regional service center, maintain the Eugene central business district as a vital center, incorporate principles of compact urban growth, encourage retail and commercial development in the downtown area, and promote the development of parking structures in the downtown core. ○ Expiration set for FY10.
Ordinance No. 20120	6/1/1998	<ul style="list-style-type: none"> ○ Responded to Measure 50 to a) include a maximum amount of indebtedness and b) select Option 1 for the city-wide special levy as the method for collecting ad valorem property taxes for payment of debts related to urban renewal projects. ○ Limited expenditure of new funds to completing existing projects and construction of a new main library. ○ Removed the business assistance loan program. ○ Approved a plan to reduce district administration costs over the following three years.
Ordinance No. 20328	9/13/2004	<ul style="list-style-type: none"> ○ Expanded the projects for which tax increment funds could be used ○ Created a public advisory committee ○ Added the requirement for specific Agency approval of projects greater than \$250,000 (other than loans), and adding a limit of \$100,000 on the mandate for a public hearing in the event of a plan change (applies to minor amendments that can be approved by the URA without ORS 457.095 approval – Section 1200, C of the 2004 Plan). ○ Added the Downtown Revitalization Loan Program (DRLP). ○ Expiration set for 2024.
Ordinance No. 20459	5/24/2010	<ul style="list-style-type: none"> ○ Limited scope of two previously approved projects, removed the ability to initiate all other previously approved projects, and authorized one new project expenditure of new funds to completing existing projects and construction of a new library. ○ Except for the three projects and existing projects previously approved no initiation of additional projects. ○ Expiration upon the repayment or defeasance of debt related to the urban renewal projects specifically identified in the Plan.

Ordinance No. 20564	6/13/2016	<ul style="list-style-type: none"> ○ Increased maximum indebtedness by \$19.4 million to a total of \$66 million to fund the following projects: <ul style="list-style-type: none"> ○ Park Blocks and Open Space Improvements ○ Lane Community College Old LCC Building ○ Improved Space for Farmers' Market ○ High-Speed Fiber Network Downtown ○ Required additional public process, including community engagement and a public hearing, before the Agency Board can approve spending tax increment funds on any of the four previously listed projects ○ Expanded the Plan boundary by 7% to include the East Park Block and a portion of the former City Hall Block ○ Continued annual review of tax increment projects by the Expenditure Review Panel
Ordinance No. 20644	11/24/2020	<ul style="list-style-type: none"> ○ Remove spending cap on Farmers Market

URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT

Section 100 – Introduction

The Downtown Urban Renewal Plan was revised in 2023 to authorize several new projects.

The projects address the challenges that face the downtown core, as identified through a robust community outreach effort in fall of 2022, known as Downtown Priorities and Projects. The Downtown Priorities and Projects effort led to recommended improvements for Eugene’s downtown (which includes the Plan Area) in six categories: Housing; Public Safety; Social Services; Commercial Activity and Development; Public Spaces and Mobility; and Events and Culture.

The new projects are discussed in more detail under Section 600 of the Plan and include “Housing,” “Physical Improvements to Address Safety and Comfort” and “Emerging Projects Directed/Initiated by the Agency Board.” Eligible activities associated with two previously approved projects is “Public Parks, Public Plazas, Public Rest Rooms, Public Open Spaces, and Streets and “1059 Willamette” remain eligible under this Plan. The 2023 Amendment increased the maximum indebtedness from \$66 million to \$116 million, to allow for the addition of new projects to the Plan.

The Downtown Urban Renewal District will cease collecting tax increment dollars and return any unused tax increment funds to Lane County for redistribution to overlapping taxing districts as provided in Section 1300A of this plan.

Section 200 – Definitions

The following definitions will govern this Plan.

1059 Willamette means the planned redevelopment of the City-owned property at 1059 Willamette Street in the Plan Area. The City acquired the property for the development of a mixed-income housing project. The Agency Board allocated \$700,000 for the approved housing project in October 2021. The project was previously referred to as “Old LCC Building” in the 2016 and 2020 Amendments.

2016 Amendment means the update to the Plan that was completed in 2016.

2020 Amendment means the update to the Plan that was completed in 2020.

2023 Amendment means the update to the Plan that was completed in 2023.

Agency means the Urban Renewal Agency of the City of Eugene.

Development Fee Assistance means the payment of development fees for development that results in creation of new housing in the Plan Area.

Downtown Plan means the Eugene Downtown Plan as adopted by the Eugene City Council in 2004 as a refinement of the Eugene Springfield Metropolitan Area General Plan.

Plan means this Urban Renewal Plan for the Downtown District.

Plan Area means the property included in the Downtown Urban Renewal District as more fully described in Section 300.

Projects means only the urban renewal projects that are listed in Section 600 of the Plan, as amended by the 2023 Amendment.

Tax Increment Financing means a method of financing urban renewal projects as authorized by ORS Chapter 457.

Willamette to Willamette Initiative means the collection of projects focusing on infrastructure and activity along 8th Avenue between the Willamette River and Willamette Street.

Section 300 – Legal Description

The Downtown Urban Renewal District includes an area of approximately 75 acres. The Plan Area includes all of the land within the boundaries designated on the map attached as Plan Exhibit A and described as containing all lots or parcels of property situated in the City of Eugene, County of Lane, State of Oregon, bounded generally as described in Plan Exhibit B.

Section 400 – Goals and Objectives

A. Goals

The goals of the Plan are to:

1. Improve the function, condition, and appearance of the Plan Area by:
 - a. Supporting the creation of a mix of new housing in the downtown core, including but not limited to redevelopment of 1059 Willamette Street, which will bring more people and positive activity into the Plan Area, thereby making the entire Plan Area more attractive for all downtown users.
 - b. Supporting commercial development by altering and repurposing of buildings to create the physical conditions that will help businesses thrive.
 - c. Making physical improvements to parks, plazas, open space, sidewalks, and streets to provide an inviting civic space aligned with the Willamette to Willamette Initiative to provide inviting and accessible connections between the parks, plazas and open space, and to address public safety concerns in the Plan Area
2. Eliminate blight and blighting influences;
3. Strengthen the economic conditions of the Plan Area; and
4. Enhance downtown's role as the regional economic, governmental, and cultural center and a central location for public and private development and investment.

B. Objectives

Development in the Plan Area is intended to implement the adopted policies contained in the Downtown Plan and to develop downtown as the heart of a livable, economically strong, and sustainable city. The objectives for this Downtown Urban Renewal Plan are:

1. Address barriers that prevent the creation of new housing in downtown by helping make projects financially feasible. The creation of new housing in the Plan Area will:
 - a. Contribute to downtown vitality;
 - b. Help alleviate the undersupply of housing in Eugene; and
 - c. Support the City's climate action goals.
2. Improve public spaces in the Plan Area in order to make downtown a safe, accessible, and welcoming place for all users. These public improvements will:
 - a. Address public safety concerns by improving the physical environment;
 - b. Improve the human experience downtown;
 - c. Address bicycle and pedestrian needs integral to development within the Plan Area;
 - d. Support programming in public spaces by providing infrastructure;
 - e. Improve multi-modal transportation circulation to and through the Plan Area; and
 - f. Ensure downtown remains a gathering space for all community members.
3. Strengthen downtown's commercial environment by:
 - a. Investing in vacant or underutilized spaces to increase marketability and flexibility; and
 - b. Providing financial assistance for new and growing businesses.

Section 500 – Land Use Plan

The use and development of all land within the Plan Area shall comply with the regulations prescribed in the City's comprehensive plan, land use regulations, City charter, and any other applicable local, State, or Federal laws regulating the use of property within an urban renewal area.

Section 600 – Urban Renewal Projects

To achieve the objectives of this Plan, the Agency may incur indebtedness to finance the following urban renewal projects, and may pay that indebtedness with tax increment funds:

A. Housing

The Agency is authorized to support the creation of housing in the Plan Area through the following activities:

A-1. Development Fee Assistance

The Agency may use tax increment funds to pay development fees for development that results in the creation of new housing in the Plan Area. Development fees paid by the Agency may include System Development Charges, permit fees, and other government-imposed fees. The Agency Board will establish eligibility criteria for Development Fee Assistance. If the criteria are met, Agency Board approval per Section 700 is not needed. Eligible projects must result in new housing and include new construction or redevelopment of existing buildings.

A-2. Real Property Acquisition and Disposition

The Agency may use tax increment funds to acquire real property when the acquisition of the real property is necessary to support creation of new housing in the Plan Area.

The process for selling or disposing of property acquired for the purpose of supporting the creation of housing will be determined by the Agency Board. Property acquired to support the creation of housing may be offered to a developer for a reduced price or at no cost, as determined by the Agency Board.

B. Physical Improvements to Address Safety and Comfort

The Agency is authorized to make improvements to public spaces including street, curbs, and sidewalks in the Plan Area to create safe, accessible, and welcoming places for users. Possible improvements include:

B-1. Street, Curb, Alley, and Sidewalk Improvements

Improvements within the Plan Area may require the construction of new street, curb, and sidewalks. The Agency may fund sidewalk and roadway improvements in the Plan Area including design, redesign, construction, resurfacing, repair, and acquisition of right-of-way for curbs, streets, and sidewalks, and pedestrian and bicycle paths. Projects that may be undertaken include:

- Local street, curb, and sidewalk improvements to support commercial and other street-level activity in the Plan Area or identified in the Eugene Capital Improvements Program
- Other curb, sidewalk improvements identified by the Agency

B-2. Streetscape Projects

The Agency may participate in activities that will improve the visual appearance of the Plan Area, including but not limited to:

- Accent paving
- Decorative lighting
- Street trees, planters, and landscaping
- Furnishings, including benches, trash receptacles, bicycle racks
- Street and directional signage
- Public art and water features
- Gateway monuments and landscape features
- Undergrounding of utilities in the Plan Area

B-3. Pedestrian, Bike, and Multi-Modal Transportation Improvements

The Agency may participate in activities that support pedestrian, bicycle, other non-automobile, and transit uses in the Plan Area and connections between the Plan Area, the riverfront, public parks, and other areas of Eugene. Projects may include:

- Construction of bicycle parking and storage, transit stops, covered shelters, transit pullouts
- Provide new bike paths or lanes in the Plan Area

- Provide pedestrian connections to the broader downtown, riverfront, and surrounding areas
- Provide more prominent entrances to the downtown area
- Provide weather sheltering devices for the protection of pedestrians

C. Emerging Projects Directed/Initiated by the Agency Board

The Agency is authorized to participate in the following activities and projects should the Agency Board decide to pursue them:

C-1. Community Facilities

The Agency is authorized to participate in development of community facilities including new conference center or meeting spaces, or a cultural performance venue. These improvements will benefit the Plan Area by increasing public use of the area and by stimulating additional private investment in the Plan Area. The extent of the Agency's participation in funding such facilities will be based upon an Agency finding regarding the benefit of that project to the Plan Area, and the importance of the project in carrying out Plan objectives. The type and location of these community facilities will be determined by future study.

C-2. Open Spaces

The Agency may participate in funding the design, acquisition, construction, and/or rehabilitation of public open spaces and parks within the Plan Area. Projects to be undertaken may include:

- Walkways and plazas
- Shelters
- Buildings
- Landscaping
- Accessibility improvements
- Lighting
- Furniture
- Art

C-3. Other Development Support

The Agency is authorized to support development and commercial activities within the Plan Area through the following activities:

a. Financial Assistance

The Agency may use tax increment funds to provide financial assistance to property owners, for physical improvements to privately-owned properties that will address the goals of the Plan. The activities eligible for financial assistance could include housing development, green building or renewable energy investments, improvements to ground-floor storefronts, and improvements to vacant or underutilized commercial spaces to increase flexibility and marketability.

b. Real Property Acquisition and Disposition

The Agency may use tax increment funds to acquire real property for the purpose of supporting the objectives of this Plan, including to support commercial activity.

The process for selling or disposing of property acquired for the purpose of supporting commercial activity will be determined by the Agency Board. Property acquired to support commercial activity may be offered to a developer for a reduced price or at no cost, as determined by the Agency Board.

D. Loans and Grants

The Agency may operate a low-interest loan and grant program to assist development and redevelopment of private property within the Plan Area. All dollars loaned must come from program revenue and not from tax increment funds. Property owners within the Plan Area proposing to improve their properties and receiving financial assistance from the Agency shall do so in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans, and procedures of the City of Eugene.

E. Project Delivery and Administrative Activities

Many of the Agency's project delivery and administrative activities are provided through a contract between the City of Eugene and the Agency dated June 15, 2004.

1. The Agency may retain the services of independent professional people or organizations to provide project delivery administrative or technical services such as:
 - a. Project management;
 - b. Preparation of market, feasibility, or other economic studies;
 - c. Public engagement;
 - d. Preparation of design, architectural, engineering, landscaping architectural, planning, development, or other developmental studies;
 - e. Preparation of property acquisition appraisals;
 - f. Provision of special rehabilitation, restoration, or renovation feasibility and cost analysis studies;
 - g. Provision of legal, debt issuance, accounting or audit services;
 - h. Assistance with preparation of the annual financial report required under Section 800 of this Plan and the financial review required under Section 900 of this Plan; and
 - i. Support ongoing investments within the Plan Area (e.g. potential new businesses, existing businesses with expansion, dealing with safety issues).

2. The Agency may acquire, rent, or lease office space and office furniture, equipment, and facilities necessary for it to conduct its affairs in the management and implementation of this Plan.
3. The Agency may invest its reserve funds in interest-bearing accounts or securities authorized under ORS 294.
4. The Agency may borrow money, accept advances, loans, or grants from any legal source, issue urban renewal bonds and receive tax increment proceeds as provided for in Section 700 of this Plan.

F. Existing Activities

The Agency may complete urban renewal projects authorized prior to the 2023 Amendment (for example, 1059 Willamette Street, Farmers Market Project). The Park Blocks and Open Space improvements that were authorized in the 2016 Amendment are part of the activities identified in Section 600 C. The Agency may also continue to operate the Downtown Revitalization Loan Program. All dollars loaned must come from program revenue and not from tax increment funds.

Section 700 – Methods for Financing the Projects

The Agency may borrow money and accept advances, loans, grants, and other legal forms of financial assistance from the Federal government, State, City, County, or other public body, or from any source, public or private, for the purposes of undertaking and carrying out the Projects authorized by this Plan.

Ad valorem taxes, if any, levied by a taxing body upon the taxable real and personal property situated in the Plan Area, shall be divided in accord with and pursuant to Section 1c, Article IX of the Oregon Constitution and ORS 457, and used by the Agency for the Projects authorized by this Plan.

The Agency shall adopt and use a fiscal year ending June 30 accounting period. Every other year, the Agency shall develop a biennial budget in conformance with the provisions of ORS Chapter 294 and ORS 457, which shall describe sources of revenue, proposed expenditures, and activities.

The Agency Board must approve all projects, other than loans, in excess of \$250,000.

Section 800 – Annual Financial Statement Required

A financial statement shall be prepared that includes the information required by ORS Chapter 457. The statement shall be filed with the City Council and notice shall be published and mailed to the affected taxing districts in accordance with the requirements of ORS 457.

Section 900 – Community Member Participation

The activities and projects defined in this Plan, and the adoption of amendments to this Plan shall be undertaken with the participation of community members, owners, tenants as individuals, and organizations who reside within or who have financial interest within the Plan Area together with the participation of general residents of the City. The Agency shall convene not less than once each year a committee of such persons to: a) prepare a report on the activities of the Agency for the previous fiscal year, and b) determine whether the Agency's expenditure of tax increment dollars was limited to the projects authorized by this Plan and the associated administrative costs authorized by the Plan.

Section 1000 – Non-Discrimination

In the preparation, adoption, and implementation of this Plan no public official or private party shall take any action to cause any person, group, or organization to be discriminated against in a manner that violates Section 4.613 of the Eugene Code, 1971.

Section 1100 – Recording of this Plan

A copy of this Plan and Substantial Amendments to this Plan shall be recorded with the recording officer of Lane County.

Section 1200 – Procedures for Changes or Amendments

The Plan will be reviewed and analyzed periodically and may need to be modified based on this review. Types of Plan Amendments are:

A. Type One Amendment – Substantial Change Requiring Special Notice

Type One amendments shall require approval per ORS 457.095, and notice as provided in ORS 457.120. Type One plan changes will consist of:

1. Increases in the Plan Area boundary in excess of one percent (1%) of the existing area of the Plan.
2. Increases in the maximum indebtedness that can be issued or incurred under this Plan.

B. Type Two Amendment – Substantial Change Not Requiring Special Notice

Type Two amendments shall require approval per ORS 457.095, but will not require notice as provided in ORS 457.120. Type Two amendments will consist of any change or additions to the projects listed in Section 600.

C. Type Three Amendment – Minor Amendment

Minor amendments are any change that does not require a Type One or Type Two amendment and may be approved by the Agency Board in resolution form.

D. Amendment to the City's Comprehensive Plan or Any of Its Implementing Ordinances

Amendments to Eugene's adopted comprehensive plan and/or land use regulations that affect the Plan and/or the Plan Area shall be incorporated automatically into the Plan without any separate action required by the Agency Board or City Council. If a Type I or Type II amendment is prepared, the Exhibit C of this Plan will be updated at that time.

Section 1300 – Duration and Validity of Approved Plan

A. Duration of the Plan

Taxes may be divided under this Plan only until the maximum indebtedness for the Plan Area has been issued and paid or defeased, or the Agency has determined that it will not issue the full amount of that maximum indebtedness, and all indebtedness that will be issued has been issued and paid or defeased. When that indebtedness has been paid or defeased the Agency will notify the assessor pursuant to ORS 457.450(2) to cease dividing taxes for the Plan Area, and shall return any unused tax increment funds to Lane County for redistribution to overlapping taxing districts. However, the Downtown District and this Plan may remain in effect as long as legally required to exist and until the Agency transfers any remaining assets and liabilities of the Plan Area to the City of Eugene. As of the date of the 2023 Amendment, it is estimated that the last fiscal year for which taxes will be divided is FY43.

B. Validity

Should a court of competent jurisdiction find any word, clause, sentence, section, or part of this Plan to be invalid, the remaining words, clauses, sentences, section, or parts shall be unaffected by any such finding and shall remain in full force and effect for the duration of the Plan.

Section 1400 – Maximum Indebtedness

The sum of \$33 million was established in 1998 as the spending limit (maximum amount of new indebtedness which could be issued or incurred from tax increment funds) under this Plan after June 1, 1998. That figure was developed using the estimated project costs, plus a 5% annual inflation factor.

The 2010 Amendment increased the maximum indebtedness amount by \$13.6 million, to a total of \$46.6 million.

The 2016 Amendment increased the maximum indebtedness amount by \$19.4 million, to a total of \$66 million.

The 2020 Amendment did not increase the maximum indebtedness.

The 2023 Amendment increased the maximum indebtedness amount by \$50 million to a total of \$116 million. The maximum indebtedness limit established by this Section 1400 does not apply to or limit:

1. The obligation of the Agency to pay interest on indebtedness issued or incurred under this Plan;
2. Any indebtedness issued to refund indebtedness issued or incurred under this Plan, to the extent that the refunding indebtedness does not exceed the principal amount of the refunded indebtedness, plus the amount of the refunding indebtedness that is used to pay costs of the refunding;
3. Funds to repay indebtedness existing on the date of the 1998 Amendment; and
4. Expenditures made from funds other than tax increment funds, such as loans made from the Downtown Revitalization Loan Program.

Legislation passed in 2009 (ORS 457.220) placed additional limits on how much a municipality can increase maximum indebtedness. That same legislation, however, also provides that those limitations *“do not apply to the extent the municipality approving a plan obtains the written concurrence of taxing districts imposing at least 75 percent of the amount of taxes imposed under permanent rate limits in the urban renewal area.”*

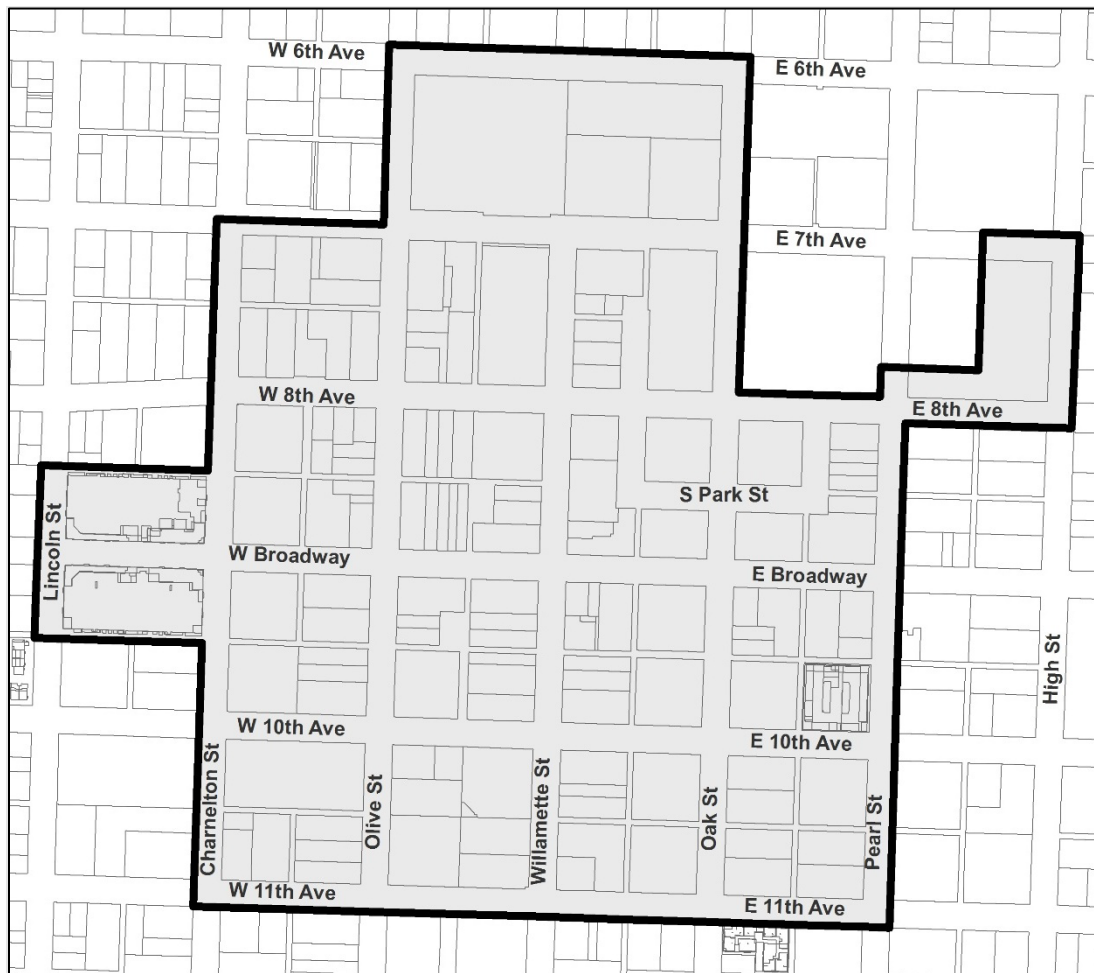
[Placeholder for overlapping taxing districts information]

Section 1500 – Formal Matters

At this time, no property is anticipated to be purchased that would result in relocation. If property is identified for purchase that would involve relocation, the Agency would develop provisions for relocation.

If the Agency acquires occupied real property in the implementation of the Plan, occupants of such property shall be offered relocation assistance, in such circumstances as may be required under the applicable state law. Those displaced will be contacted to determine their individual relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 35.500-35.530 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 35.510. The Agency will prepare, adopt, and maintain a Relocation Policy prior to acquiring any property that will cause displacement.

Plan Exhibit A: Plan Area Map



Plan Exhibit B: Plan Area Description

Beginning at the southwest corner of the intersection of 11th Avenue and Charnelton Street in the City of Eugene, Lane County, Oregon, commencing northerly along the west right-of-way line of Charnelton Street to the point of intersection of the south right-of-way line of the alley between 10th Avenue and Broadway;

- (1) thence, westerly along the south right-of-way line of said alley to the west line of Lincoln Street;
- (2) thence, northerly along the west right-of-way line of Lincoln Street to the point of intersection of the north right-of-way line of the alley between Broadway and 8th Avenue if extended;
- (3) thence, easterly along the north right-of-way line of said alley to the west right-of-way line Charnelton Street;
- (4) thence, northerly along the west right-of-way line of Charnelton Street to the northwest corner of the intersection of 7th Avenue and Charnelton Street;
- (5) thence, easterly along the north right-of-way line of 7th Avenue to the northwest corner of the intersection of 7th Avenue and Olive Street;
- (6) thence, northerly along the west right-of-way line of Olive Street to the northwest corner of the intersection of 6th Avenue and Olive Street;
- (7) thence, easterly along the north right-of-way line of 6th Avenue to the northeast corner of the intersection of 6th Avenue and Oak Street;
- (8) thence, southerly along the east right-of-way line of Oak Street to the northeast corner of Oak Street and South Park Avenue;
- (9) thence, easterly along the north right-of-way line of South Park Avenue extended to the east right-of-way line of Pearl Street;
- (10) thence, southerly along the east line of Pearl Street to the southeast corner of the intersection of Pearl Street and West 11th Avenue; and
- (11) thence westerly along the south right-of-way line of West 11th Avenue to the point of beginning.

Portion of the Former City Hall Block description

A tract of land located in the Northeast one-quarter of Section 31 in Township 17 South, Range 3 West of the Willamette Meridian being more particularly described as follows; Beginning at the Southwest corner of Block 18 as platted and recorded in Skinner's Donation to Eugene per Judgement Docket "A" page 2, Lane County Oregon Plat Records in Lane County, Oregon; thence Southerly along the westerly line of Block 23 of said Skinner's Donation to Eugene to the Northwest corner of Block A of Mulligan Addition to Eugene as platted and recorded in Volume A, Page 122, Lane County Oregon Plat Records in Lane County, Oregon; thence Westerly along the Northerly line of Block 1 of said Mulligan Addition to Eugene to the Northwest corner of said Block 1 of said Mulligan Addition to Eugene; thence northerly to the Southwest corner of said Block 24; thence West to the Southeast corner of Block 7 Skinner Donation to Eugene as platted and recorded in Volume A, Page 122, Lane County Oregon Plat Records in Lane County, Oregon; thence northerly

along the East line of said Block 7, 71.47 feet; thence running 71.47 feet distant and parallel to the south line of said Block 24 to the centerline of the now vacated alley within said Block 24; thence Northerly along said alley centerline to the South line of Block 17 in said Skinner's Donation to Eugene; thence along the South line of said Block 17 to the Southwest corner of Said Block 18 and there ending, all in Eugene, Lane County, Oregon.

East Park Block Area description

A tract of land located in the Northeast one-quarter of Section 31 in Township 17 South, Range 3 West of the Willamette Meridian being more particularly described as follows; Beginning at the Southwest corner of Block 24 as platted and recorded in Skinner's Donation to Eugene per Judgement Docket "A" page 2, Lane County Oregon Plat Records in Lane County; thence Southerly along the west line of Block 1 of Mulligan Addition to Eugene as platted and recorded in Volume A, Page 122, Lane County Oregon Plat Records in Lane County, Oregon to the Southwest corner of Lot 3, Block 1 of said Mulligan Addition; thence Westerly along the projected south line of Lot 6, Block 12 of said Mulligan Addition and along the north right-of-way line of South Park Street to the intersection with the east right-of-way line of Oak Street; thence northerly along said east right-of-way line of said Oak Street to the northerly right-of-way line of East 8th Avenue; thence Easterly along said northerly right-of-way line of said East 8th Avenue to the point of beginning being the Southwest corner of said Block 24 of Skinner's Donation to Eugene and there ending, all in Eugene, Lane County, Oregon.

Plan Exhibit C: Analysis Of The Plan's Conformance To The Comprehensive Plan And Other Local Plans

ORS 457.095 requires that the Plan conform to local objectives including the comprehensive plan and economic development plan of a locality. This section provides that analysis. Additionally, ORS 457.085(2)(d) requires that the plan include an explanation of the plan's relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements. This section complies with that statutory requirement to identify definite local objectives regarding land use, transportation, etc., by reference to local planning documents. Relevant local planning and development objectives are contained within the following local planning documents:

- Eugene Springfield Metropolitan Area General Plan (Metro Plan)
- Envision Eugene Comprehensive Plan (Envision Eugene)
- Eugene 2035 Transportation Systems Plan
- Housing Implementation Pipeline
- Eugene Climate Action Plan 2.0
- Eugene Downtown Plan

The following section describes the purpose and intent of these planning documents, applicable goals and policies within each planning document, and an explanation of how the Urban Renewal Plan for the Downtown Urban Renewal District (Plan) relates to the applicable goals and policies. .

The numbering of the goals and policies within this section reflects the numbering that occurs in the original planning document. Italicized text is text that has been taken directly from an original planning document and therefore cannot be changed. Some verbiage may say "complies with", which, in this document is synonymous with "conforms to" as stated in ORS 457.095.

A. Metro Plan - Eugene Springfield Metropolitan Area General Plan updated through June 30, 2019

Metropolitan Residential Land Use and Housing Element Goal: Provide viable residential communities so all residents can choose sound, affordable housing that meets individual needs.

FINDING: The 2023 Amendment to the Urban Renewal Plan for the Downtown Urban Renewal District (2023 Amendment) provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. The resources may be used for acquisition, assisting with developer costs, and providing incentives to make a project economically feasible. The Plan conforms to the Housing Element Goals of the Metro Plan.

Economic Element

Goal: Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

Policies:

- *B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.*
- *B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.*
- *B.29 Encourage the expansion or redevelopment of existing neighborhood commercial facilities as surrounding residential densities increase or as the characteristics of the support population change.*

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. Workers in the downtown area need affordable housing options and having increased residents in the downtown will supply increased economic activity to the area. The downtown is a neighborhood, and providing a mix of residential and commercial activities will support the vitality of this mixed use area. The Plan conforms to the Goal and Policies B.14, B28, and B29 of the Metro Plan.

*Transportation Element**Goals:*

1. *Provide an integrated transportation and land use system that supports choices in modes of travel and development patterns that will reduce reliance on the automobile and enhance livability, economic opportunity, and the quality of life.*
2. *Enhance the Eugene-Springfield metropolitan area's quality of life and economic opportunity by providing a transportation system that is:*
 - *Balanced,*
 - *Accessible,*
 - *Efficient,*
 - *Safe,*
 - *Interconnected,*
 - *Environmentally responsible,*
 - *Supportive of responsible and sustainable development,*
 - *Responsive to community needs and neighborhood impacts, and*
 - *Economically viable and financially stable.*

Policies:

- *F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*

- *F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.*
- *F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.*
- *F.13 Support transportation strategies that enhance neighborhood livability.*
- *F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*
- *F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*
- *F.23 Require bikeways along new and reconstructed arterial and major collector streets.*
- *F.24 Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.*
- *F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.*
- *F.27 Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.*
- *F.37 Consider and include among short-term project priorities, those facilities and improvements that support mixed-use, pedestrian-friendly nodal development, and increased use of alternative modes.*

FINDING: The 2023 Amendment provides tax increment resources to provide for improved multi-modal transportation systems including street, curb, alley and sidewalk improvements, streetscape improvements and pedestrian, bike and transit improvements. The Plan conforms to the Goals and listed policies of the Transportation Element of the Metro Plan.

Public Facilities and Services Element

Goals:

1. *Provide and maintain public facilities and services in an efficient and environmentally responsible manner.*
2. *Provide public facilities and services in a manner that encourages orderly and sequential growth.*

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. This area in Eugene already has existing services and increasing the density of the area makes efficient use of existing resources. The Plan conforms to the Public Facilities and Services Element Goals of the Metro Plan.

Parks and Recreation Facilities Element

Goal:

Provide a variety of parks and recreation facilities to serve the diverse needs of the community's citizens.

Objectives:

- 4. Develop park sites and recreation facilities in the manner best suited to serve the diverse interests of local residents and in areas of greatest need.*
- 5. Close the gap between the current supply of park and recreation facilities and the projected demand.*

FINDING: The 2023 Amendment provides tax increment resources to improve the public spaces within the area acknowledging that increasing the residents in the area will increase demand for park facilities. The Plan conforms to the Goal and Objectives 4 and 5 of the Parks and Recreation Facilities Element of the Metro Plan.

B. Envision Eugene Comprehensive Plan

June 2017

Chapter 3 Economic Development

Downtown, Key Corridors, and Core Commercial Areas – Policies in this section support geographic areas of particular economic intensity.

- 3.32 Priority development areas. Promote redevelopment and reuse in prioritized areas including downtown, key corridors, and core commercial areas.*
- 3.33 Urban economy. Promote downtown as a hub of creative, entrepreneurial activity that can attract new investment and retain and grow existing businesses that thrive in the urban environment.*
- 3.34 Multifaceted, regional center. Strengthen downtown's role as a destination and the functional center for government, business and commerce, entertainment and the arts, and education in Eugene and the Southern Willamette Valley.*
- 3.35 Neighborhood vitality. Recognize the vital role of commercial facilities that provide services and goods in complete, walkable neighborhoods throughout the community. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners across all neighborhoods.*

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. Workers in the downtown area need affordable housing options and having increased residents in the downtown will supply increased economic activity to the area. The downtown is a neighborhood, and providing a mix of residential and commercial activities will support the vitality of this mixed use area. The Plan conforms to the Economic Development Element of the Envision Eugene Comprehensive Plan.

Chapter 9 Transportation

Policy 9.1 Local transportation planning. The Eugene 2035 Transportation System Plan, not including the transportation financing program, serves as the transportation element of the Envision Eugene Comprehensive Plan and amendments to that plan shall constitute amendments to this plan.

FINDING: The findings of conformity with the Eugene 2035 Transportation System Plan, laid out in more detail below, support a finding of conformity with the Transportation Chapter of the Envision Eugene Comprehensive Plan.

C. Eugene 2035 Transportation System Plan

The following are projects specified in the Eugene Transportation System Plan in the Plan Area.

- *Improved connections from Downtown to other corridors*
- *Neighborhood greenway*
 - *PB111 – Broadway, Charnelton to High*
 - *PB486 – Willamette, 7th to 13th*
- *Protected bike lane*
 - *PB571 – Lincoln, 5th to 13th*
 - *PB583 – 8th, Lincoln to Broadway*
- *Bike lane, on-street*
 - *PB226 – 13th, Washington to Lincoln*
 - *PB574 – 6th to 4th Ave*
- *Future study projects*
 - *S3 – Improvements to North-South Travel/Circulation South of Downtown – Evaluate north/south circulation options on the Oak/Pearl Streets and Hilyard/Patterson Streets couplets*
- *Intro:*
 - *Identified potential action items include aligning the City's land use and parking regulating to encourage walking, biking, and use of public transit and periodically reviewing parking needs in the downtown, Federal Courthouse, and riverfront districts and balance supply with other objectives, such as economic vitality; support for transit, walking, and biking; reduced consumption of fossil fuels; and human-scaled urban form.*
- *P. 17 – promote transportation demand management programs along Key Corridors, including downtown*
- *P. 39 Support higher-speed and higher frequency passenger rail service and use of the historic Eugene Depot in downtown Eugene as a passenger rail station.*

FINDING: The 2023 Amendment provides tax increment resources to provide for improved multi-modal transportation systems including street, curb, alley and sidewalk improvements, streetscape improvements and pedestrian, bike and transit improvements. The Plan conforms to the Eugene 2035 Transportation Systems Plan.

D. Housing Implementation Pipeline

July 1, 2022 – June 30, 2027

The Housing Implementation Pipeline (HIP) is an internal, cross-departmental, five-year work plan for the City. This work plan coordinates current and future City resources, goals, and priorities with a systems-thinking approach to housing across the full continuum from people experiencing homelessness to overall housing supply. A target goal in the HIP is to increase the amount of housing downtown by 50% from 2021; an increase of over 1,000 units.

The HIP work plan period begins July 1, 2022 and concludes June 30, 2027. The HIP will be reviewed and updated on a two year schedule to occur in year 3 (2025) and year 5 (2027)

Downtown Housing Strategies

Encouraging compact development in the downtown core is one critical way to provide housing for our growing community. Increasing the number of housing units in the downtown core achieves other policy goals related to climate recovery and resiliency, compact development transportation efficiency, downtown vibrancy and fiscal sustainability.

Despite community benefits from a strong residential presence downtown, new residential construction faces a number of competitive disadvantages, particularly financial challenges, compared with development in other parts of the city.

Prior support for downtown housing has come in multiple forms, especially 1) Affordable Housing investments such as HOME funds and tax exemptions from Low-Income Rental Housing Property Tax Exemption (LIRHPTE), 2) tax exemption under the Multi Unit Property Tax Exemption (MUPTE) program, 3) Urban Renewal, and 4) regulatory incentives, such as the removal of parking minimums in the downtown area. These tools have led to the creation of the majority of the housing units in downtown today, including Broadway Place, First on Broadway, Aurora Building, and West Town on 8th.

The City could look to continue this type of support by exploring tax exemption opportunities (see page 28) as well as the possibility of extending the life of the Downtown and Riverfront Urban Renewal Districts for the purposes of supporting more housing downtown. Support for downtown housing will allow the City to meet its goal of adding at least 1,000 new units downtown.

Middle Housing Incentives

Throughout the public engagement process for Middle Housing Code Amendments (HB 2001), community members and the Planning Commission emphasized the need for incentivizing smaller and more affordable housing options. To increase desired middle housing, the City will explore a suite of incentives such as fee reductions, tax exemptions, preapproved plans, first-time home buyer assistance, and land use code changes (e.g., density bonuses). Potential incentives would complement other items in the HIP and some incentive programs could be expanded to include middle housing in certain places or city wide if specific targets are met including efficiency targets like small square footage, or income restriction targets. It is anticipated that a comprehensive approach that pairs financial incentives with regulatory changes will have the greatest impact. This policy exploration could occur starting in FY25, if the additional resources are secured.

Anti-Displacement Action Plan

If additional resources are made available, City staff will look to coordinate policies and actions to promote equitable development and reduce the harmful impacts of involuntary displacement as Eugene continues to grow. The action plan will guide many of our existing and proposed policies or programs.

Academic and professional publications on anti-displacement identify production, preservation and protection as key policy areas to combating the negative effects of displacement. In developing the plan, the City will look to other cities and models that have proven effective at preventing the effects of involuntary displacement.

As shown in Appendix A, the plan could be created beginning in early 2023, if additional resources are made available for this work. An Anti-Displacement Action Plan will be co-created with community members, building off the work of the Equity Panel and with a particular focus on engaging with communities that are most impacted by displacement. It could include direction on tenant/renter protection regulations, Affordable Housing preservation and development, rental assistance, homeownership assistance, community land trust support, inclusionary zoning requirements, and a housing-specific equity lens toolkit.

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities in the downtown for Eugene residents. The Housing Implementation Pipeline includes the use of urban renewal as a potential resource for creating additional housing. The Housing Implementation Pipeline also includes exploration of incentives of middle housing production, which can occur with urban renewal. The Plan supports the Housing Implementation Pipeline.

E. Climate Action Plan 2.0

July 2020

The Climate Action Plan 2.0 identifies actions that will help Eugene reach its climate goals. The Plan includes multiple strategies that support the development of downtown and increase compact housing in the downtown. Housing policy is a cornerstone of any City's climate policy. Housing stock characteristics like size, affordability, and location relative to transit, jobs, and other amenities all impact residents' environmental impact. Size has multiple impacts including the emissions from creating the building materials and the emissions from energy used to heat and cool the home. Smaller homes tend to have a smaller carbon footprint during construction and use. In addition, housing units built close to transit, jobs, and other amenities allow residents to access the community using fewer vehicle trips.

Action T11 *COE to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas. This includes removing regulatory barriers, flexible uses within industrial and commercial, reduce financial obstacles, restructure SDCs for smaller additional incentives, flexible land use codes, and ensure transportation system can support planned densities. This action is part of the Promote Compact Urban Development and Efficient Transportation Options Pillar of Envision Eugene.*

Action T13 COE to plan for growth so that an increasing proportion of residents live in 20-Minute Neighborhoods where residents can meet most of their daily needs near their homes without the use of an automobile. This includes identifying location opportunities for flexible codes, transportation infrastructure improvements, parks and open space, partnerships and incentives. This action is part of the Plan for Climate Change and Energy Resiliency Pillar of Envision

Action T14 COE to incentivize transit-oriented development and walkable neighborhoods using tools such as the Multi-Unit Property Tax Exemption (MUPTE), a state-enabled 10-year property tax exemption, to stimulate the construction of multiunit housing downtown and along key corridors. MUPTE is currently authorized to be used in downtown Eugene. Programs to facilitate more housing downtown, including MUPTE, are an Envision Eugene strategy anticipated to achieve an additional 1,000 dwellings by 2032.

Action T15 COE to encourage housing diversity in all neighborhoods. Support the construction of duplexes, triplexes, quadplexes, townhomes, and cottage clusters throughout the community. Directly implement House Bill (HB) 2001, the state law that enables missing middle housing options on lots zoned for residential uses by June 2022. (HTS Process, Envision Eugene, SB 1051, HB 2001)

Recommendation E1

Implement City land use policies that encourage higher density land use. Higher density housing results in more walkable, rideable, or roll-able communities.

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. Providing for increased housing density in the downtown helps compact urban development and plans for growth for increasing the proportion of the residents who live in 20 Minute Neighborhoods, and encourages housing diversity by providing increased housing opportunities. The Plan conforms to the Climate Action Plan 2.0.

F. Eugene Downtown Plan

April 12, 2004

Building a Downtown

Policies

1. Actively pursue public/private development opportunities to achieve the vision for an active, vital, growing downtown.
2. Use downtown development tools and incentives to encourage development that provides character and density downtown.

Implementation Strategies

- C. Expand the use of revenues in the Downtown Urban Renewal District in order to provide financial tools and incentives for desired development within the district.
- G. Identify and facilitate infrastructure improvements as a public incentive for private development.

Living Downtown

Policies

- 1. Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.*
- 2. Reinforce residential use in neighborhoods abutting the downtown commercial core to help contain commercial activity in downtown and maintain the historic character and livability of adjacent neighborhoods.*

Implementation Strategies

- C. Develop additional financial tools to assist with the development of housing, including the use of bonds, tax increment financing, land assembly and parking.*
- E. Reinforce opportunities for home ownership downtown.*
- F. Seek opportunities to equalize the costs of building housing in and near downtown compared with locations elsewhere in the city.*

FINDING: The 2023 Amendment provides tax increment resources to help create additional housing opportunities and affordable housing opportunities for Eugene residents. Major policies in the Downtown Plan call for an active, vital downtown, encouraging development downtown, stimulating downtown multi-unit housing, developing additional financial tools and seeking the opportunity to equalize the costs of building housing in and near downtown. All of these policies are supported by the 2023 Amendment. The Plan conforms to the Eugene Downtown Plan.

Exhibit B

Downtown Urban Renewal District Report

For the Downtown Urban Renewal District Plan

Originally Adopted July 3, 1968 by Eugene Urban Renewal Agency Resolution No. 257

Amended December 19, 1968 by City Council Resolution No. 1609

Amended November 8, 1989 by City Council Ordinance No. 19648

Amended June 1, 1998 by City Council Ordinance No. 20120

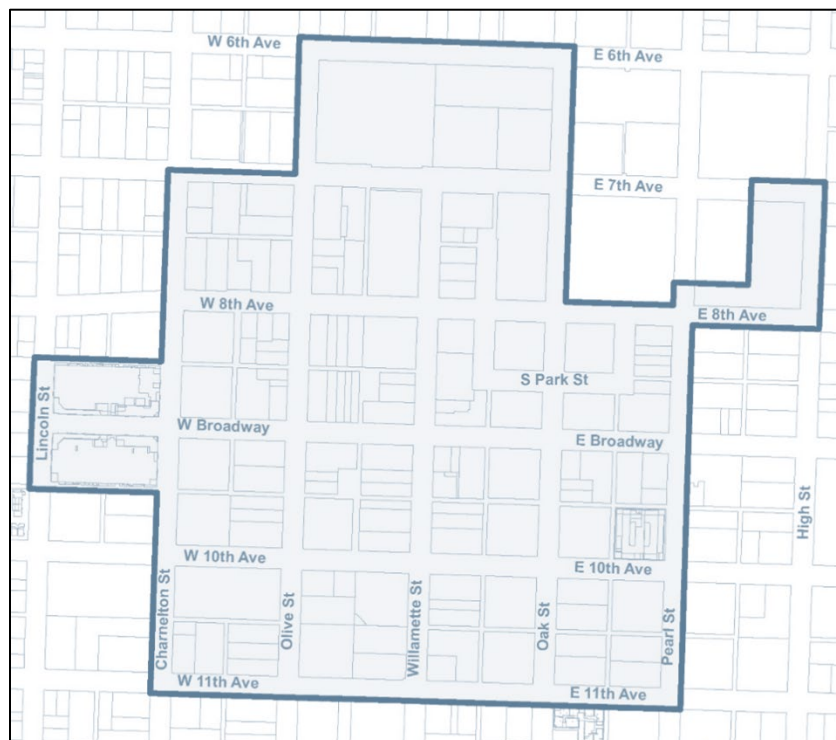
Amended September 13, 2004 by City Council Ordinance No. 20328

Amended May 24, 2010 by City Council Ordinance No. 20459

Amended June 13, 2016 by City Council Ordinance No. 20564

Amended November 24, 2020 by City Council Ordinance No. 20644

Amended ___, 2023 by City Council Ordinance No. ___



Urban Renewal Agency of the City of Eugene, Oregon



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Mayor Lucy Vinis

Emily Semple

Matt Keating

Alan Zelenka

Jennifer Yeh

Mike Clark

Greg Evans

Lyndsie Leech

Randy Groves

City of Eugene Staff

Sarah Medary, City Manager

Kristie Hammitt, Assistant City Manager

Kathryn Brotherton, City Attorney

Martha Baldwin

Maurizio Bottalico

Denny Braud

Eric Brown

Amanda D'Souza

Will Dowdy

Anne Fifield

Amanda Nobel Flannery

Lauren Sommers

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REPORT ON THE DOWNTOWN URBAN RENEWAL DISTRICT PLAN

Chapter 1: Introduction

The 2023 Amendment to the Downtown Urban Renewal District Plan (the “Plan”) makes the following changes:

- Specifies project activities to be undertaken;
- Sets an increase in the maximum indebtedness to allow for those specific projects; and
- General updating of the Plan.

The City of Eugene has prepared an amendment to the Plan, originally adopted in July 1968 and modified December 1968, November 1989, June 1998, September 2004, May 2010, June 2016, and November 2020. The 2023 amendment is considered a substantial amendment under ORS 457 as it increases the maximum indebtedness of the Plan. This Report accompanies the Plan and consists of text, tables, and appendices.

The Downtown Urban Renewal District contains approximately 75 acres (the “Plan Area”). The legal description for the Plan Area is in Section 300 of the Plan and is further described on graphic exhibits included in the Plan and in the appendix to this Report.

Chapter 2: Description of Physical, Social, Economic, and Environmental Conditions in the Plan Area

Note: This description and assessment is current to the identified dates. In many cases, the 2020 Amendment information is still current and does not need to be updated.

A. Physical Conditions

1. Land Area

The Plan Area encompasses about 75 acres. See Appendix, Exhibit A for a map of the Plan Area.

The total incorporated land area for the City of Eugene, as of March 2023 is 28,544 acres. The Plan Area represents about 0.26 percent of the City’s total land area. This area combined with the Riverfront Urban Renewal District of approximately 245 acres, equals approximately 320 acres in renewal districts, which is one percent of the City’s total land area and well below the 15 percent maximum allowed by Oregon State law.

2. Existing Land Use and Zoning

Table 1 shows generalized land use in the Plan Area as of March 2023 by category. Table 2 shows the zoning as of March 2023. A description of permitted uses is found in the City Land Use Code. (The zoning map is located in the Appendix, Exhibit B.)

Table 1. Generalized Land Use

Land Use Code	Number of Addresses	% Total
C: Communication	4	0.5%
E: Education	6	0.7%
F: Transportation Related	5	0.6%
G: Government	16	1.8%
I: Industrial	3	0.3%
J: Religious, Charitable	2	0.2%
L: Recreation	24	2.7%
M: Multi-family	313	35.5%
O: General Services	354	40.2%
P: Parks	2	0.2%
R: Retail	151	17.1%
V: Vacant	1	0.1%
Grand Total	872	100.0%
Source: Regional GIS: Site Address Land Use, March 2023		

Table 2. Zoning

Zoning	Acres
C-2 Community Commercial	0.7
C-3 Major Commercial	39.1
PL Public Land	4.6
S-H Historic	0.1
Total Zoned property	44.6
Non-Taxlot Right-of-Way	30.3
Total	74.9
Source: Regional GIS, March 2023	

3. Historic Structures

In the past, numerous old buildings were lost in the downtown core area due to demolition or neglect. While not all of these structures were historically or architecturally significant, it is clear that our urban heritage was not considered worthy for preservation or re-use. Today, the Agency aims to take an active role in celebrating that urban heritage by preserving and reclaiming obsolete or underutilized buildings as well as parts of the urban landscape in need of improvements, that form an important part of the fabric and history of downtown, which is part of our legacy for future generations.

4. Parks and Plazas

Downtown plays a variety of roles in our city, as a shared civic, cultural, and economic center, and as a neighborhood of its own. To fulfill these roles, downtown needs parks and plazas that provide public gathering spaces, room for events, and greenspace in the heart of the city. As development continues downtown, the role of these open spaces becomes even more important, supporting overall livability for residents and downtown employees alike. Further, improved open spaces will draw and sustain a high quality and diverse mix of commercial, governmental, residential, and cultural uses. The open spaces that are currently downtown (Kesey Square, the Park Blocks, and the Hult Center Plaza) do not appear to meet the area's needs for open space; the Agency began making improvements to open space with the 2016 amendment, but portions remain unattractive and unwelcoming, showing signs of deterioration and lacking in public amenities that would attract people. Obscured sight lines and poor lighting contribute to real and perceived safety concerns. The

design of those spaces is not generally conducive to modern events and programming. The lack of infrastructure in those spaces, such as electricity and water, limits programming and commercial opportunities. Improvements to parks and plazas within the Plan Area will increase the utility, desirability, and economic impact of these spaces, make the Plan Area more inviting and attractive overall, and create the conditions for increased residential and commercial investment in the future.

5. Telecommunications Utility System

The 2016 Amendment authorized the use of urban renewal funds to support the construction of a telecommunications fiber network in the downtown. Eugene Water and Electric Board (EWEB) completed the installation of the fiber network throughout the designated footprint of the project boundary in 2019.

The project also included improvements to the interconnect facility at 859 Willamette Street, an internet switching center. The improvements expanded its capacity so that the facility can host more Internet Service Providers.

6. Streets, Alleys, Sidewalks

As documented in the blight findings attached to the Ordinance amending the Plan, many of the pedestrian walkways as well as portions of paved streets and alleys in the Plan Area have significantly deteriorated. In addition, some streets are in need of repair and renovation to enhance their function, safety and attractiveness for public use. As an example, Park Street, which runs adjacent to the Park Blocks on three sides, needs sidewalk and accessibility improvements, curb changes, and a redesign of parking to better accommodate activities that spill over from the Park Blocks.

Using funds allocated in the 2016 amendment, the northwest portion of Park Street and adjacent sidewalks were improved to complement the construction of the Farmers Market Pavilion.

Oak Street and 8th Avenue are the major streets bisecting the Park Blocks; both only carry traffic in one direction. Plans and policy direction support the conversion of 8th Avenue to a two-way street. Both Oak Street and 8th Avenue need improvements to maintain traffic flow and allow for ease of pedestrian use, such as lane narrowing and bump-outs.

Sixth Avenue and 7th Avenue form a couplet of one directional streets running in opposite directions. These roads are wide and fast moving, creating a physical and psychological barrier between the traditional core of downtown and the rapidly developing Market District and Riverfront. Policy direction supports narrowing these roads, adding parking, and pedestrian bulb-outs. There are multiple alleyways throughout the Plan Area that offer pedestrian pathways throughout. The alleys are dark and the pavement is of varied condition. Improving the alleys will enhance their function and safety, which will improve the pedestrian experience throughout the Plan Area.

7. Sanitary Sewer System

The sanitary sewer system was upgraded as part of the original renewal project. This upgrading consisted of relining the existing lines with plastic pipe liners. Each building was reconnected at that time. The engineering analysis showed that the existing capacity was sufficient.

8. Water Delivery System

According to the Eugene Water and Electric Board, the water delivery system throughout the original Downtown Urban Renewal District is in sufficient condition and of sufficient capacity to support additional development.

B. Social Conditions

1. Housing

There were 313 housing units in the Plan Area as of December 13, 2020. An estimated 75 of these units are located in the Lane Community College Titan Court student housing, which are shared apartments for 255 residents. (Source: Regional GIS, August 2020 Site Address Land Use.) There are no units of affordable housing (income-qualifying) within the Plan Area. The monthly rents that are representative of the Area from one of the large housing complexes in 2023 are:

- Studio \$1,525
- 1-Bedroom \$1,750
- 2 Bedroom \$1,885

2. Socio-Economic

Based on information from the 2021 5-Year American Community Survey (ACS) data, there are 2,891 people living in the two block groups that contain the Plan Area. The median household income in the Plan Area is well below the median household income in the City of Eugene. (Table 3 and Appendix Exhibit C – Census Boundaries Map.)

Table 3. Median Household Income

	Population	Margin of Error (+/-)	Median Household Income	Margin of Error (+/-)
City of Eugene	173,278	136	\$ 55,776	\$ 1,824
Census Tract 3900, Block Group 1	1,296	407	\$ 35,662	\$ 4,675
Census Tract 3900, Block Group 2	1,595	290	\$ 29,896	\$ 9,308
Total Population	2,891			

Source: ACS 2021-Year Estimates. B01003 Total Population, B19013 Median Household Income

3. Employment

In early 2023, there were 389 employers and about 5,400 employees in the Plan Area. The largest employers in the district were the City of Eugene, Lane Council of Governments, and Venture Data (Source: InfoUSA, 2023.).

The Plan Area has been an employment center for decades and most of the structures in the Plan Area support office uses. The COVID-19 pandemic brought about a shift in how people conduct office work, with many people choosing to work from home all or some days per week. Data from parking structures owned by the City of Eugene show occupancy levels during normal business hours in November 2022 were 78% of 2019 parking occupancy levels during the same month.

Additionally, transit ridership through our downtown station is down 40% from 2019 levels. This shift in office work habits has led to fewer office workers in the downtown, greatly reducing demand for goods and services.

C. Economic Conditions

1. Value of Property

The FY23 taxable assessed value for the City of Eugene is \$18,254,461,170. The total taxable assessed value for the Downtown District Plan Area as of FY23 is \$240,398,656. The excess value, also known as 'increment', of the Plan Areas for Eugene's two Urban Renewal Districts is \$411,398,048. The increment, or excess value, is the growth in assessed value of the Plan Area after its initial adoption. Table 4 below demonstrates that the combined frozen bases for the Downtown and Riverfront Urban Renewal Districts is well below the 15 percent limit of the City of Eugene assessed value minus the increment (excess) value of the Urban Renewal Plan Areas as imposed by ORS 457.420.

Table 4. Assessed Value Limitations

A. City of Eugene Total Assessed Value (AV)	\$ 18,254,461,170
B. Total Frozen Base AV of URAs	\$ 84,346,194
Downtown District	\$ 33,736,746
Riverfront District	\$ 50,609,448
C. Total Increment AV of URAs	\$ 411,398,048
Downtown District	\$ 206,661,910
Riverfront District	\$ 204,736,138
D. Frozen Base AV as % of City AV: B/(A-C)	0.5%

2. Relationship of the Value of Improvements to the Value of Land

The current ratio of improvement value to land value within the Plan Area, based on 2020 assessment records and excluding all tax-exempt property, is 6 to 1.

D. Environmental Conditions

The Plan Area has been an established commercial business area for many years. Most streets, sidewalks, alleys, and sewers are in place and should be upgraded and maintained. The public park areas within the Plan Area should be maintained as needed by the City. There are opportunities through the additional resources from the Plan Amendment to improve the function and condition of some of the streets, public parks, and public plazas.

- The Park Blocks are directly on a pedestrian, bicycle, and vehicular path to the river and are a critical piece of the Willamette to Willamette Initiative.
- A central intent of that project is to transform 8th Avenue from a predominantly one-way west-bound street with inadequate pedestrian and bicycle amenities into a two-way, inviting, and accessible path to and from the river and the ongoing development on the Downtown Riverfront property as well as the university area to the east. Design is nearly complete and construction is expected to start this spring.
- The Plan Area lies near newly redeveloped areas to the north and east. Existing roads create barriers between the Plan Area and its neighbors. Improvements to crossings on wide streets will reduce the negative elements, attracting those areas' residents and visitors into the Plan Area.

Chapter 3: Expected Impact, Including Fiscal Impact, of the Plan in Light of Added Services or Increased Population

The projects in the 2023 Amendment support the Plan goal to strengthen the economic conditions of the Plan Area as increased residential uses will provide increased activity to the businesses in the Area. The projects will also contribute to the goal of enhancing downtown's role as the regional economic, governmental, and cultural center and central location for public and private development and investment. Improvements to right of way, parks, and open space will contribute to the goal of reinforcing the Plan Area as a place to live, work, or visit by providing inviting and highly functional spaces for the community to enjoy on a daily basis as well as for programmed events.

These projects also support the Plan goal to strengthen the economic conditions of the Plan Area. One measure of this goal is the expected increase in the taxable property values caused by the projects. Areas adjacent to the Plan Area are also expected to become more valuable. From FY23 through the estimated remaining life of the District (FY43), property values in the Plan Area are estimated to increase by about \$194 million.

Potential direct impacts to School District 4J from the 2023 Amendment are residential development projects that will ideally increase the number of people living downtown. Whether or not those residents have school-aged children is unknown at this time. However, the schools are funded on a per pupil basis, so additional school-aged students could mean additional funding for the schools. The amount of increased residential units will not likely require new school facilities. (See Chapter 9 for a summary of the financial impact that the Downtown District has on 4J.)

The projects included in the 2023 Amendment, like all development projects, are expected to impact police services, transportation, utilities, and other public services.

City Council selected projects within the Plan Area for the way in which they support planning efforts and strategies, such as Envision Eugene, and adopted policy documents, such as the Eugene Downtown Plan and the Climate Action Plan 2.0. Developed with significant public input, the planning documents were based on assumptions about the value of and expected need for higher density of uses and development, with a consequent need for new and improved services and amenities. The Amendment is expected to facilitate improvements within the Plan Area, thereby addressing the goals and policies in these documents. The policies of the Downtown Plan strongly support increased residential and mixed-use development downtown, and the reinforcement of downtown as the economic and cultural center of the community.

The pillars of Envision Eugene that will be addressed by the 2023 Amendment are to provide housing affordable to all income levels and to promote compact development and efficient use of transportation. Specifically, the 2023 Amendment projects are expected to meet more of Eugene's multi-unit housing needs downtown, increase job opportunities, offer retail goods and services, and transform downtown into a mixed-use neighborhood that fosters active, walkable community living. The projects in the Plan do not result in an intensification of development beyond that previously anticipated under the planning documents.

The Agency will use tax increment revenues to carry out the Plan. The use of tax increment revenues will affect the property tax revenues of other taxing jurisdictions that share assessed value with the Plan Area. The property tax impacts are described in Chapter 9.

Chapter 4: Reasons for Selection of the Plan Area

The Plan Area was adopted in 1968 with approximately 70 acres. This area was selected after a comprehensive community process under the guidance of the Federal Department of Housing and Urban Development (HUD). The 2016 Amendment expanded the Plan Area by five acres to include a portion of the former City Hall block on 8th Avenue at High Street and the East Park Block area. The four goals of the Plan are to (1) improve the function, condition, and appearance of the Plan Area, (2) eliminate blight and blighting influences, (3) strengthen the economic conditions of the Plan Area, and (4) enhance downtown's role as the regional economic, governmental, and cultural center and a central location for public and private development and investment.

According to ORS 457.010, "blighted areas" means areas that, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions.

- (a) The existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of those uses, that are

unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

- (A) Defective design and quality of physical construction;
 - (B) Faulty interior arrangement and exterior spacing;
 - (C) Overcrowding and a high density of population;
 - (D) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
 - (E) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.
- (b) An economic dislocation, deterioration or disuse of property resulting from faulty planning.
 - (c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development.
 - (d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions.
 - (e) The existence of inadequate streets and other rights of way, open spaces and utilities.
 - (f) The existence of property or lots or other areas that are subject to inundation by water.
 - (g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.
 - (h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.
 - (i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

As part of the 2020 amendment to the Downtown Urban Renewal Plan, city staff conducted a detailed evaluation of properties in the District for conditions of blight, as defined by ORS 457.010. A total of 63 properties (54%) out of a total of 116 surveyed in the Downtown Urban Renewal District are determined to have blighted conditions. In addition to the 63 properties with blighted conditions, 20 locations found in roads, public walkways, and sidewalks also have blighted conditions. These conditions are so prevalent and consistent in the area that the city concludes that the entire Downtown Urban Renewal District area is blighted. The blighted conditions impact the safety, health and welfare of the community through potentially unsafe conditions for accessibility through deteriorating public rights-of-way, deficiencies in maintenance of public buildings and open spaces, decreased property values and taxable values, extensive vacancies, and outdated structural designs that are deteriorating. The evidence of blight and blighting influences reduces the economic activity in the area, leading to lowered value and a disincentive to invest. In preparation for the 2023 amendment, city staff reviewed the 2020 blight findings and determined that the majority of the blighted areas identified in 2020 continue to exhibit blighted conditions, despite the successful progress toward, and completion of, projects identified in the 2020 amendments. Additional information about blight findings can be found in the Property Analysis Report (Exhibit C to the Ordinance).

Chapter 5: Relationship Between Existing Conditions and Each Project Activity Undertaken in the Plan

All Projects set forth in Section 600 of the Plan are intended to correct the existing deficiencies in the Plan Area as described in Chapter 2 this report.

The projects in Section 600 of the Plan are:

- 1) Housing;
- 2) Physical improvements to increase safety and comfort; and
- 3) Emerging projects directed/initiated by the Agency Board.

The projects address the challenges that the face the downtown core, as identified through a robust community outreach effort in Fall of 2022, known as Downtown Priorities and Projects. That effort built on community outreach conducted over the previous few years and complementary professional recommendations. The Downtown Priorities and Projects effort led to recommended improvements for Eugene's downtown (which includes the Plan Area) in six categories: Housing; Public Safety; Social Services; Commercial Activity and Development; Public Spaces and Mobility; and Events and Culture. Staff presented a summary of the Downtown Priorities and Projects recommendations to the Agency Board in January 2023.

A. Housing

The Plan Area has long been challenged by under-utilized or vacant buildings. These structures create empty spaces between active uses that lack vibrancy and add to a perceived lack of safety. The COVID-19 pandemic has exacerbated this problem. Office buildings that were previously full of daytime workers prior to the 2020 pandemic are now much less full. Some buildings have leased space to commercial firms, but the employees at those firms choose to work from home many, if not all, days of the work week.

This shift in office work patterns has reduced the viability of commercial activity in the Plan Area. The reduced number of daytime office workers has reduced demand for commercial office space. In addition, the lack of daytime office workers has reduced the number of people buying goods and services near those offices, making it more difficult for ground-floor retail activity to be financially viable.

Increasing the supply of housing addresses these problems. Converting under-utilized commercial buildings to residential uses will fill in empty spaces in the Plan Area. New housing units will attract people who will in turn increase demand for retail goods and services and expand the number of people walking throughout the Plan Area, enhancing vitality and perceptions of safety.

Expanding the Plan Area's housing supply also supports Eugene's efforts to resolve housing issues and reduce per capita carbon emissions, described in the following documents:

- The Housing Implementation Pipeline (HIP) summarizes the City's goals, efforts, and coordination of housing production across the Eugene community. The HIP has a goal of issuing 6,000 permits for new housing units by the end of FY27 to address the undersupply of housing in Eugene. Increasing the number of housing units in the Plan Area will help support this goal.

- The Climate Action Plan 2.0 (CAP 2.0) identifies strategies that the Eugene community can take to address climate change. The CAP 2.0 states that housing policy is a cornerstone of any City's climate policy, because housing units built close to transit, jobs, and other amenities allow residents to access the community using fewer vehicle trips. Downtown already offers all these amenities. The CAP 2.0 identifies specific actions that the City can take to encourage compact development.
 - Action T10 – Plan to meet all of the 20-year multi-family housing and commercial job needs within the existing Urban Growth Boundary (UGB). This action includes planning to integrate new development and redevelopment in the downtown, on key transit corridors, and in core commercial areas.
 - Action T11 – Make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas. This includes removing regulatory barriers, allowing flexible uses within industrial and commercial land use codes, reducing financial obstacles, restructuring SDCs for smaller homes and denser development, additional incentives, flexible land use codes, and ensuring the transportation system can support planned densities.

An important reason for the lack of housing in the Plan Area is the relatively high cost of construction in dense areas. Downtown sites are often constrained construction sites. The lack of 'elbow room' means more complicated logistics for the builder to manage. The sites often do not have on-site staging areas and have a higher likelihood of needing street/sidewalk closures compared to construction in less dense neighborhoods.

Many properties in the downtown have existing structures on them. Some of these structures could be converted from prior commercial uses to residential uses, but the financial feasibility of the project is hampered by the cost of the existing building. In addition, the change of use triggers requirements for seismic upgrades and Systems Development Charges (SDCs) to cover the cost of adding to infrastructure systems. These costs can render the cost of redevelopment to be equal to the cost of new development. Redevelopment may require paying for an existing building and elevated construction costs.

Some properties in the Plan Area may not easily convert from prior commercial uses to residential uses. For example, some buildings have very large floor plates. These large rectangular plates leave little opportunity for individual residential units to have windows, a required safety feature for every bedroom. Resolving the issue will require drastically altering an existing building or demolishing the structure entirely. This adds to the cost of construction.

The availability of incentives and predictability of the funds directly impacts the creation of new housing units. An ongoing fee assistance program that covers fees related to construction of housing would create an incentive for the projects, while also continuing to fund the programs and activities those fees pay for (such as the infrastructure capacity for new growth). For example, the Transportation System Plan and Parks and Rec System Plan, and their companion SDC project lists, not only provide capacity for new

development, they also serve as integral plans to meeting the goals of Envision Eugene and the Climate Action Plan 2.0

B. Physical Improvements to Address Safety and Comfort

Improvements to the public right of way benefit downtown workers, visitors, and residents, as well as the community at large with a safe and attractive downtown core. Blighted conditions in these areas include barren spaces with broken and deteriorated pedestrian walkways, poorly lit walkways, lack of amenities such as seating or drinking water, and areas that do not meet accessibility standards. The expenditure of urban renewal funds for the spaces will improve or remove blighted conditions, which will in turn provide a healthier and safer place for Eugene residents and visitors to congregate.

There is significant new development north of the Plan Area, in the 5th Street Market District, and east of the Plan Area near the University of Oregon. Existing street crossings and pedestrian walkways that connect to these newly improved areas are narrow and uninviting. For the Plan Area to flourish it should have street connectivity to ensure multiple mobility modes can easily access the Plan Area. Enhancing these public spaces will create an improved environment, so that the on-street experience is pleasant and perceived to be safe. Enhancing connectivity for multiple modes of mobility will encourage individuals to cross streets into the Plan Area.

Street, curb, and sidewalk improvements will improve deteriorated spaces that are uneven and inaccessible. Improvements will make the pedestrian environment safe, accessible, and attractive, which will enhance the pedestrian experience as individuals move from within and through the Plan area. These improvements are consistent with the CAP 2.0, Action T7, which states the City of Eugene will develop a sidewalk infill program and strategy for upgrading unimproved streets and connectivity to parks, shopping, and important community resources.

C. Emerging Projects Directed/Initiated by the Agency Board

The Plan Area includes centrally located parks and public facilities that serve the whole community. The Parks Blocks at 8th Avenue and Oak Street play an important role in the community, despite their size, design, and condition. They have hosted the Saturday Market for decades, attracting local residents and visitors to city center. The newly constructed Farmers Market Pavilion has enhanced the setting for the Lane County Farmers Market, expanding the Market's season and number of visitors. The City-owned Hult Center is the region's premier entertainment venue, and attracting visitors from across Oregon and beyond our state's borders.

These public facilities range in age from brand new to many decades old. Investing in older facilities, so they remain relevant and safe, will ensure that they continue to attract local residents and visitors to the city center. Some facilities have not been updated to meet current accessibility standards or expanded market demand.

For example, the Park Blocks are difficult to navigate for individuals with limited mobility. Not only are the concrete areas uneven due to wear and tear, but the design of the area also includes steps, not ramps, and a large fountain that gets in the way of programming and doesn't offer any interactive features. Accessibility standards have changed and the Park

Blocks—in the heart of the City—should be accessible to the whole community. Urban renewal funds could support enhancements to update the Plan Area.

Urban renewal funds would also support physical improvements to privately owned properties to improve the look and feel of the Plan Area and enhance the experience of downtown residents, workers, and visitors. The Agency would be stimulating economic activity and bringing positive ground-floor presence to the street by assisting with façade improvements or investing to make properties more marketable for a variety of uses.

Chapter 6: Estimated Total Cost of Each Project or Activity, Sources of Money, and Anticipated Completion Date for Each Project or Activity

This Report on the 2023 Amendment includes the estimated cost of Projects to be carried out following the adoption of the amendment.

Table 5 lists the project activities included in the Plan and estimated costs. Because elements of each project are yet to occur or will not be known until implemented, there is a range of opportunities within each project. The estimated range gives a sense of scale and scope that could be possible. Below is a short description of each of the projects.

A. Projects

1. Housing

At least 50% of project funding would be allocated to support the creation of new housing.

For **Development Fee Assistance**, funds would be allocated based on projects meeting criteria approved by the Agency Board. Funds could be allocated to pay up to 100% of development fees. It is assumed it would take about four years from allocating funds to a project to when construction would be completed. Funds would be allocated during the Plan period with the final units estimated to be completed by FY43. Total cost is dependent on the specifics of developments undertaken, and any future adjustment of fee rates during the years ahead. Estimating based on development fees for recently completed projects in and near downtown, fees could be approximately \$10,000 per unit. If at least 50% of the housing funding was allocated for development fee assistance, (\$8.38 million), the Agency would be able to support the creation of about 840 residential units.

For **Land Acquisition**, total cost is dependent on the properties being acquired. Approximately half of the funds allocated for housing are estimated to be for land acquisition (\$8.38 million). As stated in the Plan, Agency Board approval is required before land will be acquired or sold.

2. Physical Improvements to Increase Safety and Comfort

It is estimated approximately 20% of funding would be allocated to physical improvement projects that increase safety and comfort. Funds would be allocated during the Plan period. Actual costs will depend on projects and priorities.

3. Emerging Projects Directed/Initiated by the Agency Board

It is estimated approximately 30% of funding would be allocated to activities listed in Section 600 C, Emerging Projects Directed/Initiated by the Agency Board, which includes Community Facilities, Open Space Improvements, and Development Support. Further study is needed to determine costs, feasibility, and timing for possible Community Facilities. Based on 2022 estimates, Park Blocks renovations could range from \$4 million to \$13 million depending on how much of the project the Agency chooses to pursue. Development Support will depend on the need and will be administered according to the rules in the Plan.

B. Project Delivery Administration

Actions for this activity include program administration (project management, loan and grant administration, support for ongoing investments within the Plan Area, public engagement, financial services, debt issuance and administration); legal services; reporting (budgets, financials); preparation of market, feasibility, or other economic studies; preparation of design, architectural, engineering, landscaping architectural, planning, development, or other developmental studies; providing accounting or audit services; providing special rehabilitation, restoration, or renovation feasibility and cost analysis studies; assisting in preparation of the annual financial reports required under Sections 800 and 900 of the Plan; providing property acquisition appraisals; and evaluation of the plan and the success of its activities. Many of the activities are provided through a contract between the City of Eugene and the Agency dated June 15, 2004. The Agency may also acquire, rent, or lease office space and office furniture, equipment, and facilities necessary to conduct its affairs in the management and implementation of this plan.

Projections for district administration assume that once the projects are complete, district administration expenses will be reduced to a level that will be sufficient to run the loan and grant program, support ongoing investments within the Plan Area, and ensure administration of outstanding debt, budget development, annual review of project activities, and financial report preparation. Specifically, the administration projection summarized in the bullet points below includes staffing for project delivery, ongoing financial administration, and the loan and grant program. Additional items in the projection include legal and consulting fees necessary to protect the City/Agency and complete the Projects, debt issuance cost needed for the Projects, and property management shown below for a maximum indebtedness increase of \$50 million.

- **Project delivery**
 - Average of 2.7 FTE at an average cost of \$661,000 per year FY25 through FY43; personnel costs are projected to increase 5% per year due to inflation and higher health and retirement costs.
- **Legal costs, public engagement, financial administration, overhead and miscellaneous**
 - \$200,000 average per year FY25 through FY43; higher in the early years and a smaller amount for maintenance over time.
- **Debt issuance costs**
 - \$100,000 when issued; to be determined.

Table 5. List of Project Activities and Estimated Cost Allocations

Project Activity	Estimated Cost Allocations
Housing - Development Fee Assistance	\$ 8,379,000
Housing - Land Acquisition	\$ 8,379,000
Physical Improvements to Improve Safety and Comfort	\$ 6,704,000
Emerging Projects	\$ 10,055,000
Debt Issuance Costs	\$ 100,000
Project Delivery and Administration	\$ 16,383,000
Total	\$ 50,000,000

Source: Tiberius Solutions

Note: The amounts provided in Table 5 are estimates. The Agency Board will approve actual amounts to be spent on individual projects after project details are reviewed. The Agency Board may ultimately approve spending for an individual project above or below the estimates listed in this table; however, the total spending for all projects will not exceed the 2023 cumulative spending limit (maximum indebtedness) of \$116 million. The Agency Board has indicated they intend to allocate the majority of the funds to support the creation of new housing.

Project implementation will begin in FY24. Decisions on priorities of funding for Projects will be made by the Agency Board at regular Agency Board meetings, all of which are open to the public. Construction of the projects contemplated in the 2023 Amendment is expected to be completed by FY43. Debt issued to fund the projects is estimated to be paid off by FY43 depending on future tax increment revenue levels.

The Agency shall convene not less than once each year the Expenditure Review Panel to (1) prepare a report on the activities of the Agency for the previous fiscal year, and (2) determine whether the Agency's expenditure of tax increment dollars was limited to the Projects and the associated administrative costs authorized by the Plan.

Chapter 7: Estimated Amount of Money and Anticipated Year in Which Indebtedness will be Retired or Otherwise Provided For Under ORS 457.420 to 457.460

The projects will be funded with a combination of urban renewal tax increment financing under ORS 457 and other sources. The Agency may apply for funding from other federal, state, and local grants in order to complete the projects. In addition, the community facilities included within the Plan may also be funded in part with other public funds, such as systems development charges and general obligation bonds, among other sources.

Oregon Revised Statutes require that each urban renewal district that receives property taxes include a "maximum indebtedness" limit in their urban renewal plan. "Maximum indebtedness" is a required spending cap for all property tax expenditures over a period of time. "Maximum indebtedness" is not a legal debt limit; it is a spending limit.

Adopting a maximum indebtedness figure does not authorize or obligate the Agency to spend money or enter into debt. Within the maximum indebtedness limitation, the Agency Board has the ability to fund projects over time, either with cash or by issuing debt.

Certain expenditures are included in the maximum indebtedness calculation and certain expenditures are excluded. For instance, cash payments for projects and administrative expenses are included in the calculation, but expenditures made from sources other than tax increment revenues are not included in the spending limit, such as Downtown Loans program funds. In addition, interest on debt is not included in maximum indebtedness, nor is the refinancing of existing indebtedness.

The City Council amended the Plan in 1998 to include a maximum indebtedness limit of \$33 million. The \$33 million figure represented the amount that the Agency was allowed to cumulatively spend in tax increment revenues starting in 1998. That figure excluded existing debt and was based on the estimated cost of building a new main library, plus continuation of the administrative costs in the district, preparing annual financial statements, disposing of the former Sears building on 10th Avenue and Charnelton Street (which is now the site of the new LCC downtown campus), overseeing completion of the Broadway Place and Overpark elevator projects, and administering the loan portfolio.

In 2010, the maximum indebtedness limit of \$33 million was almost fully spent or committed, with the bulk having been spent on building the downtown library. City Council amended the Plan in order to complete three projects: LCC downtown campus; Farmers' Market improvements, and assuming the Broadway Place Garages debt. Maximum indebtedness was increased by \$13.6 million, which resulted in a revised maximum indebtedness figure of \$46.6 million for the cumulative spending in the Plan Area from 1998 to the end of the Plan. This revised maximum indebtedness amount was the estimated amount needed to accomplish the three additional projects and to provide for district administration.

In 2016, the maximum indebtedness was almost fully spent or committed on the three projects included in the 2010 Amendment. City Council amended the plan in order to accomplish four additional projects: Park Blocks and open space improvements, year-round Farmers Market, high-speed fiber, and 1059 Willamette redevelopment. Maximum indebtedness was increased by \$19.4 million, which resulted in a revised maximum indebtedness figure of \$66.0 million for the cumulative spending in the Plan Area from 1998 to the end of the Plan.

The 2020 Amendment removed the project specific spending cap on the amount of tax increment funds for the Farmers Market project, but did not increase the overall amount of maximum indebtedness.

The 2023 Amendment increases the maximum indebtedness as shown in Table 6 below, adds specific projects to the Plan, and includes general updating.

Table 6. Maximum Indebtedness Calculation

Amendment	Maximum Indebtedness Increases
1998 Plan Amendment	\$33.0M
2010 Plan Amendment	\$13.6M
2016 Plan Amendment	\$19.4M
2020 Plan Amendment	No maximum indebtedness increase
2023 Plan Amendment	\$50.0M
<i>Total Maximum Indebtedness</i>	<i>\$116.0M</i>

Table 7 in Exhibit D includes information about future revenues and expenditures in the Plan Area. The timing and amounts for individual project activities will be determined by the Agency Board and every other year during the biennial budget process. Completion dates for individual activities may be affected by changes in the plans of other private or public partners, local economic and market conditions, changes in the availability of tax increment funds, and changes in priorities for carrying out project activities.

Current projections show that the tax increment revenues should be sufficient to pay for the projects and associated debt by FY43. The district would cease collecting tax increment funds once there are sufficient tax increment funds available to repay all debt issued or obligations created to fund the Projects.

These projections of future tax increment revenues account for mandatory revenue sharing (i.e., underlevying) as described in ORS 457.470. In all years after the annual tax increment revenues equal or exceed ten percent of the initial maximum indebtedness of the Plan, the Agency must begin to “share” a portion of the increment value with overlapping taxing districts. This results in only a portion of the increment value being used for the purposes of calculating tax increment revenues. This financial forecast anticipates that the Plan will be subject to revenue sharing beginning in FY28, though the actual timing will depend upon actual collections of tax increment revenues.

Chapter 8: Financial Analysis of the Plan with Sufficient Information to Determine Feasibility

The financial analysis of the plan shown in Table 7 in Exhibit D includes the anticipated tax increment revenues over the projected remaining life of the Plan. The analysis shows that the anticipated tax increment revenues are based on reasonable projections of new development and appreciation in existing property values. The projection of tax increment revenues is based on the following assumptions:

- Property assessed values will increase by 3% per year, which includes increases on existing property as well as a small amount of new investment in existing downtown area properties.
- No significant, new taxable development is anticipated during the next several years.

The projections result in urban renewal tax revenues between FY24 and FY43 of approximately \$66.7 million. Together with other revenues and existing fund balances, these revenues will support \$50 million of increased maximum indebtedness plus the interest on the debt to fund the 2023 Amendment projects. In addition to the redevelopment projects, the revenues will be sufficient to pay for other obligations, such as project delivery and administrative activities, including an allocation of overhead costs. Those costs are projected to increase over time due to inflation and higher health and retirement costs at a rate of about 5% per year.

The Agency will also carry a balance equal to two months of operating costs each year, per City of Eugene financial policy and a debt service reserve account, if required by lenders.

Chapter 9: Fiscal Impact Statement that Estimates the Impact of the Tax Increment Financing, Both Until and After the Indebtedness is Repaid, Upon All Entities Levying Taxes Upon Property in the Plan Area

Taxing bodies that overlap with the Plan Area are affected by the use of tax increment funds to implement the Plan. When a district is first created, the assessed value within the Plan Area is established as the “frozen base.” This is a way of keeping the overlapping taxing districts “whole” as of the date the urban renewal district is created. Property taxes from the overlapping jurisdictions (schools, general governments) are then divided among the jurisdictions that continue to receive taxes on the frozen base. In theory, urban renewal investments will spur additional development and the assessed value of the district will grow above the base. That increase is called the “incremental value” or “excess value.” The Agency receives taxes on the incremental value. This has an impact on the amount of revenue that the overlapping jurisdictions receive, versus what they would have received if there were no urban renewal districts in effect.

A. Impact on Tax Bills

In addition to the impact on the overlapping taxing jurisdictions, urban renewal also makes individual tax bills look different. Urban renewal districts do not impose new taxes; rather, they redistribute taxes from overlapping taxing districts to the urban renewal districts. There are two basic steps to understand how an individual’s tax bill is affected by tax increment financing in Oregon. The first step determines the amount of property taxes that the urban renewal agency should receive, and the second step determines how the taxes are accounted for on property tax statements.

The first step consists of applying the tax rates of the taxing districts (such as the city, county, and school districts) to the incremental value of the urban renewal district. That product is the amount of taxes that the urban renewal agency should receive. The second step determines how to divide or split the tax rates of the taxing districts so that when those “divided rates” are applied to all tax bills in the city, the urban renewal agency receives its share, and the taxing districts receive the remainder. As of January 2023, there

were eight urban renewal districts in Lane County, and the calculation is done for each of these districts.

The Lane County Assessor determines how the tax rates for the schools, city, and county are divided between the taxing districts and the urban renewal districts. As an example, the City's permanent tax rate is \$7.0058 per \$1,000 of assessed value. For the FY22 tax year, the Lane County Assessor divided that tax rate into three pieces: \$6.8511 goes to the City of Eugene, \$0.0774 goes to the Downtown Urban Renewal District, and \$0.0773 goes to the Riverfront Urban Renewal District. This calculation is done for each tax rate on the tax bill.

With the information from the Lane County Assessor about the division of tax rates, an analysis can determine how an individual tax bill is affected by urban renewal division of tax. For the typical Eugene home that the Lane County Assessor calculated for FY22, this taxpayer would pay the same amount of total taxes before or after urban renewal division of taxes. The only difference is that some of the tax revenues go to the urban renewal districts, instead of to the overlapping taxing districts. Table 8 in Exhibit E sets out this calculation for the typical taxpayer in Eugene. As can be seen, **the before and after urban renewal views of this taxpayer's bill are exactly the same.**

B. Impact on Tax Rates

Prior to the 2023 Amendment, the Downtown Urban Renewal District was a "reduced rate plan" under State statutes, which meant that property taxes used to fund urban renewal activities were limited to the permanent tax rates and any bonded debt levies approved by voters prior to October 2001. Per updated State statutes, the 2023 Amendment turns the Plan into a "permanent rate plan", meaning it may only take taxes from the permanent rate levies going forward. Bonded debt levies will no longer be impacted by this urban renewal plan. This change will have no impact on district revenues starting in FY24 given that bonds approved by voters prior to October 2001 will be paid off in FY23.

C. Impact on Overlapping Taxing District Revenues

A share of property taxes from the "excess value" or "incremental value" is not collected by the overlapping jurisdictions during the period of an active district, which is foregone revenue. The incentive for the overlapping districts to support urban renewal is higher property tax revenues in the long run and potential direct and indirect benefit from the urban renewal funded projects.

The estimated amount of urban renewal taxes to be divided over the remaining term of the Plan (net of discounts, delinquents, etc.) is shown in Table 9 in Exhibit F. As can be seen in the table, in FY24, it is estimated that the City of Eugene would forego about \$1.44 million of revenue because of the Downtown Urban Renewal District division of tax calculation. In FY44, after tax increment financing is terminated, the City of Eugene is estimated to receive \$1.97 million of additional tax revenue per year. Lane County is estimated to forego \$264,000 of revenue in FY24, and to receive \$359,000 of additional tax revenue per year in FY44 after division of tax is terminated.

The impact on school districts from the termination of the urban renewal district is more complicated. Table 9 shows the foregone taxes, excluding any impacts from tax rate

compression under Measure 5 and Measure 50 and excluding any impacts from the State school funding formula. Compression occurs when levied property taxes exceed the Measure 5 limits of \$5 per \$1,000 of real market value for education taxes (or \$10 per \$1,000 for general government taxes). If taxes exceed that limit, a property is in 'compression' and the taxes are reduced until the limits are met. Table 9 shows that the combined school districts (4J, Lane Community College, and Lane Education Service District) are estimated to forego \$1.15 million of revenue in the first fiscal year, and to benefit by \$1.57 million of additional annual tax revenue in FY44 after the division of tax is terminated. This is not the complete story, however.

The impact on schools from the division of tax calculation for urban renewal districts is largely an impact on the State's budget because schools are mainly funded on a per-pupil funding formula (rather than by the level of property tax dollars generated within their boundaries). The State determines how much money must be allocated for the education of each pupil across the state. If the money is not available from local property taxes, the State will make up the difference. If more funds are available through local school property taxes, the State would have additional dollars to allocate as it chooses. In other words, the State can choose to allocate any extra money to education or to some other budgetary priority. If the State chooses to keep the money in education, some of that money would return to schools and education service districts based on the applicable statewide school funding formula and the rest would be distributed to school and education service districts across Oregon.

The Lane County Assessor conducted an analysis of the impact of the Downtown Urban Renewal District on School District 4J's local option levy, including the impacts of tax rate compression in FY22. The analysis, which is included as Table 10 in Exhibit G, shows that the Downtown Urban Renewal District currently provides 4J an estimated net benefit of \$150,000 per year. Table 10 shows the impact of tax rate compression in the education category for an additional 569 properties that would occur if the Downtown District were not collecting division of tax revenue.

This analysis concludes that 4J is better off financially if the Downtown Urban Renewal District continues to collect tax increment funds than it would be if tax increment financing were terminated. The reason is that taxes that are currently counted under the "general government" category for Measure 5 tax rate limitations (i.e., the "school property tax dollars" that now go to urban renewal) would move into the "education" category. When that happens, the education category of taxes must be reduced for a number of individual properties within the City because schools are already collecting as much as they can under Measure 5 limits for those properties. State law says that local option levy proceeds are the first to be reduced in the event of compression.

In order to understand the Lane County Tax Assessor's analysis for 4J impact for FY22, there are three factors to consider:

1. Revenue from 4J's permanent levy would increase by approximately \$810,000 if the Downtown District no longer collects tax increment funds, for a net gain of approximately \$20,000 after applying the State school funding formula. (4J receives about 3% of the total State-wide funding.) This is the best-case scenario that

assumes all else is equal, and the State decides to provide more funding for schools as a result of having more property tax revenue available.

2. 4J would lose about \$170,000 of local option levy proceeds (after discounts and delinquencies) if the Downtown District no longer collects tax increment funds because of compression. The State funding formula does not apply to local option levies, so the full impact of this reduction would be felt in 4J's budget. Both of these estimates are based on FY22 tax roll information and would vary in future years with changes in market conditions.
3. There is also a one-time impact. If tax increment collections are terminated, there would be a return of any excess tax increment funds collected by the Downtown District to the overlapping taxing districts. The amount returned would depend on how much tax increment is on hand at the time of the calculation, which cannot be estimated at this time. However, the State confirmed that this would not represent additional money to be spent on education in 4J; rather, it would go through the State school funding formula, and 4J would receive about 3% of the total on a one-time basis.

In summary, 4J would experience an ongoing loss in its budget of about \$150,000 annually as a result of terminating tax increment collections in the Downtown District and a one-time impact of about 3% of any one-time funds provided to the State. Lane Education Service District is also funded through the State School Fund and would experience similar impacts as 4J on the permanent rate levy, however, Lane Education Service District does not have a local option levy. Lane Community College is also funded on a formula according to classes taken, not directly through permanent rate property taxes.

Table 11 shows the impacts to taxing districts in FY44, which is the first year after the Downtown District is expected to terminate taking division of taxes. Some definitions help with the understanding of this table:

- Frozen Base is the total assessed value of the District at the time it was established. 'Revenue from Frozen Base' is the tax revenue from that assessed value.
- Excess Value is the growth in assessed value in the District from the time it was established, also known as 'increment.' 'Revenue from Excess Value Used' is the tax revenue received by the urban renewal agency from the excess value. This column represents the estimated new revenue that overlapping taxing districts would receive in FY44 upon termination of Downtown District division of taxes (excluding the aforementioned State school fund and compression impacts).
- 'Revenue from Excess Value Shared' is the taxes received by the taxing districts from the excess value that was subject to revenue sharing. The excess value becomes subject to revenue sharing (i.e., not subject to the division of tax) in all years after the annual tax increment revenues equal or exceed ten percent of the initial maximum indebtedness of the Plan.

- 'Total Revenue at District Termination' reflects the full taxes from the assessed value of the properties within the District at termination of the District.

Table 11 – Estimated Revenue in FY44 After Termination of Downtown Urban Renewal District

Taxing District	Type	Tax Rate per \$1,000 of AV	Revenue from Frozen Base	Revenue from Excess Value Used	Revenue from Excess Value Shared	Total Revenue at District Termination
General Government						
City of Eugene	Permanent	7.0058	\$236,000	\$1,968,000	\$929,000	\$3,133,000
Lane County	Permanent	1.2793	\$43,000	\$359,000	\$170,000	\$572,000
Upper Willamette Soil & Water	Permanent	0.0700	\$2,000	\$20,000	\$9,000	\$31,000
Education						
Eugene SD 4J	Permanent	4.7485	\$160,000	\$1,334,000	\$630,000	\$2,124,000
Lane Community College	Permanent	0.6191	\$21,000	\$174,000	\$82,000	\$277,000
Lane ESD	Permanent	0.2232	\$8,000	\$63,000	\$30,000	\$100,000
Total		13.9459	\$470,000	\$3,917,000	\$1,849,000	\$6,237,000

Source: Tiberius Solutions

Chapter 10: Relocation Report

A. Requirement

An analysis of the existing residences or businesses required to relocate permanently or temporarily as a result of Agency actions under ORS 457.170.

Response

No specific relocation activity is identified in the Plan. If urban renewal assistance results in relocation requirements, a relocation plan will be developed for that purpose. Relocation activities and assistance would be provided in accordance with ORS 35.500 through 35.530.

B. Requirement

A description of the methods to be used for the temporary or permanent relocation of persons living in and businesses situated in, the Plan Area in accordance with ORS 35.500 through 35.530.

Response

No specific relocation activity to be initiated by the Agency is identified in the Plan. If urban renewal assistance results in relocation requirements, a relocation plan will be developed for that purpose. Relocation activities and assistance would be provided in accordance with ORS 35.500 through 35.530.

C. Requirement

An enumeration, by cost range, of the existing housing units in the Plan Area to be destroyed or altered and new units to be added.

Response

No specific existing housing units are proposed to be removed by actions of the Plan.

D. Requirement

A description of new residential units which are likely to be constructed within the Plan Area.

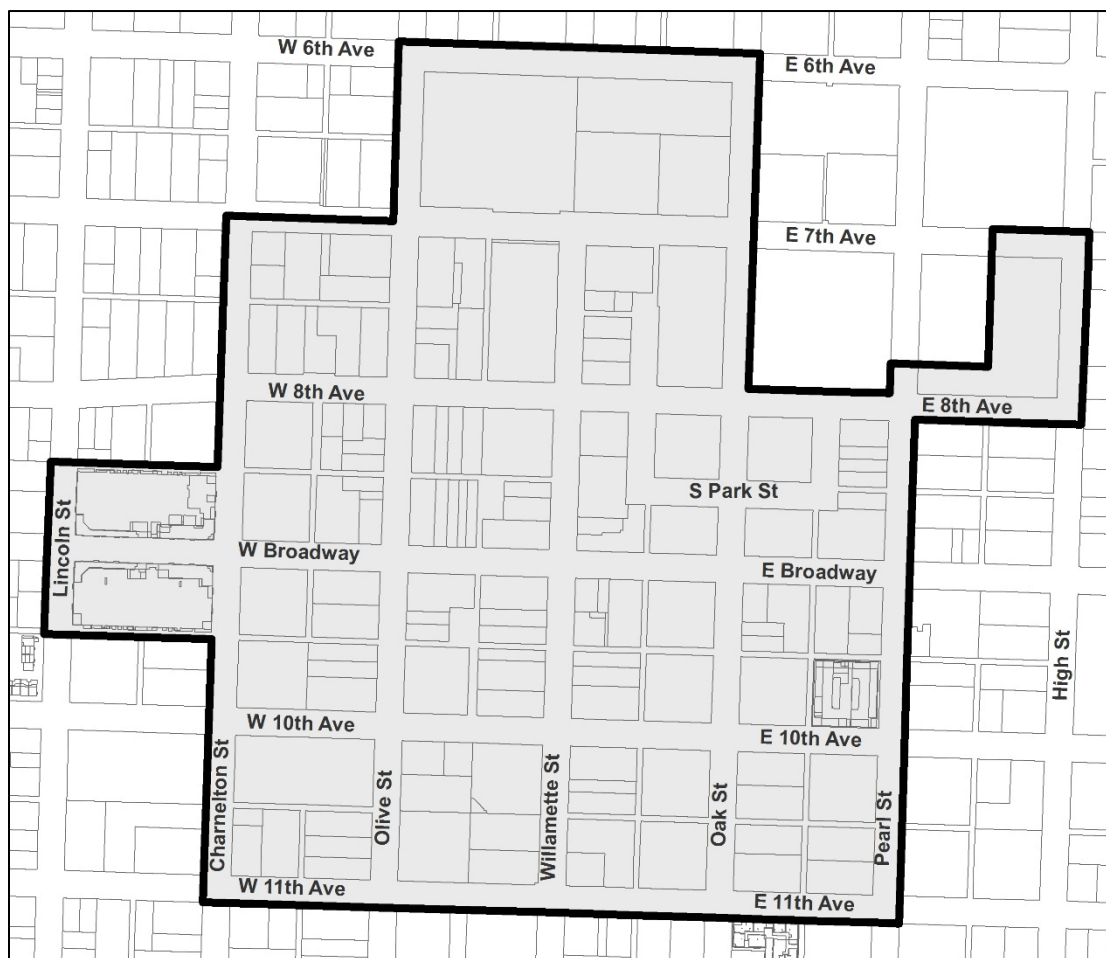
Response

Some new residential units are expected to be constructed within the Plan Area.

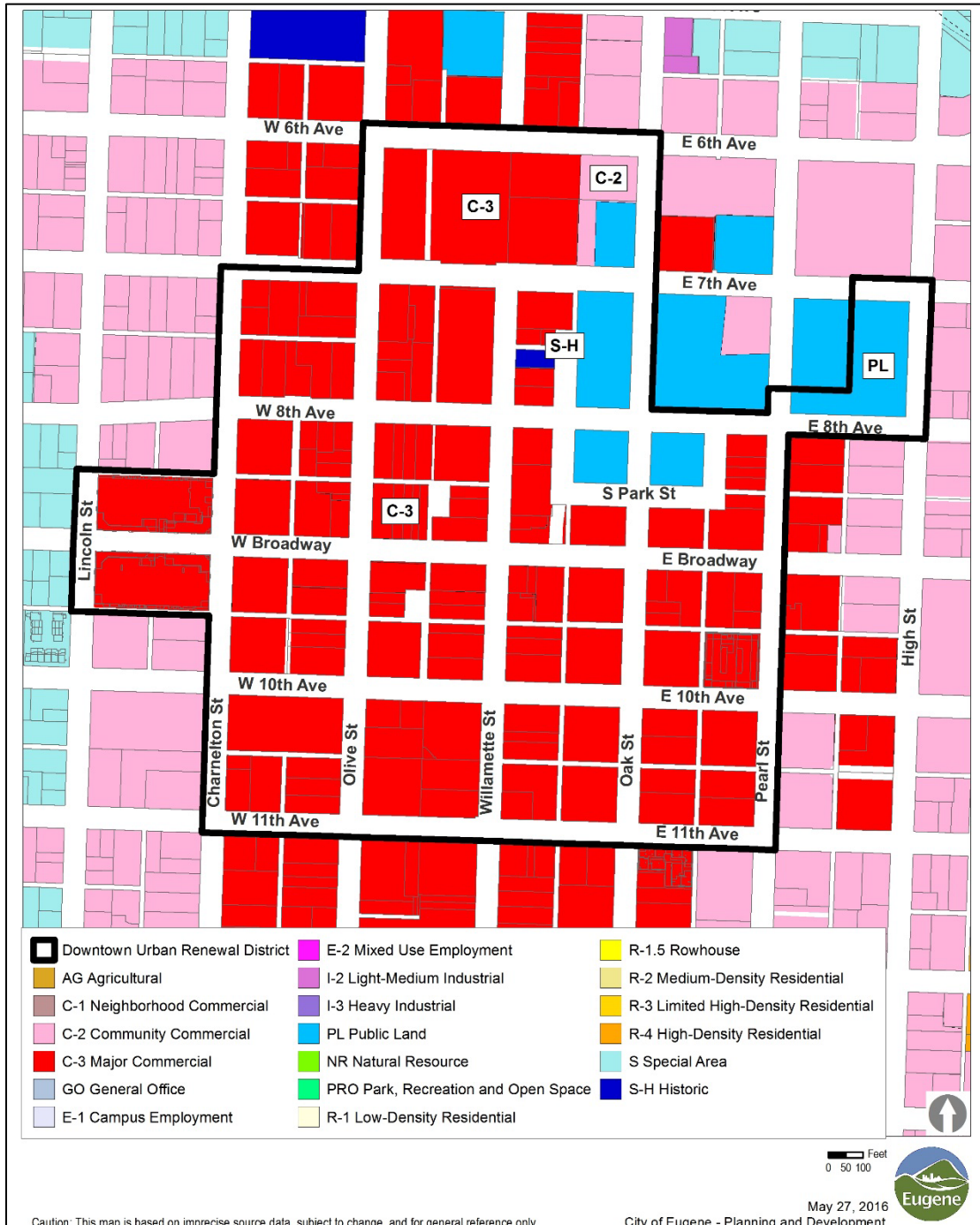
Chapter 11: Appendix

- Exhibit A: Plan Area Map
- Exhibit B: Zoning District Map
- Exhibit C: Census Boundaries Map
- Exhibit D: Table 7 – Projected Revenues and Expenditures for the Plan Area
- Exhibit E: Table 8 – Impact of Urban Renewal on an Individual Tax Bill
- Exhibit F: Table 9 – Estimated Division of Tax Impact of the Plan on Overlapping Taxing Jurisdictions, FY24 – FY43
- Exhibit G: Table 10 – Estimated Impact of Downtown District Tax Increment Collections on Overlapping Jurisdictions, FY22 Tax Data (Including the impact of State school funding formula and Measure 5/50 tax rate compression)

Report Exhibit A – Plan Area Map



Report Exhibit B – Zoning District Map



Report Exhibit C – Census Boundaries Map

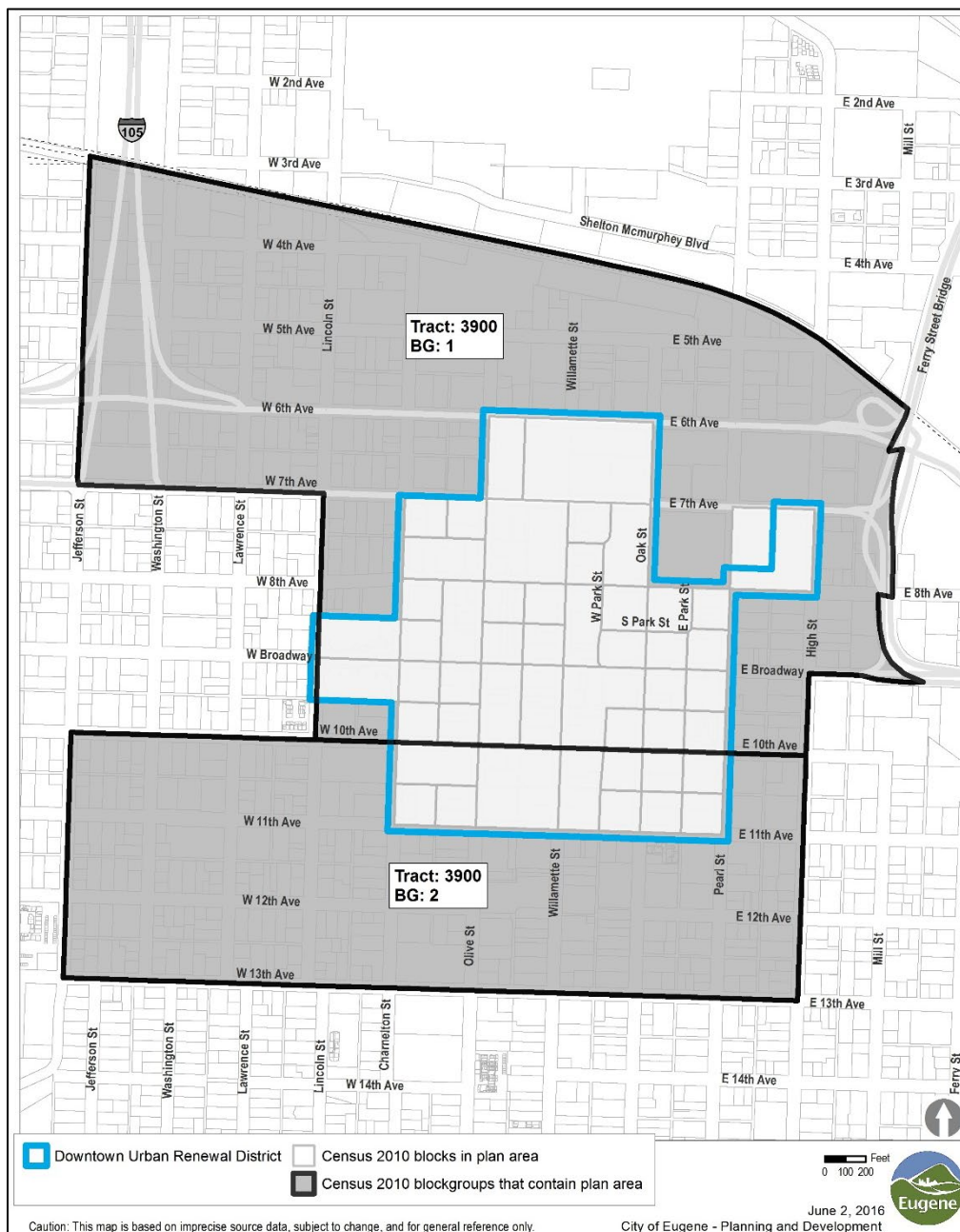


Table 7 shows estimated revenues, expenditures and allocation to projects over the life of the Plan (project timing may vary). This table reflects a \$50 million increase in maximum indebtedness.

Report Exhibit D: Table 7 – Projected Revenues and Expenditures for the Plan Area (page 1)

	Total	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Resources								
Beginning Working Capital		2,395,000	-	-	-	-	-	-
Interest Earnings	12,000	12,000	-	-	-	-	-	-
Tax Increment Revenues	66,678,000	2,875,000	2,974,000	3,077,000	3,183,000	3,210,000	3,238,000	3,267,000
Bond/Loan Proceeds	22,100,000	-	22,100,000	-	-	-	-	-
Total Resources	91,185,000	5,282,000	25,074,000	3,077,000	3,183,000	3,210,000	3,238,000	3,267,000
Requirements								
Debt Service								
Existing Debt Service	2,197,000	2,197,000	-	-	-	-	-	-
New Debt Service	37,639,000	-	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Subtotal	39,836,000	2,197,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Existing Maximum Indebtedness								
Project Delivery and Administration	583,000	583,000	-	-	-	-	-	-
Subtotal	583,000	583,000	-	-	-	-	-	-
New Maximum Indebtedness								
Housing - Development Fee Assistance	8,380,000	433,000	5,554,000	68,000	86,000	83,000	101,000	99,000
Housing - Land Acquisition	8,380,000	433,000	5,554,000	68,000	86,000	83,000	101,000	99,000
Physical Improvements	6,704,000	346,000	4,443,000	54,000	69,000	67,000	81,000	79,000
Emerging Projects	10,057,000	519,000	6,665,000	82,000	103,000	100,000	122,000	119,000
Debt Issuance Costs	100,000	-	100,000	-	-	-	-	-
Project Delivery and Administration	16,383,000	-	778,000	825,000	858,000	896,000	852,000	890,000
Subtotal	50,000,000	1,730,000	23,094,000	1,097,000	1,203,000	1,229,000	1,257,000	1,286,000
Funded by Program Revenue		-	-	-	-	-	-	-
Downtown Loans Program	771,000	771,000	-	-	-	-	-	-
Subtotal	771,000	771,000	-	-	-	-	-	-
Total Requirements	91,185,000	5,282,000	25,074,000	3,077,000	3,183,000	3,210,000	3,238,000	3,267,000
Ending Fund Balance		-	-	-	-	-	-	-
Annual Impact on Maximum Indebtedness	50,583,000	2,314,000	23,094,000	1,097,000	1,203,000	1,229,000	1,257,000	1,286,000
Cumulative Maximum Indebtedness Used to Date		67,730,000	90,824,000	91,921,000	93,123,000	94,353,000	95,610,000	96,896,000

Source: Tiberius Solutions

Table 7 Table 7 shows estimated revenues, expenditures and allocation to projects over the life of the Plan (project timing may vary). This table reflects a \$50 million increase in maximum indebtedness.

Report Exhibit D: Table 7 – Projected Revenues and Expenditures for the Plan Area (page 2)

	FY 2031	FY 2032	FY 2033	FY 2034	FY 2035	FY 2036	FY 2037	FY 2038
Resources								
Beginning Working Capital	-	-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-	-
Tax Increment Revenues	3,297,000	3,327,000	3,359,000	3,392,000	3,425,000	3,460,000	3,495,000	3,532,000
Bond/Loan Proceeds	-	-	-	-	-	-	-	-
Total Resources	3,297,000	3,327,000	3,359,000	3,392,000	3,425,000	3,460,000	3,495,000	3,532,000
Requirements								
Debt Service								
Existing Debt Service	-	-	-	-	-	-	-	-
New Debt Service	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Subtotal	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Existing Maximum Indebtedness								
Project Delivery and Administration	-	-	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-
New Maximum Indebtedness								
Housing - Development Fee Assistance	97,000	102,000	107,000	122,000	120,000	148,000	146,000	211,000
Housing - Land Acquisition	97,000	102,000	107,000	122,000	120,000	148,000	146,000	211,000
Physical Improvements	78,000	82,000	85,000	98,000	96,000	118,000	117,000	168,000
Emerging Projects	116,000	122,000	128,000	147,000	144,000	177,000	176,000	253,000
Debt Issuance Costs	-	-	-	-	-	-	-	-
Project Delivery and Administration	928,000	939,000	952,000	922,000	965,000	889,000	929,000	709,000
Subtotal	1,316,000	1,347,000	1,378,000	1,411,000	1,444,000	1,479,000	1,515,000	1,551,000
Funded by Program Revenue	-	-	-	-	-	-	-	-
Downtown Loans Program	-	-	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-
Total Requirements	3,297,000	3,327,000	3,359,000	3,392,000	3,425,000	3,460,000	3,495,000	3,532,000
Ending Fund Balance	-	-	-	-	-	-	-	-
Annual Impact on Maximum Indebtedness	1,316,000	1,347,000	1,378,000	1,411,000	1,444,000	1,479,000	1,515,000	1,551,000
Cumulative Maximum Indebtedness Used to Date	98,212,000	99,559,000	100,937,000	102,348,000	103,793,000	105,272,000	106,786,000	108,338,000

Source: Tiberius Solutions

Table 7 shows estimated revenues, expenditures and allocation to projects over the life of the Plan (project timing may vary). This table reflects a \$50 million increase in maximum indebtedness.

Report Exhibit D: Table 7 – Projected Revenues and Expenditures for the Plan Area (page 3)

	FY 2039	FY 2040	FY 2041	FY 2042	FY 2043
Resources					
Beginning Working Capital	-	-	-	-	-
Interest Earnings	-	-	-	-	-
Tax Increment Revenues	3,570,000	3,609,000	3,649,000	3,690,000	3,049,000
Bond/Loan Proceeds	-	-	-	-	-
Total Resources	3,570,000	3,609,000	3,649,000	3,690,000	3,049,000
Requirements					
Debt Service					
Existing Debt Service	-	-	-	-	-
New Debt Service	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Subtotal	1,981,000	1,981,000	1,981,000	1,981,000	1,981,000
Existing Maximum Indebtedness					
Project Delivery and Administration	-	-	-	-	-
Subtotal	-	-	-	-	-
New Maximum Indebtedness					
Housing - Development Fee Assistance	212,000	213,000	215,000	216,000	47,000
Housing - Land Acquisition	212,000	213,000	215,000	216,000	47,000
Physical Improvements	170,000	170,000	172,000	173,000	37,000
Emerging Projects	255,000	256,000	258,000	259,000	56,000
Debt Issuance Costs	-	-	-	-	-
Project Delivery and Administration	740,000	776,000	807,000	846,000	882,000
Subtotal	1,589,000	1,628,000	1,668,000	1,709,000	1,068,000
Funded by Program Revenue	-	-	-	-	-
Downtown Loans Program	-	-	-	-	-
Subtotal	-	-	-	-	-
Total Requirements	3,570,000	3,609,000	3,649,000	3,690,000	3,049,000
Ending Fund Balance	-	-	-	-	-
Annual Impact on Maximum Indebtedness	1,589,000	1,628,000	1,668,000	1,709,000	1,068,000
Cumulative Maximum Indebtedness Used to Date	109,927,000	111,555,000	113,223,000	114,932,000	116,000,000

Source: Tiberius Solutions

Although Table 7 does not show a specific ending fund balance in future fiscal years, it is likely the Downtown District will maintain an ending fund balance to be determined through the biennial budget process and also a debt service reserve, if required by lenders.

Report Exhibit E: Table 8 – Impact of Urban Renewal on an Individual Tax Bill

	Taxes	Taxes Directed To:				Taxes	
	Before UR Reallocation	Taxing Districts	Downtown UR District	Riverfront UR District	After UR Reallocation	Difference	
Education Taxes							
Eugene School District 4J	\$1,094.88	\$1,065.25	\$14.83	\$14.80	\$1,065.25	(\$29.63)	
Eugene School District 4J LOL	345.86	345.86	0.00	0.00	345.86	0.00	
Lane Community College	142.75	139.61	1.57	1.57	139.61	(3.14)	
Lane Education Service District	51.46	50.36	0.55	0.55	50.36	(1.11)	
Total	\$1,634.95	\$1,601.08	\$16.95	\$16.92	\$1,601.08	(\$33.87)	
General Government Taxes							
City of Eugene	\$1,615.35	\$1,579.68	\$17.85	\$17.82	\$1,579.68	(\$35.67)	
City of Eugene Library LOL	37.38	37.38	0.00	0.00	37.38	0.00	
City of Eugene Parks & Rec LOL	41.32	41.32	0.00	0.00	41.32	0.00	
Lane County	294.97	288.47	3.25	3.25	288.47	(6.50)	
Lane County 4-H/Extension LOL	6.46	6.46	0.00	0.00	6.46	0.00	
Lane County Public Safety LOL	126.82	126.82	0.00	0.00	126.82	0.00	
Upper Willamette Soil & Water	16.14	15.82	0.16	0.16	15.82	(0.32)	
Eugene UR Downtown District	0.00	0.00	0.00	0.00	38.25	38.25	
Eugene UR Riverfront District	0.00	0.00	0.00	0.00	45.84	45.84	
Total	\$2,138.42	\$2,095.93	\$21.26	\$21.24	\$2,180.02	\$41.60	
Bonded Debt Taxes							
City of Eugene Bond I	\$4.38	\$4.29	\$0.05	\$0.05	\$4.29	(\$0.09)	
City of Eugene Bond II	190.34	188.24	0.00	2.10	188.24	(2.10)	
Eugene School District 4J Bond II	348.07	343.37	0.00	4.70	343.37	(4.70)	
Lane Community College Bond II	52.11	51.56	0.00	0.55	51.56	(0.55)	
Lane Community College Bond III	25.43	25.16	0.00	0.28	25.16	(0.28)	
Total	\$620.33	\$612.61	\$0.05	\$7.68	\$612.61	(\$7.72)	
Total Taxes	\$4,393.71	\$4,309.62	\$38.25	\$45.84	\$4,393.71	\$0.00	

Source: Lane County Assessment & Taxation, Table 4e, Detail of Urban Renewal Plan Areas by Taxing District, Tax Year 2021-22. Note: Calculations based on assessed value of \$230,573 for typical Eugene home per Lane County Assessor media release October 2021.

Notes:

1. See Chapter 9 "Impact on Overlapping Taxing District Revenues" section for more information on net impact to schools.
2. The 2023 Amendment will eliminate the future division of tax impact on bonded debt taxes in the Downtown District.

Report Exhibit F: Table 9 – Estimated Division of Tax Impact of the Plan on Overlapping Taxing Jurisdictions, FY24 – FY43

FY	City of Eugene	Lane County	Upper Willamette Soil & Water	Eugene School District 4J	Lane Community College	Lane Education Service District	Total
2024	\$1,444,000	\$264,000	\$14,000	\$979,000	\$128,000	\$46,000	\$2,875,000
2025	\$1,494,000	\$273,000	\$15,000	\$1,013,000	\$132,000	\$48,000	\$2,974,000
2026	\$1,546,000	\$282,000	\$15,000	\$1,048,000	\$137,000	\$49,000	\$3,077,000
2027	\$1,599,000	\$292,000	\$16,000	\$1,084,000	\$141,000	\$51,000	\$3,183,000
2028	\$1,612,000	\$294,000	\$16,000	\$1,093,000	\$142,000	\$51,000	\$3,210,000
2029	\$1,627,000	\$297,000	\$16,000	\$1,102,000	\$144,000	\$52,000	\$3,238,000
2030	\$1,641,000	\$300,000	\$16,000	\$1,112,000	\$145,000	\$52,000	\$3,267,000
2031	\$1,656,000	\$302,000	\$17,000	\$1,122,000	\$146,000	\$53,000	\$3,297,000
2032	\$1,672,000	\$305,000	\$17,000	\$1,133,000	\$148,000	\$53,000	\$3,327,000
2033	\$1,687,000	\$308,000	\$17,000	\$1,144,000	\$149,000	\$54,000	\$3,359,000
2034	\$1,704,000	\$311,000	\$17,000	\$1,155,000	\$151,000	\$54,000	\$3,392,000
2035	\$1,721,000	\$314,000	\$17,000	\$1,166,000	\$152,000	\$55,000	\$3,425,000
2036	\$1,738,000	\$317,000	\$17,000	\$1,178,000	\$154,000	\$55,000	\$3,460,000
2037	\$1,756,000	\$321,000	\$18,000	\$1,190,000	\$155,000	\$56,000	\$3,495,000
2038	\$1,774,000	\$324,000	\$18,000	\$1,203,000	\$157,000	\$57,000	\$3,532,000
2039	\$1,793,000	\$327,000	\$18,000	\$1,215,000	\$158,000	\$57,000	\$3,570,000
2040	\$1,813,000	\$331,000	\$18,000	\$1,229,000	\$160,000	\$58,000	\$3,609,000
2041	\$1,833,000	\$335,000	\$18,000	\$1,242,000	\$162,000	\$58,000	\$3,649,000
2042	\$1,854,000	\$338,000	\$19,000	\$1,256,000	\$164,000	\$59,000	\$3,690,000
2043	\$1,531,000	\$280,000	\$15,000	\$1,038,000	\$135,000	\$49,000	\$3,049,000
Totals:	\$33,495,000	\$6,116,000	\$335,000	\$22,703,000	\$2,960,000	\$1,067,000	\$66,676,000

Source: Tiberius Solutions

Notes:

1. Tax increment revenue will need to be collected in FY 2024 to repay previous maximum indebtedness of the District, regardless of the amendment to increase the maximum indebtedness.
2. Property tax collections for all years is projected to be 95%.
3. Analysis does not include impact on School District 4J's local option levy, which currently benefits from the existence of the urban renewal districts. Additionally, the impact on schools is really an impact on the State's budget because schools are mainly funded on a per-pupil funding formula rather than by the level of property tax dollars generated within their boundaries. See Chapter 9 "Impact on Overlapping Taxing District Revenues" section for more information and Exhibit G – Table 10.
4. Existing property values are projected to increase 3% per year.
5. The final year assumes only a partial year of tax increment collection is needed to reach maximum indebtedness.

Report Exhibit G: Table 10 – Estimated Impact of Downtown District Tax Increment Collections on Overlapping Jurisdictions¹, FY22 Tax Data (Including the impact of State school funding formula and Measure 5/50 tax rate compression)

Taxing District	Levy	<u>With</u> Downtown Tax Increment ¹	<u>Without</u> Downtown Tax Increment ¹	Difference	Estimated Revenue If Downtown District Ends Tax Increment Collection ²
EDUCATION					
Eugene School District 4J	Permanent Rate	65,854,942	66,698,123	843,181	20,000 ³
Eugene School District 4J	Local Option Levy (LOL)	22,583,195	22,406,493	(176,702)	(170,000)
Lane Community College	Permanent Rate	10,559,124	10,667,630	108,506	104,000
Lane Education Service District	Permanent Rate	3,808,608	3,846,826	38,218	36,000
Total Education		\$102,805,869	\$103,619,072	\$813,203	(\$10,000)
GENERAL GOVERNMENT					
City of Eugene	Permanent Rate	120,414,945	121,775,327	1,360,382	1,300,000
City of Eugene	Library LOL	2,849,082	2,849,082	-	-
City of Eugene	Parks and Rec LOL	3,149,636	3,149,636	-	-
Lane County	Permanent Rate	21,989,683	22,237,508	247,825	236,000
Lane County	4-H/Extension LOL	1,057,157	1,057,157	-	-
Lane County	Public Safety LOL	20,765,725	20,765,725	-	-
Upper Willamette Soil & Water	Permanent Rate	1,205,732	1,218,034	12,302	11,000
Eugene Urban Renewal Downtown	Urban Renewal	2,708,072	-	(2,708,072)	(2,585,000)
Eugene Urban Renewal Riverfront	Urban Renewal	3,220,716	3,220,716	-	-
Total General Government		\$177,360,748	\$176,273,185	(\$1,087,563)	(\$1,038,000)
BONDS					
City of Eugene	Bond I	326,919	330,437	3,518	3,000
City of Eugene	Bond II	14,349,300	14,349,300	-	-
Eugene School District 4J	Bond II	21,365,213	21,365,213	-	-
Lane Community College	Bond II	3,926,424	3,926,424	-	-
Lane Community College	Bond III	1,915,797	1,915,797	-	-
Total Bonds⁴		\$41,883,653	\$41,887,171	\$3,518	\$3,000
TOTAL		\$322,050,270	\$321,779,428	(\$270,842)	(\$1,045,000)

Notes:

1. Data provided by Lane County Assessment & Taxation, tax year 2021-22.
2. Revenue estimates adjusted for discounts, delinquencies, State school funding formula, and compression.
3. Assumes that legislature allocates the additional property taxes to schools throughout the State and 4J receives approximately 3% of the total.
4. The 2023 Amendment turns the Plan into a “permanent rate plan”, meaning it may only take taxes from the permanent rate levies going forward. Bonded debt levies will no longer be impacted by this urban renewal plan.

Exhibit C: Blight Findings for 2023 Plan Amendment

As part of the 2020 amendment to the Downtown Urban Renewal Plan, City of Eugene staff completed a detailed evaluation of properties in the Downtown Urban Renewal District for conditions of blight, as defined by ORS 457.010.

In 2020, a total of 63 properties (54%) out of a total of 116 surveyed in the Downtown Urban Renewal District were determined to have blighted conditions. In addition to the 63 properties with blighted conditions, 20 locations found in roads, public walkways, and sidewalks were also determined have blighted conditions. In preparation for the 2023 amendment to the Downtown Urban Renewal Plan, City of Eugene staff reviewed the 2020 blight findings and determined that the majority of the blighted areas identified in 2020 continue to exhibit blighted conditions, despite the successful progress toward, and completion of, the projects identified in the 2020 amendments to the Plan. This is likely due in large part to the effects of the COVID-19 pandemic.

The 2020 survey of downtown properties was performed in September and October 2020, eight months into the COVID-19 pandemic. COVID restrictions, including regulations related to masking and gathering, remained in place for much of the time between Fall of 2020 and Spring of 2023. Downtown Eugene, including the Downtown Urban Renewal District, has been heavily impacted by the necessary restrictions enacted in response to the pandemic. During the pandemic many customers elected to stay home instead of coming downtown to eat, shop, or recreate. Many office-based businesses have continued to encourage workers to work from home, which has added to the loss of a customer base for already struggling downtown store-front businesses. Vandalism has become increasingly prevalent in the downtown core area and impacts the business community along with those wishing to visit the downtown, increasing the risk for continued blighting influences.

While there have been a few successful developments within the Downtown Plan Area since 2020; for example, construction of the new Farmers Market Pavilion and Plaza, and construction of pedestrian connections near the intersections of Willamette and 6th and 7th Avenues, all of the blight findings documented in 2020 continue to exist, except blight findings on the following properties:

- #83 – Taxlot 17-03-31-13-04400 – In 2020 this property was unoccupied with boarded up windows. Today, the property is occupied by The Big Dirty, a live music venue.
- #95 – Taxlot 17-03-31-13-01000 – In 2020 renovations of this property were in the process of being completed. Today the property is occupied by Broadway Metro, an independent movie theater.
- #107 – Taxlot 17-03-31-11-09501 – In 2020 this property was occupied by an older, run-down parking structure. Today, the property is the site of the recently constructed Farmers Market Pavilion and Plaza

The blighted conditions within the Downtown Urban Renewal District continue to be so prevalent and consistent that the City concludes that the entire Downtown Urban Renewal District area is blighted. The blighted conditions impact the safety, health, and welfare of the community through potentially unsafe conditions for accessibility through deteriorating public rights-of-way, deficiencies in maintenance of public buildings and open spaces, decreased property values and taxable values, extensive vacancies, and outdated structural designs that are deteriorating. The evidence of blight and blighting influences reduces the economic activity in the area, leading to lowered value and a

disincentive to invest. Urban renewal funds that are directed at improving or reducing the blighted conditions will attract positive activity downtown, stimulate economic development and private investment, promote downtown revitalization, and enhance the value of the area as a whole. As the number of businesses and opportunities for investment increases, existing businesses and development, including restaurants, retail, and housing, will also benefit, leading to improved conditions and higher property values within the Urban Renewal District.

The determination of blight for a particular property is an indication of the character of the area and substantiation of the need for reinvestment and improvement in the District; it is not an indication that a specific property is targeted for improvement or for demolition. Even though not every property in the Downtown Urban Renewal District is determined to be “blighted,” the City concludes that overall, the area within the Downtown Urban Renewal District is blighted due to the number of properties with blighted conditions. This conclusion is supported by substantial evidence, as supported by these 2023 findings and the attached 2020 Blight Findings; therefore, it is determined that the area defined the Downtown Urban Renewal Plan remains blighted, as defined by ORS 457.010. Attached is the 2020 Property Analysis Report and attachments, including a map, photos, and descriptions, and a review of characteristics of “blight”.

Property Analysis Report for 2020 Plan Amendment

10-19-2020

Urban Renewal Amendment

Documentation of Blighted Areas

In the Fall of 2020, public and private properties within the Downtown Urban Renewal Plan District were evaluated by City of Eugene staff for conditions of blight, as defined by ORS 457.010. This Property Analysis Report provides a summary of staff's findings. A more detailed report with photos and descriptions is provided in Attachment 2 to this Property Analysis Report. A map showing the area included in this analysis is provided as Attachment 1 to this Property Analysis Report. Properties and locations reviewed for characteristics of "blight" as the term is defined in ORS 457.010(1), are listed in Attachment 3 to this Report.

1 SUMMARY OF FINDINGS

A total of 63 properties (54%) out of a total of 116 surveyed in the Downtown Urban Renewal District are determined to have blighted conditions. In addition to the 63 properties with blighted conditions, 20 locations found in roads, public walkways, and sidewalks also have blighted conditions. These conditions are so prevalent and consistent in the area that the city concludes that the entire Downtown Urban Renewal District area is blighted. The blighted conditions impact the safety, health and welfare of the community through potentially unsafe conditions for accessibility through deteriorating public rights-of-way, deficiencies in maintenance of public buildings and open spaces, decreased property values and taxable values, extensive vacancies, and outdated structural designs that are deteriorating. The evidence of blight and blighting influences reduces the economic activity in the area, leading to lowered value and a disincentive to invest.

Urban renewal funds that are directed at improving or reducing the blighted conditions will attract positive activity downtown, stimulate economic development and private investment, promote downtown revitalization, and enhance the value of the area as a whole. As the number of businesses and opportunities for investment increases, existing businesses and development, including restaurants, retail and housing, will also benefit, leading to improved conditions and higher property values within the Urban Renewal District.

This survey of properties was performed in September and October 2020, eight months into the COVID-19 pandemic. Downtown Eugene, including the Downtown Urban Renewal District has been heavily impacted by the necessary restrictions put in place in response to the pandemic. These restrictions have happened in a tiered process with businesses only recently opening more fully to serve customers. Many office-based businesses have continued to encourage workers to work from home, which has added to the loss a customer base for already struggling downtown store-front businesses. Downtown has also suffered from extensive vandalism, with 36% of the area inventoried having graffiti present. Some businesses have boarded up entrances or windows, such as Wells Fargo bank, which has temporarily vacated downtown and boarded up their entire first floor. Vandalism has become increasingly prevalent in the downtown core area and impacts the business community along with those wishing to visit the downtown, increasing the risk for continued blighting influences. The current state of the economy and impact of the duration of the pandemic were taken into consideration with this inventory.

At the same time as this blight inventory was conducted, staff noted the status of ground-floor street-facing businesses in the district. It was found that of the 224 businesses, 75% (168) were open, and 8 temporarily closed including major performing arts companies which are a draw to downtown. There were also 14 vacant store fronts and 13 businesses which have stated they are permanently closed. The status of 21 businesses could not be determined, but overall, 16% of ground-floor street-facing businesses in the Downtown Urban Renewal District are closed or empty.

2 INFORMATION ABOUT THIS REPORT

The determination of blight for a particular property is an indication of the character of the area and substantiation of the need for reinvestment and improvement in the District; it is not an indication that a specific property is targeted for improvement or for demolition. Even though not every property in the Downtown Urban Renewal District is determined to be “blighted,” the City concludes that overall, the area within the Downtown Urban Renewal District is blighted due to the number of properties with blighted conditions. This conclusion is supported by substantial evidence, as discussed below. Information related to surveyed properties was gathered primarily from visual surveys of the building exteriors and property, and of public rights-of-way; however, information collected does also include staff knowledge of particular sites.

A total of 178 taxlots are located within the Downtown Urban Renewal District. The Blight Findings Matrix (Attachment 3) includes a row for each property and associated taxlots. Properties are defined as the area of business use, for example, a restaurant with a parking lot could have multiple taxlots, or one, but it is counted as a single property. The matrix includes columns relating to each of the criteria in ORS 457.010(1). For a determination that a property is “blighted,” only one of the criteria evaluated needs to be met. The final column on the table indicates whether there are property characteristics that make it “blighted” under the definition/criteria of ORS 457.010(1).

3 GENERAL FINDINGS

Properties were evaluated against nine categories included in the statutory definition of “blighted areas” in ORS 457.010(1). The categories are located in ORS 457.010(1)(a) through (1)(i). ORS 457.010(1)(a) includes five sub-categories (A-E) for evaluation if a building is “unfit” or “unsafe” to occupy or for living, commercial, industrial or other purposes.

ORS 457.010(1)(a)(A-E)

The statute does not elaborate on what “unfit” or “unsafe to occupy” means, nor does it state that the building must be literally unusable or uninhabitable. **The City concludes that a building meets the criteria under (A) – (E) if it has conditions that indicate that the structure is “unfit” for its intended purpose or “unsafe to occupy,” even if the building is in fact occupied and otherwise habitable.** These conditions are described below.

ORS 457.010(1)(a)

“The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, that are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions”.

ORS 457.010(1)(a)(A): Defective design and quality of physical construction

None of the properties surveyed were determined to contain structures that are unfit for their intended purpose or unsafe to occupy because of “*defective design and quality of physical construction*”.

ORS 457.010(1)(a)(B): Faulty interior arrangement and exterior spacing

None of the properties surveyed were determined to be unfit or unsafe to occupy based on “*faulty interior arrangement and exterior spacing*”.

ORS 457.010(1)(a)(C): Overcrowding and a high density of population

None of the properties surveyed were determined to contain structures that are unfit for their intended purpose or unsafe to occupy due to “*overcrowding and a high density of population*”.

ORS 457.010(1)(a)(D): Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities

None of the properties surveyed were determined to be unfit or unsafe to occupy based on “*inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities*”.

ORS 457.010(1)(a)(E): Obsolescence, deterioration, dilapidation, mixed character or shifting of uses

One property, 1059 Willamette (identified as property #11 in the attachments to this Report), was determined to be unfit or unsafe to occupy based on “*obsolescence, deterioration, dilapidation, mixed character or shifting of uses*” due to building deterioration and extended vacancy.

ORS 457.010(1)(b): An economic dislocation, deterioration or disuse of property resulting from faulty planning

Four properties were determined to be blighted due to “*economic dislocation, deterioration or disuse of property resulting from faulty planning*”. These are the properties identified as #7 (Parking lot – former McAyeal’s Cleaners), #11 (1059 Willamette), #71 (West Park Block), and #83 (former Rogue) in the attachments to this Report. These properties were identified as blighted based on this criterion due to prior environmental contamination, extended vacancy, deterioration and damage. These properties have maintenance issues that led to deterioration of the quality of the property impacting the district.

ORS 457.010(1)(c): The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development

Two properties were classified as blighted due to the “*division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development*”. These are the properties identified as #11 (1059 Willamette), and #106 (Parking Lot – former City Hall) in the attachments to this Report. These properties comprise multiple taxlots that are a variety of sizes.

ORS 457.010(1)(d): The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions

None of the properties surveyed are characterized by the existence of “*property or lot layouts in disregard of contours, drainage or other physical characteristics of the terrain and surrounding conditions*”.

ORS 457.010(1)(e): The existence of inadequate streets and other rights of way, open spaces and utilities

A total of 21 locations and/or properties were determined to be blighted based on the criterion: “*the existence of inadequate streets and other rights of way, open spaces and utilities*”. Of these, 20 are right-of-way (ROW)

locations such as sidewalks, pedestrian walkways, alleys or crosswalks. Locations were classified as meeting this criterion if there were extensive breaks in the sidewalk resulting in an uneven surface, large holes in the pavement, or crosswalks with holes and uneven ramps; all of which contribute to lack of accessibility.

One property, a city Park identified as property # 71 (West Park Block) in the attachments to this Report, met this criterion due to the unmaintained nature of the property.

ORS 457.010(1)(f): The existence of property or lots or other areas that are subject to inundation by water

None of the properties surveyed are characterized by the existence of property or lots or other areas that are subject to inundation by water.

ORS 457.010(1)(g): A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered

Fifty-seven properties were determined to meet the blight criterion: *“a prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered”*.

Specifically, properties with depreciated values were classified as blighted. Depreciated values are defined in this survey as having a ratio of 4:1 or less of property Improvement Value to Land Value. These properties are identified in Attachment 3. Some of these properties have multiple taxlots, so the ratio was created by totaling values for taxlots. Tax data for the year 2020 was used for this calculation.

The depreciation ratio is based on staff research in 2010 comparing analyses completed by other communities in the state, including Springfield, Tillamook and Portland. The depreciation ratio for properties that have no land value such as public buildings, open space, or public plazas, is identified as N/A (not applicable) in the Attachments 2 and 3 to this Report.

ORS 457.010(1)(h): A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare

Five properties were determined to be blighted based on the following criterion: *“a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare”*. These properties are identified as #7 (Parking lot-former McAyeal’s), #11 (1059 Willamette), #71 (West Park Block), #83 (former Rogue), and #107 (Butterfly lot) in the attachments to this Report. These properties were classified as blighted under this criterion due to extended vacancies and/or property damage, all of which negatively contribute to the surrounding community.

ORS 457.010(1)(i): A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere

Four publicly owned properties were determined to be blighted based on the criterion: *“a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere”*.

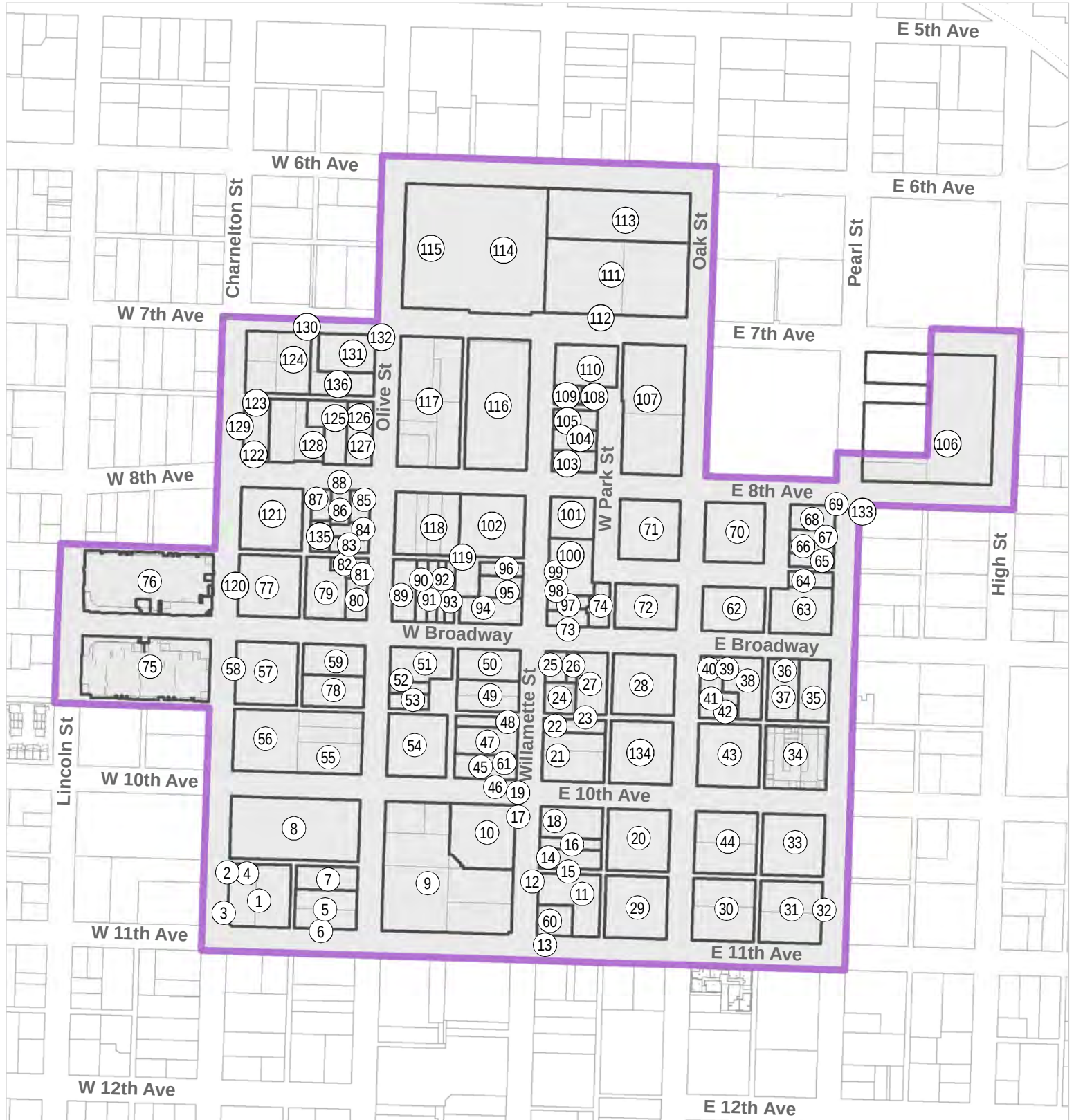
This determination was based on a review of the properties’ state of disrepair and lack of apparent maintenance including vegetation overgrowth, rusted materials, graffiti, garbage, and potential contamination. Property in these conditions and the continued deterioration of those properties add to current costs of maintenance and public services. The properties found to comply with this criterion are identified as #7 (Parking lot – former

McAyeal's), #11 (1059 Willamette), #71 (West Park block), and #107 (Butterfly lot) in the attachments to this Report.

4 CONCLUSION

A total of 63 properties (54%) surveyed in the Downtown Urban Renewal District are determined to have blighted conditions. In addition to the 63 blighted properties, 20 locations in roads, public walkways, and sidewalks have blighted conditions. Due to the presence of many closures and vacancies of businesses in the district, combined with high property depreciation value and the state of disrepair of many buildings, the city concludes that the Downtown Urban Renewal District is blighted.

Downtown Urban Renewal District - Slums and Blight Inventory 2020



- Downtown Urban Renewal District Boundary
- Slums and Blight Inventory Properties
- Taxlots

0 100 Feet

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

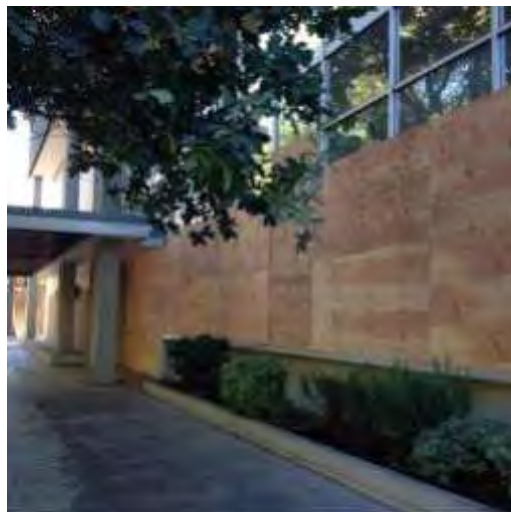
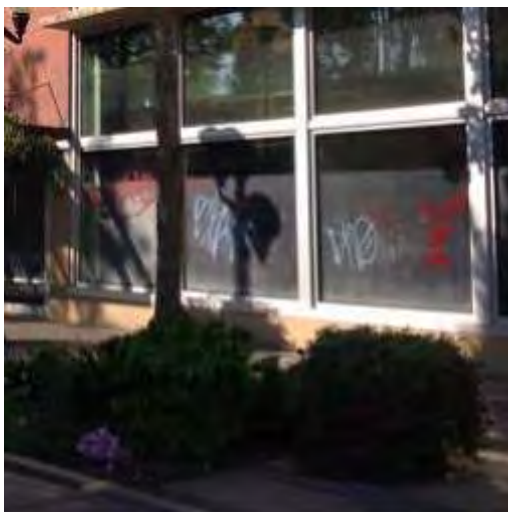


City of Eugene

Attachment 2

Downtown Urban Renewal District Blight Survey

Detailed Property Report 2020



10/21/2020

Detailed Property Report

To assist the user with reading this report a list of definitions are provided below.

Property: This is an auto-generated number to keep track of properties.

Name: This is the main or identifiable business name for the property. There may be multiple businesses on a property, this was the first seen or known by the staff conducting the inventory.

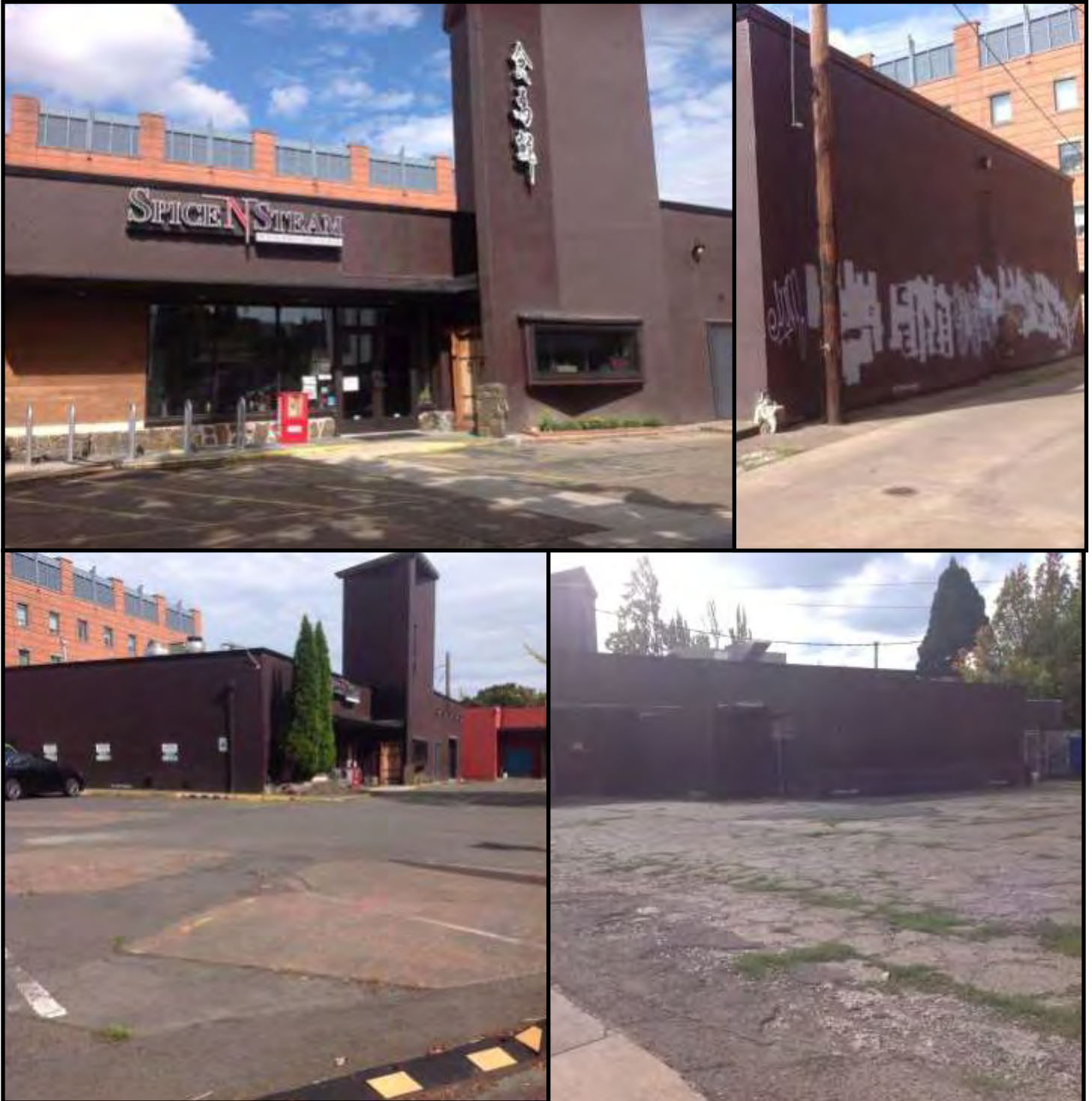
Determination of Blight: If the property was found to have blight it is noted here with a “Yes”. This finding will correspond with Attachment 3 to Exhibit C.

Depreciation Ratio: Using data from the Lane County Tax and Assessment office, a mathematical calculation creates a ratio from the improvement values to land values, where the improvement value for a property is divided by the land value for a property. If there are multiple taxlots for an identified property, then the values for each tax lot were totaled to create this ratio. Tax data is from tax year 2020 and derived from regional geographic information systems (GIS).

Taxlot(s): These are the taxlot(s) associated with that property.

Property Notes: The property notes are the observations collected during inventory, and do not necessarily indicate blight.

Property:	1	Determination of Blight:	Yes
Name:	Spice N Steam	Depreciation Ratio:	0.26
Taxlot(s):	17-03-31-13-06200 , 17-03-31-13-06300		
Property Notes:	Property has depreciated Values. Building has graffiti. Parking lot has extensive potholes and is degraded.		
		Graffiti:	Y



Property:	2	Determination of Blight:	Yes
Name:	Vacant	Depreciation Ratio:	3.22
Taxlot(s):	Same taxlot as #4, 17-03-31-13-0640		
Property Notes:	Property has depreciated values and is vacant.		
		Graffiti:	N



Property:	3	Determination of Blight:	Yes
Name:	Sidewalk ROW - Charnelton btwn 10th & 11th, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk is uneven and overgrown presenting possible accessibility issues.		
		Graffiti:	N



Property:	4	Determination of Blight:	Yes
Name:	Residence. 4 units.	Depreciation Ratio:	3.22
Taxlot(s):	17-03-31-13-0640, Same taxlot as #2		
Property Notes:	The property has depreciated values.		
		Graffiti:	N



Property:	5	Determination of Blight:	Yes
Name:	Kiva Grocery	Depreciation Ratio:	1.73
Taxlot(s):	17-03-31-13-06000, 17-03-31-13-06100		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	6	Determination of Blight:	Yes
Name:	Sidewalk ROW - 11th Ave between Charnelton St and Olive St, north side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:			
		Graffiti:	N



Looking West



Ramp at 11th Ave & Olive St

Property:	7	Determination of Blight:	Yes
Name:	Parking lot—Former McAyeal's Cleaners	Depreciation Ratio:	0.69
Taxlot(s):	17-03-31-13-05900		
Property Notes:	Property has depreciated values and is currently a parking lot. Site has undergone DEQ remediation. Property is overgrown, has potholes, and graffiti.		
		Graffiti:	Y



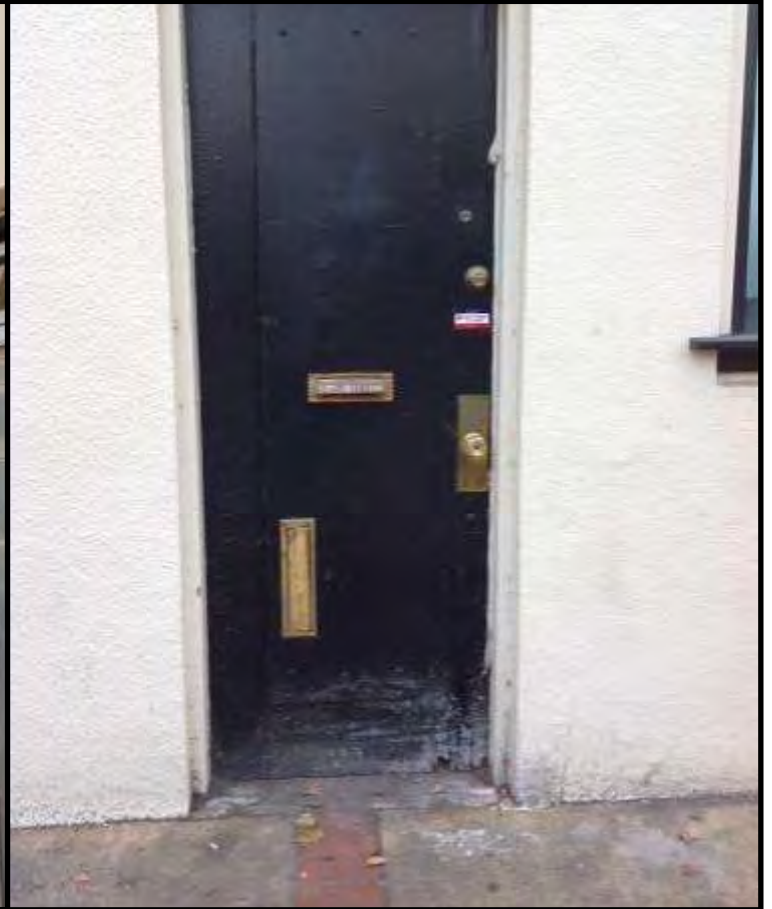
Property:	8	Determination of Blight:	No
Name:	Public Library	Depreciation Ratio:	21.67
Taxlot(s):	17-03-31-13-06500		
Property Notes:	Portable toilets out front with garbage. Plastic wrapped around bike racks.		
		Graffiti:	N



Property:	9	Determination of Blight:	Yes
Name:	LTD Downtown Station	Depreciation Ratio:	0.92
Taxlot(s):	17-03-31-13-01901, 17-03-31-13-02000, 17-03-31-13-02100, 17-03-31-13-02200, 17-03-31-13-02300, 17-03-31-13-02400, 17-03-31-13-02500		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



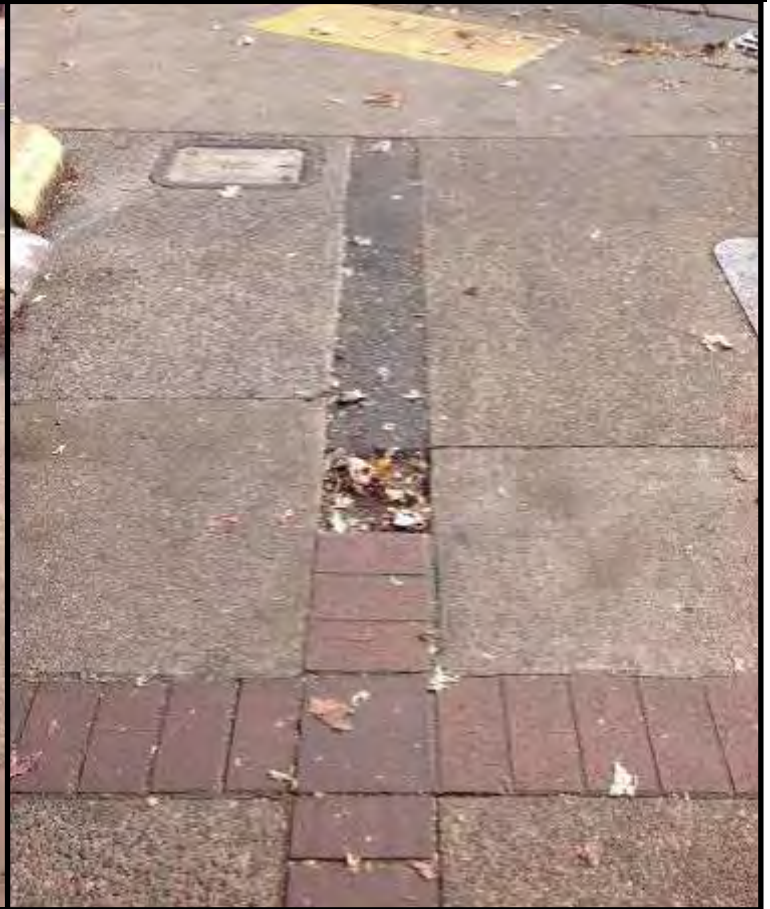
Property:	10	Determination of Blight:	Yes
Name:	McDonald Theater building	Depreciation Ratio:	1.34
Taxlot(s):	17-03-31-13-01900		
Property Notes:	Property has depreciated values. Site has vacancy with 3 of 7 ground floor businesses open; 2 closed/ vacant.; 1 temp closed and 1 with unknown status. The building has windows covered or frosted over, is damaged, and has graffiti.		
		Graffiti:	Y



Property:	11	Determination of Blight:	Yes
Name:	1059 Willamette	Depreciation Ratio:	6.52
Taxlot(s):	17-03-31-14-12800		
Property Notes:	Building is the former Lane Community College downtown campus. Currently building is vacant with exterior damage and graffiti. Property is an odd parcel shape.		
		Graffiti:	Y



Property:	12	Determination of Blight:	Yes
Name:	Sidewalk ROW - Willamette St btwn 10th Ave & 11th Ave, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk is uneven with large holes from missing bricks. The crosswalk does not align with ramp and a grate is in the way of ramp creating potential accessibility issues.		
		Graffiti:	N



Property:	13	Determination of Blight:	Yes
Name:	Sidewalk ROW - 11th Ave btwn Willamette St & Oak St, northwest portion	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk is very uneven which creates potential accessibility issues.		
		Graffiti:	N



Property:	14	Determination of Blight:	No
Name:	Concentric Sky	Depreciation Ratio:	4.62
Taxlot(s):	17-03-31-14-12700		
Property Notes:	The other half of the building is vacant.		
		Graffiti:	N



Property:	15	Determination of Blight:	Yes
Name:	Pedestrian walkway	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The pedestrian walkway is deteriorated and uneven with holes and missing bricks. There are unsanitary conditions and graffiti. Width of pathway entrance and condition present potential accessibility issues.		
		Graffiti:	Y



Property:	16	Determination of Blight:	Yes
Name:	TJs on Willamette	Depreciation Ratio:	2.19
Taxlot(s):	17-03-31-14-12600		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	17	Determination of Blight:	Yes
Name:	Sidewalk ROW - Old broken phone in ROW Willamette St btwn 10th Ave& 11th Ave	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	This is an old phone stand that is damaged and has wires coming out of it.		
		Graffiti:	N



Property:	18	Determination of Blight:	N
Name:	Schaefer building. LCOG SDS	Depreciation Ratio:	7.19
Taxlot(s):	17-03-31-14-12500		
Property Notes:	Building has graffiti on back.		
		Graffiti:	Y



Back of building

Property:	19	Determination of Blight:	Yes
Name:	Crosswalks at 11th Ave and Willamette St	Depreciation Ratio:	N/A
Taxlot(s):	N/Z		
Property Notes:	These are very uneven, deteriorated crosswalks with missing bricks and holes. This is next to Senior and Disabled Services (SDS) and is one of two main walking paths from public bus station to SDS.		
		Graffiti:	N



Property:	20	Determination of Blight:	No
Name:	Overpark Garage South Lot	Depreciation Ratio:	5.12
Taxlot(s):	17-03-31-14-12300		
Property Notes:			
		Graffiti:	N



Property:	21	Determination of Blight:	No
Name:	DAC	Depreciation Ratio:	6.07
Taxlot(s):	17-03-31-14-05600, 17-03-31-14-05700		
Property Notes:			
		Graffiti:	N



Property:	22	Determination of Blight:	Yes
Name:	Shoe-a-holic	Depreciation Ratio:	1.62
Taxlot(s):	17-03-31-14-05500		
Property Notes:	Property has depreciated values. Building facade is broken and brickwork on side looks bulging at top. Business has mural on side facing pedestrian pathway which is not included in graffiti inventory.		
		Graffiti:	Y



Property:	23	Determination of Blight:	Yes
Name:	Pedestrian walkway off Willamette between Broadway and 10th Ave, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Pedestrian walkway has graffiti, refuse on ground, and both dead and live rats.		
		Graffiti:	Y



Property:	24	Determination of Blight:	Yes
Name:	Persian Rugs & Imports	Depreciation Ratio:	1.40
Taxlot(s):	17-03-31-14-04800, 17-03-31-14-05300, 17-03-31-14-05400		
Property Notes:	Property has depreciated values. The building windows are scratched with graffiti and a substance smeared on them.		
		Graffiti:	Y



Property:	25	Determination of Blight:	Yes
Name:	Broadway plaza	Depreciation Ratio:	0.10
Taxlot(s):	17-03-31-14-04801		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	26	Determination of Blight:	Yes
Name:	VooDoo Doughnut	Depreciation Ratio:	3.30
Taxlot(s):	17-03-31-14-04900		
Property Notes:	Property has depreciated values.		
		Graffiti:	Y



Property:	27	Determination of Blight:	No
Name:	40 E Broadway, former Pacific University	Depreciation Ratio:	4.38
Taxlot(s):	17-03-31-14-05200		
Property Notes:	Pacific University moved 6/24 (note on door), building vacancy not known. Building has occupied storefronts.		
		Graffiti:	Y



Property:	28	Determination of Blight:	Yes
Name:	Summit Bank Block	Depreciation Ratio:	2.02
Taxlot(s):	17-03-31-14-06200		
Property Notes:	Property has depreciated values.		
Graffiti:			N



Property:	29	Determination of Blight:	Yes
Name:	Oregon Pacific Bank	Depreciation Ratio:	1.06
Taxlot(s):	17-03-31-14-06200		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



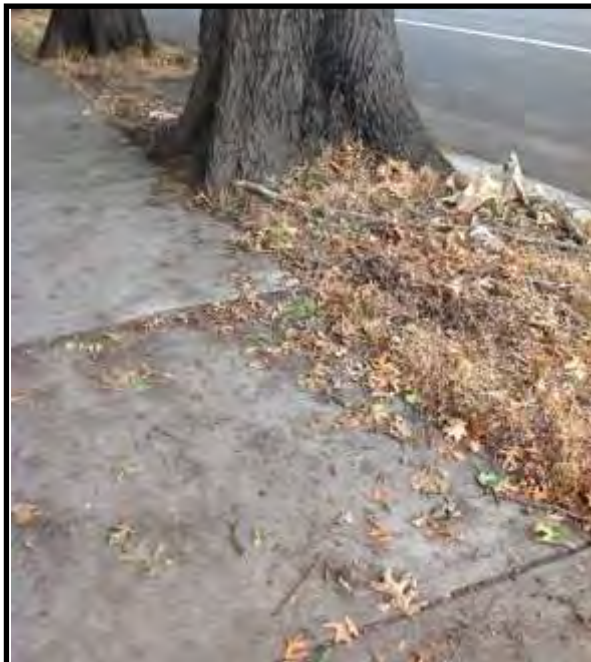
Property:	30	Determination of Blight:	Yes
Name:	Pacific Cascade Federal Credit Union	Depreciation Ratio:	2.53
Taxlot(s):	17-03-31-14-11700, 17-03-31-14-12000		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	31	Determination of Blight:	Yes
Name:	Old Firestone	Depreciation Ratio:	0.09
Taxlot(s):	17-03-31-14-11200, 17-03-31-14-11300		
Property Notes:	Property has depreciated values. Site is a large lot with vacant building and black plastic in windows.		
		Graffiti:	N



Property:	32	Determination of Blight:	Yes
Name:	Sidewalk ROW - Pearl St btwn 10th Ave & 11th Ave, west side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk is an uneven surface with unmaintained vegetation.		
		Graffiti:	N



Property:	33	Determination of Blight:	No
Name:	Pearl St Garage	Depreciation Ratio:	5.44
Taxlot(s):	17-03-31-14-11400		
Property Notes:			
		Graffiti:	N



Property:	34	Determination of Blight:	No
Name:	Togos Parking Garage	Depreciation Ratio:	N/A
Taxlot(s):	17-03-31-14-07401, 17-03-31-14-07402, 17-03-31-14-07403, 17-03-31-14-07404, 17-03-31-14-07405, 17-03-31-14-07406, 17-03-31-14-07407, 17-03-31-14-07408, 17-03-31-14-07409, 17-03-31-14-07410, 17-03-31-14-07411, 17-03-31-14-07412, 17-03-31-14-07413		
Property Notes:	Property has graffiti and no land value.		
		Graffiti:	Y



Property:	35	Determination of Blight:	Yes
Name:	Ambrosia Parking lot	Depreciation Ratio:	0.03
Taxlot(s):	17-03-31-14-07600, 17-03-31-14-07700		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	36	Determination of Blight:	No
Name:	Ambrosia	Depreciation Ratio:	5.95
Taxlot(s):	17-03-31-14-07500, same as #37		
Property Notes:			
		Graffiti:	N



Property:	37	Determination of Blight:	No
Name:	Quackenbush Building	Depreciation Ratio:	5.95
Taxlot(s):	17-03-31-14-07500, same as #36		
Property Notes:			
		Graffiti:	N



Property:	38	Determination of Blight:	No
Name:	The Miner Building	Depreciation Ratio:	9.64
Taxlot(s):	17-03-31-14-06600, same as #39		
Property Notes:	Property has some peeling paint on alley.		
		Graffiti:	N



Property:	39	Determination of Blight:	No
Name:	Passionflower	Depreciation Ratio:	9.64
Taxlot(s):	17-03-31-14-06600, same as #38		
Property Notes:			
		Graffiti:	N



Property:	40	Determination of Blight:	No
Name:	IDX	Depreciation Ratio:	10.20
Taxlot(s):	17-03-31-14-06500		
Property Notes:			
		Graffiti:	N



Property:	41	Determination of Blight:	No
Name:	Funk and Levis	Depreciation Ratio:	5.40
Taxlot(s):	17-03-31-14-06700		
Property Notes:			
		Graffiti:	N



Property:	42	Determination of Blight:	No
Name:	Alliance Insurance	Depreciation Ratio:	6.75
Taxlot(s):	17-03-31-14-06700		
Property Notes:			
		Graffiti:	N



Property:	43	Determination of Blight:	No
Name:	Citizens Building	Depreciation Ratio:	17.20
Taxlot(s):	17-03-31-14-06900		
Property Notes:			
Graffiti:			N



Property:	44	Determination of Blight:	No
Name:	CenturyLink	Depreciation Ratio:	N/A
Taxlot(s):	17-03-31-14-11500. 17-03-31-14-11600		
Property Notes:	Property has an empty looking ground floor. Many spaces outside on ground floor recessed and unkept with empty planters with garbage, clothing, and what looks like unsanitary conditions.		
Graffiti:			N



Property:	45	Determination of Blight:	Yes
Name:	Actors Cabaret	Depreciation Ratio:	1.95
Taxlot(s):	17-03-31-13-01800, same taxlot as #61		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



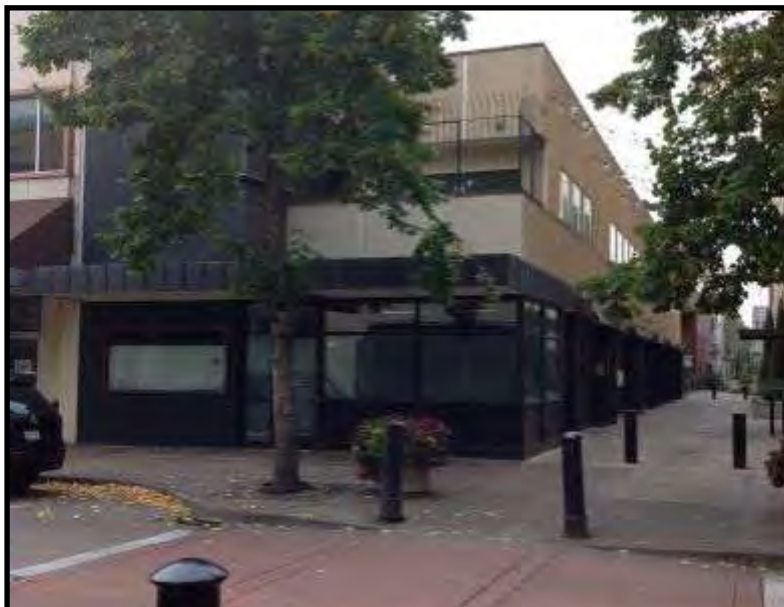
Property:	46	Determination of Blight:	Yes
Name:	Sidewalk ROW - 10th Ave btwn Olive St & Willamette St	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk is uneven with significant differences in height.		
		Graffiti:	N



Property:	47	Determination of Blight:	Yes
Name:	DAC Newberry	Depreciation Ratio:	2.52
Taxlot(s):	17-03-31-13-01700		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	48	Determination of Blight:	No
Name:	Harry Ritchie	Depreciation Ratio:	4.42
Taxlot(s):	17-03-31-13-01600		
Property Notes:	Property has depreciated values and has had graffiti evidenced by painted sections.		
		Graffiti:	Y



Property:	49	Determination of Blight:	No
Name:	Woolworth Building	Depreciation Ratio:	20.47
Taxlot(s):	17-03-31-13-01400, 17-03-31-13-01500		
Property Notes:			
		Graffiti:	N



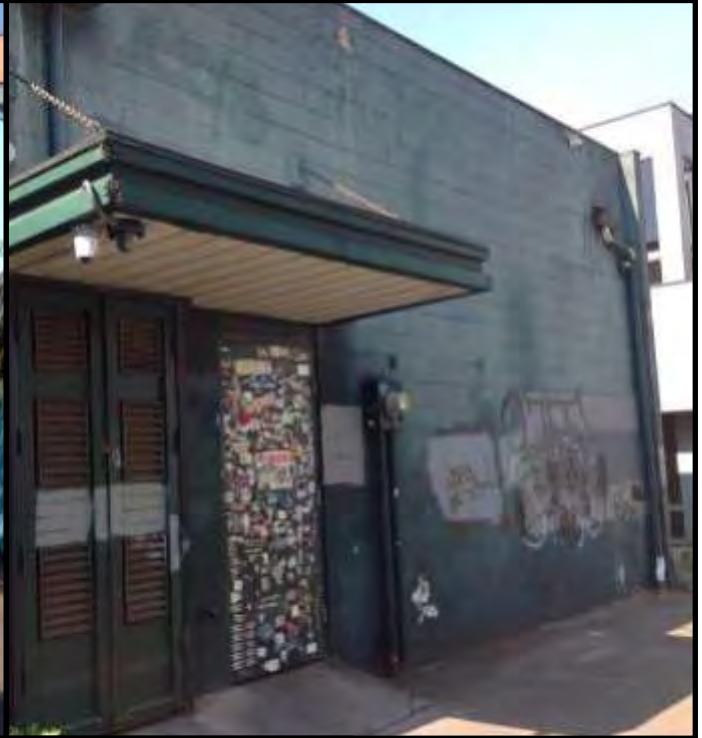
Property:	50	Determination of Blight:	No
Name:	Centre Court	Depreciation Ratio:	13.97
Taxlot(s):	17-03-31-13-01300		
Property Notes:			
		Graffiti:	N



Property:	51	Determination of Blight:	No
Name:	Washburne Building	Depreciation Ratio:	5.68
Taxlot(s):	17-03-31-13-02900		
Property Notes:			
		Graffiti:	N



Property:	52	Determination of Blight:	Yes
Name:	Luckey's Cigar Club	Depreciation Ratio:	1.64
Taxlot(s):	17-03-31-13-02800		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	53	Determination of Blight:	No
Name:	Sweet Leaf Cannabis	Depreciation Ratio:	4.20
Taxlot(s):	17-03-31-13-02700		
Property Notes:	Property has extensive exterior damage and graffiti. Half of building front vacant (on Olive St).		
		Graffiti:	Y



Property:	54	Determination of Blight:	No
Name:	Atrium Building	Depreciation Ratio:	7.73
Taxlot(s):	17-03-31-13-02600		
Property Notes:	Property has graffiti and the outer steps look damaged.		
		Graffiti:	Y



Property:	55	Determination of Blight:	No
Name:	LCC Downtown Campus	Depreciation Ratio:	23.49
Taxlot(s):	17-03-31-13-05100, 17-03-31-13-05200, 17-03-31-13-05300, 17-03-31-13-06600, same as #56		
Property Notes:			
		Graffiti:	N



Property:	56	Determination of Blight:	No
Name:	LCC Titan Court Housing	Depreciation Ratio:	23.49
Taxlot(s):	17-03-31-13-05100, 17-03-31-13-05200, 17-03-31-13-05300, 17-03-31-13-06600, same as #55		
Property Notes:			
		Graffiti:	N



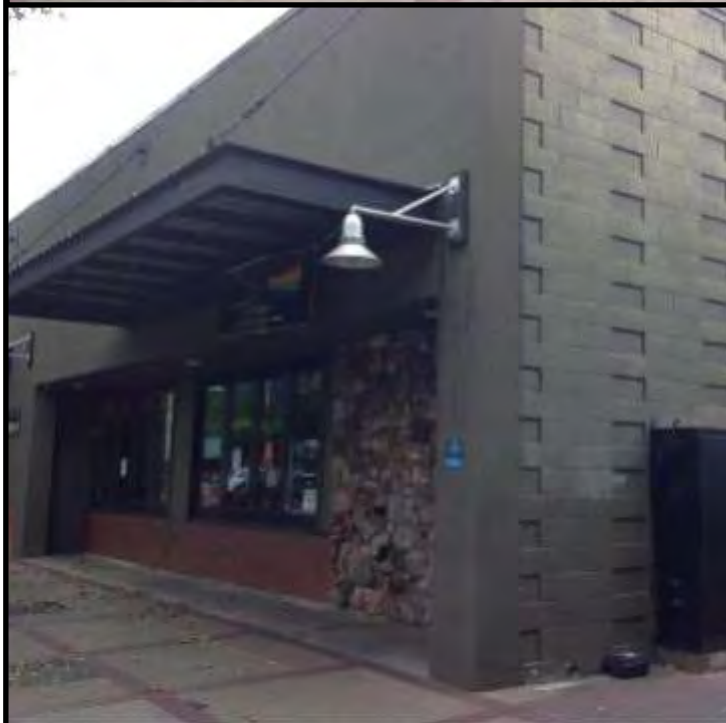
Property:	57	Determination of Blight:	Yes
Name:	Shawmed Building	Depreciation Ratio:	1.74
Taxlot(s):	17-03-31-13-06700		
Property Notes:	Property has depreciated values, graffiti, peeling paint on alley, and display windows scratched with graffiti.		
		Graffiti:	Y



Property:	58	Determination of Blight:	Yes
Name:	Sidewalk Row - Charnelton St btwn Broadway & 10th Ave, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk is overgrown indicating lack of maintenance.		
		Graffiti:	Y



Property:	59	Determination of Blight:	No
Name:	Buy2 Block	Depreciation Ratio:	4.34
Taxlot(s):	17-03-31-13-04900		
Property Notes:	There is the presence of a mobile police camera indicating need to extra enforcement on the corner. Building has vacancy and temporarily closed businesses.		
		Graffiti:	N



Property:	60	Determination of Blight:	Yes
Name:	Pita Pit Building	Depreciation Ratio:	0.92
Taxlot(s):	17-03-31-14-12900		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	61	Determination of Blight:	Yes
Name:	Poppi's Anatolia	Depreciation Ratio:	1.95
Taxlot(s):	17-03-31-13-01800, same as #45		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	62	Determination of Blight:	No
Name:	Parkview Place	Depreciation Ratio:	8.40
Taxlot(s):	17-03-31-14-02900		
Property Notes:			
		Graffiti:	N



Property:	63	Determination of Blight:	Yes
Name:	Bon Mi Building	Depreciation Ratio:	2.34
Taxlot(s):	17-03-31-14-02800		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	64	Determination of Blight:	No
Name:	Park Place Apartments	Depreciation Ratio:	14.98
Taxlot(s):	17-03-31-14-02700		
Property Notes:	Property has graffiti.		
		Graffiti:	Y



Property:	65	Determination of Blight:	No
Name:	Full City Coffee	Depreciation Ratio:	14.98
Taxlot(s):	17-03-31-14-02600		
Property Notes:	Property has graffiti.		
		Graffiti:	Y



Property:	66	Determination of Blight:	No
Name:	Law offices	Depreciation Ratio:	6.15
Taxlot(s):	17-03-31-14-02500		
Property Notes:	Exterior was painted during blight survey.		
		Graffiti:	N



Property:	67	Determination of Blight:	Yes
Name:	808/825 Pearl	Depreciation Ratio:	2.44
Taxlot(s):	17-03-31-14-02400		
Property Notes:	Property has depreciated values. The Pearl St side entrance has exterior damage and overgrown entrance with garbage. The East park block side looks more maintained.		
		Graffiti:	N



Property:	68	Determination of Blight:	Yes
Name:	Court Reporter building	Depreciation Ratio:	2.07
Taxlot(s):	17-03-31-14-02300		
Property Notes:	The property has depreciated values.		
		Graffiti:	N



Property:	69	Determination of Blight:	Yes
Name:	Sidewalk row - 8th Ave and Pearl St, both sections	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk is uneven with holes.		
		Graffiti:	N



Property:	70	Determination of Blight:	Yes
Name:	East Park block	Depreciation Ratio:	0.05
Taxlot(s):	17-03-31-14-04700, same as #71		
Property Notes:	The property has depreciated values. There is property damage with broken stone walls, a broken tree planter and uneven sidewalks.		
		Graffiti:	N



Property:	71	Determination of Blight:	Yes
Name:	East Park block	Depreciation Ratio:	0.05
Taxlot(s):	17-03-31-14-04700, same as #70		
Property Notes:	The property has depreciated values. The property has damage with a broken stone wall, uneven sidewalks and the access ramp has holes. There old fountain no longer running water. There is a storage container on the property. Property has garbage on the ground, clothing, and it was observed people sleeping, loud music and an off leash dog.		



Property:	72	Determination of Blight:	No
Name:	Wells Fargo building	Depreciation Ratio:	7.08
Taxlot(s):	17-03-31-14-03300		
Property Notes:	Property had windows boarded up and graffiti. Sign says branch temporarily closed.		
		Graffiti:	Y



Property:	73	Determination of Blight:	No
Name:	Tyndale Advisors	Depreciation Ratio:	4.94
Taxlot(s):	17-03-31-14-03900		
Property Notes:			
		Graffiti:	N



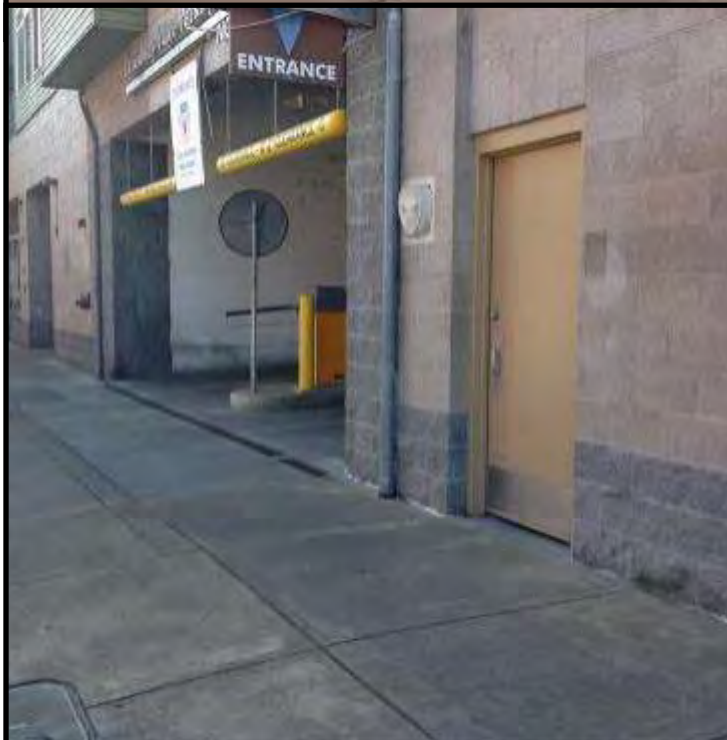
Property:	74	Determination of Blight:	Yes
Name:	Tyndale Advisors Parking Lot	Depreciation Ratio:	0
Taxlot(s):	17-03-31-14-03900		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



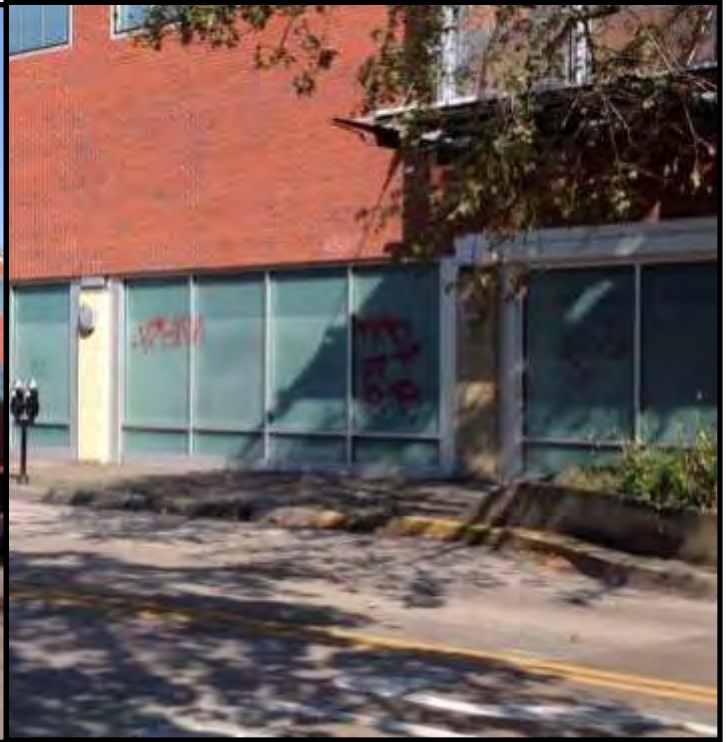
Property:	75	Determination of Blight:	No
Name:	Broadway Place south	Depreciation Ratio:	N/A
Taxlot(s):	17-03-31-13-16200, 17-03-31-13-16400, 17-03-31-13-16600, 17-03-31-13-16700, 17-03-31-13-16900 (lot 6700 is found on both north and south)		
Property Notes:	Property had building damage with a broken window and graffiti. There was a vacant ground floor space. Property is mixed use with commercial and residential, and a public parking garage.		
		Graffiti:	Y



Property:	76	Determination of Blight:	No
Name:	Broadway Place North	Depreciation Ratio:	N/A
Taxlot(s):	17-03-31-13-16200, 17-03-31-13-16400, 17-03-31-13-16600, 17-03-31-13-16700, 17-03-31-13-16900 (lot 16700 is found on both north and south).		
Property Notes:	Property had graffiti. Property is mixed use with commercial and residential, and a public parking garage.		
		Graffiti:	Y



Property:	77	Determination of Blight:	No
Name:	Old Bon Marche/Sykes	Depreciation Ratio:	9.31
Taxlot(s):	17-03-31-13-06800		
Property Notes:	Property had graffiti.		
		Graffiti:	Y



Property:	78	Determination of Blight:	Yes
Name:	UO Rain	Depreciation Ratio:	1.08
Taxlot(s):	17-03-31-13-05000		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	79	Determination of Blight:	Yes
Name:	Pipeworks	Depreciation Ratio:	2.68
Taxlot(s):	17-03-31-13-04500		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	80	Determination of Blight:	Yes
Name:	Jameson's & Glamour Girl Unlimited	Depreciation Ratio:	1.65
Taxlot(s):	17-03-31-13-04800		
Property Notes:	Property has depreciated values and minor damage on awning of hair salon.		
		Graffiti:	N



Property:	81	Determination of Blight:	No
Name:	Analog Barbershop	Depreciation Ratio:	6.62
Taxlot(s):	17-03-31-13-04700		
Property Notes:	Bottom floor of property is vacant.		
		Graffiti:	N



Property:	82	Determination of Blight:	Yes
Name:	Duvall Building	Depreciation Ratio:	2.71
Taxlot(s):	17-03-31-13-04600		
Property Notes:	Property has depreciated values.		
Graffiti:			Y



Property:	83	Determination of Blight:	Yes
Name:	Former Rogue	Depreciation Ratio:	3.38
Taxlot(s):	17-03-31-13-04400		
Property Notes:	Property has depreciated values with boarded up windows and graffiti.		
		Graffiti:	Y



Property:	84	Determination of Blight:	Yes
Name:	Starlight Lounge, Full House Poker	Depreciation Ratio:	3.22
Taxlot(s):	17-03-31-13-04300		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	85	Determination of Blight:	Yes
Name:	Independent Police Auditor	Depreciation Ratio:	2.05
Taxlot(s):	17-03-31-13-03900		
Property Notes:	Property has depreciated values and graffiti.		
Graffiti:			Y



Property:	86	Determination of Blight:	Yes
Name:	KLCC	Depreciation Ratio:	3.57
Taxlot(s):	17-03-31-13-04000		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	87	Determination of Blight:	No
Name:	Law offices	Depreciation Ratio:	5.66
Taxlot(s):	17-03-31-13-04100		
Property Notes:			
		Graffiti:	N



Property:	88	Determination of Blight:	Yes
Name:	Sidewalk ROW - 8th Ave btwn Olive St & Charnelton St, south side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk is uneven and raised along curb.		
		Graffiti:	N



Property:	89	Determination of Blight:	Yes
Name:	Horsehead	Depreciation Ratio:	0.54
Taxlot(s):	17-03-31-13-03000		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	90	Determination of Blight:	Yes
Name:	Lazar's Bazar	Depreciation Ratio:	2.13
Taxlot(s):	17-03-31-13-03100		
Property Notes:	Property has depreciated values and old sign on back.		
		Graffiti:	N



Property:	91	Determination of Blight:	Yes
Name:	The Drake Bar	Depreciation Ratio:	1.52
Taxlot(s):	17-03-31-13-03200		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	92	Determination of Blight:	Yes
Name:	Lazar's Bazar Imports	Depreciation Ratio:	2.88
Taxlot(s):	17-03-31-13-03300		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	93	Determination of Blight:	Yes
Name:	Party Downtown	Depreciation Ratio:	2.88
Taxlot(s):	17-03-31-13-03300		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



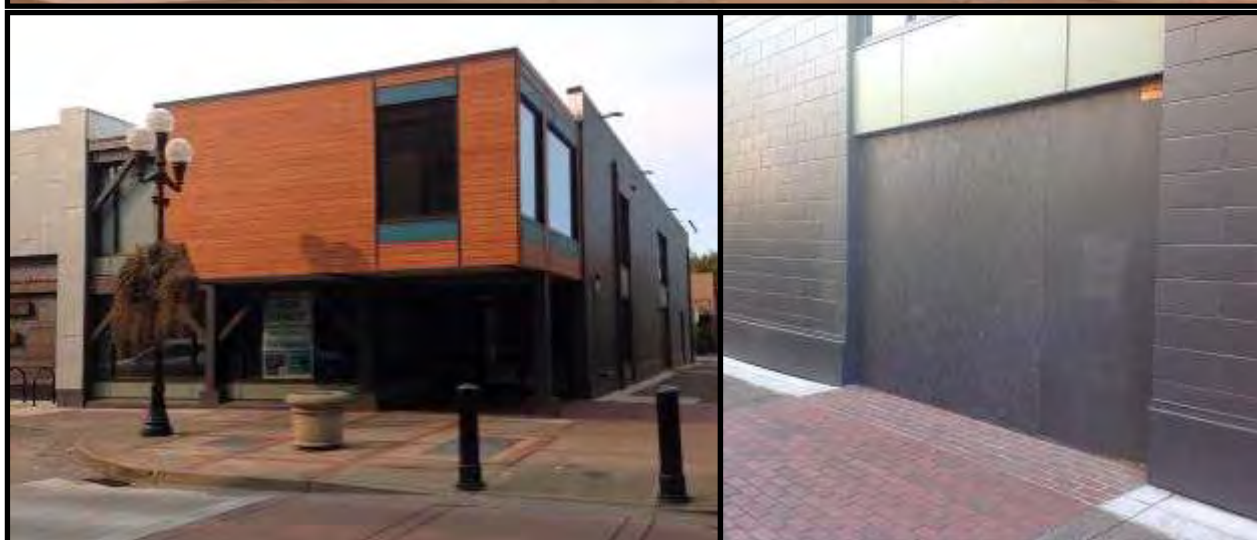
Property:	94	Determination of Blight:	No
Name:	First on Broadway	Depreciation Ratio:	13.66
Taxlot(s):	17-03-31-13-01100		
Property Notes:			
		Graffiti:	N



Property:	95	Determination of Blight:	Yes
Name:	Metro Theatre	Depreciation Ratio:	3.13
Taxlot(s):	17-03-31-13-01000		
Property Notes:			
		Graffiti:	N



Property:	96	Determination of Blight:	N
Name:	Vacant (Former Scan Design)	Depreciation Ratio:	5.17
Taxlot(s):	17-03-31-13-00900		
Property Notes:	The building is vacant. Boarded up doors painted black on side entrance.		
		Graffiti:	N



Property:	97	Determination of Blight:	Yes
Name:	Game Pub	Depreciation Ratio:	3.10
Taxlot(s):	17-03-31-14-04000		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	98	Determination of Blight:	No
Name:	Former Public Streetwear	Depreciation Ratio:	11.43
Taxlot(s):	17-03-31-14-04400, same as sites #99 & #100		
Property Notes:			
		Graffiti:	N



Property:	99	Determination of Blight:	No
Name:	Veg	Depreciation Ratio:	11.43
Taxlot(s):	17-03-31-14-04400, same as sites #98 & #100		
Property Notes:			
		Graffiti:	N



Property:	100	Determination of Blight:	No
Name:	Veg	Depreciation Ratio:	11.43
Taxlot(s):	17-03-31-14-04400, same as sites #98 & #99		
Property Notes:	Property has graffiti and vacancies on ground floor.		
		Graffiti:	Y



Property:	101	Determination of Blight:	Yes
Name:	Cascade Title	Depreciation Ratio:	3.52
Taxlot(s):	17-03-31-14-04400, same as sites #98 & #99		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	102	Determination of Blight:	No
Name:	US Bank	Depreciation Ratio:	13.30
Taxlot(s):	17-03-31-13-00700		
Property Notes:			
		Graffiti:	N



Property:	103	Determination of Blight:	No
Name:	Tiffany Building	Depreciation Ratio:	6.79
Taxlot(s):	17-03-31-11-09400		
Property Notes:			
		Graffiti:	N



Property:	104	Determination of Blight:	Yes
Name:	AHM Brands	Depreciation Ratio:	1.93
Taxlot(s):	17-03-31-11-09400		
Property Notes:	Property has depreciated values and facade near pipe looks taped on.		
		Graffiti:	N



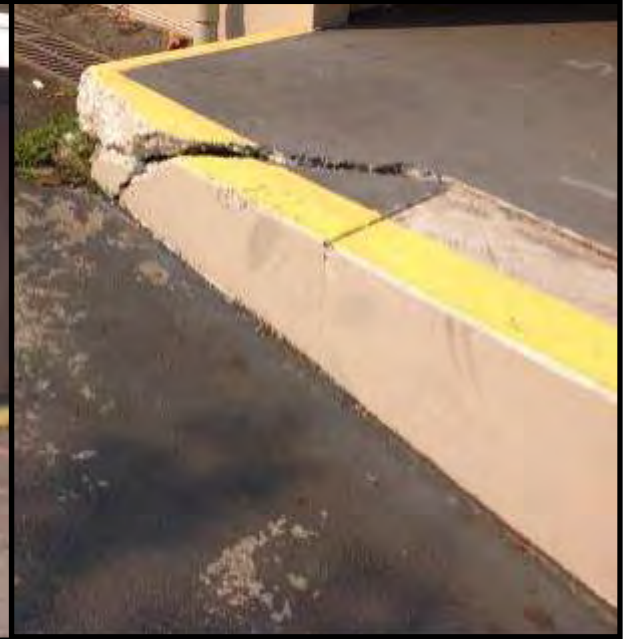
Property:	105	Determination of Blight:	No
Name:	Smeed Hotel	Depreciation Ratio:	4.81
Taxlot(s):	17-03-31-11-09200		
Property Notes:	Property has graffiti.		
		Graffiti:	Y



Property:	106	Determination of Blight:	Yes
Name:	Parking lot—former Eugene City Hall	Depreciation Ratio:	0.00
Taxlot(s):	17-03-31-11-10600, 17-03-31-11-10602, 17-03-31-11-10603		
Property Notes:	Property has depreciated values and no improvement value.		
		Graffiti:	N



Property:	107	Determination of Blight:	Yes
Name:	Parking lot—Butterfly lot	Depreciation Ratio:	0.06
Taxlot(s):	17-03-31-11-09500, 17-03-31-11-09501		
Property Notes:	Property has depreciated values with broken pavement and large potholes.		
		Graffiti:	N



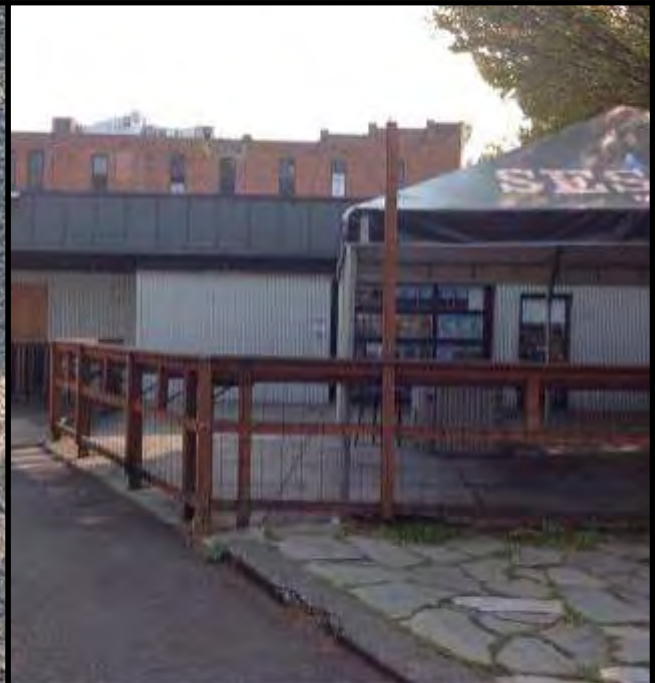
Property:	108	Determination of Blight:	No
Name:	Baden & Company Marketing	Depreciation Ratio:	5.09
Taxlot(s):	17-03-31-11-09001		
Property Notes:			
		Graffiti:	N



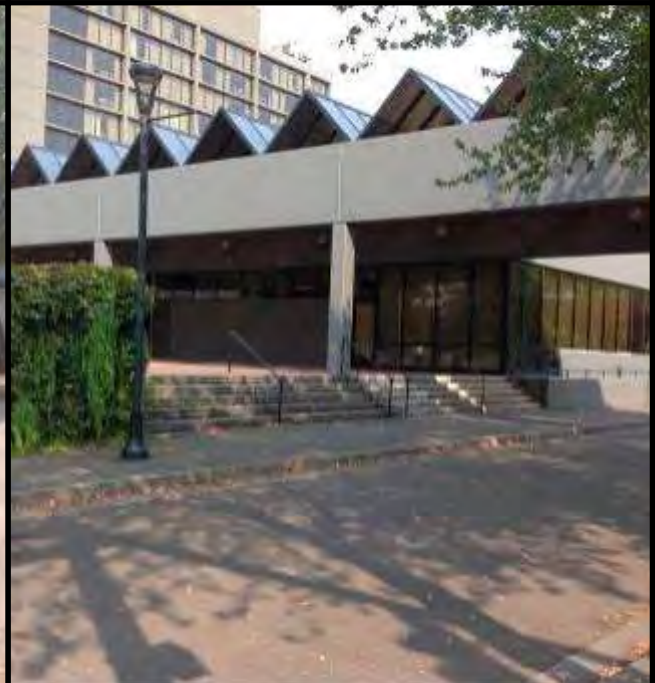
Property:	109	Determination of Blight:	Yes
Name:	Urban Therapeutic Building	Depreciation Ratio:	2.75
Taxlot(s):	17-03-31-11-09000		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



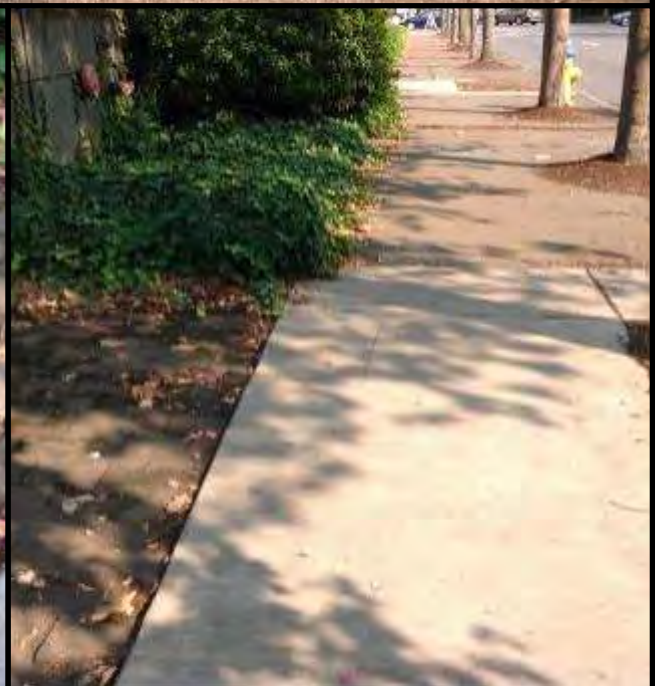
Property:	110	Determination of Blight:	Yes
Name:	Sessions Music Hall	Depreciation Ratio:	0.81
Taxlot(s):	17-03-31-11-08800		
Property Notes:	Property has depreciated values and graffiti. There is a food cart in the parking lot.		
		Graffiti:	Y



Property:	111	Determination of Blight:	No
Name:	Conference Center	Depreciation Ratio:	6.39
Taxlot(s):	17-03-31-11-07700, 17-03-31-11-07600		
Property Notes:	Property has graffiti.		
		Graffiti:	Y



Property:	112	Determination of Blight:	Yes
Name:	Sidewalk ROW - E 7th Ave btwn Willamette St & Oak St, northeast side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk is uneven.		
		Graffiti:	N



Property:	113	Determination of Blight:	No
Name:	The Graduate Hotel	Depreciation Ratio:	32.46
Taxlot(s):	17-03-31-11-07601		
Property Notes:			
		Graffiti:	N



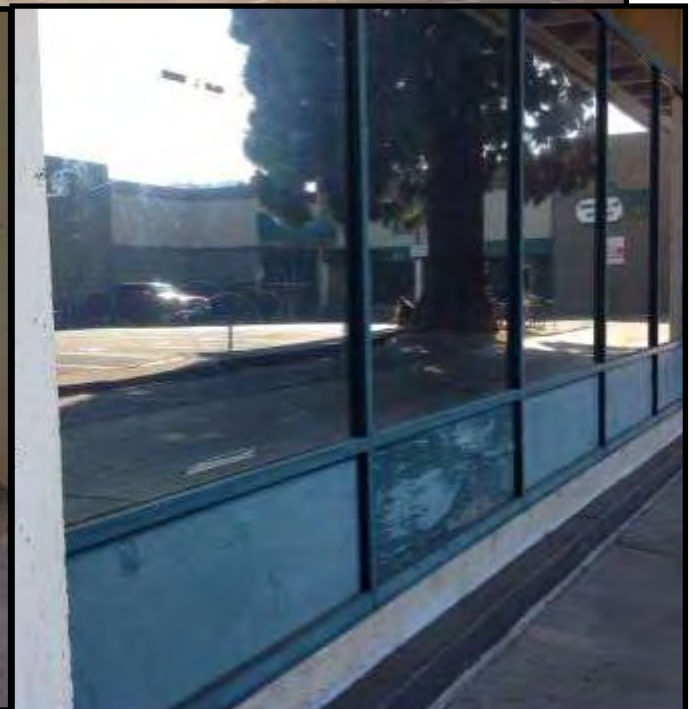
Property:	114	Determination of Blight:	No
Name:	Hult Center	Depreciation Ratio:	11.43
Taxlot(s):	17-03-31-12-06400, same as site #115		
Property Notes:			
		Graffiti:	N



Property:	115	Determination of Blight:	No
Name:	Hult Center Parking	Depreciation Ratio:	11.43
Taxlot(s):	17-03-31-12-06400, same as site #114		
Property Notes:			
		Graffiti:	N



Property:	116	Determination of Blight:	Yes
Name:	Parcade	Depreciation Ratio:	2.56
Taxlot(s):	17-03-31-12-16801, 17-03-31-12-16800		
Property Notes:	Property has depreciated values and building damage. There was graffiti, duct tape on one door and a broken window.		
		Graffiti:	Y



Property:	117	Determination of Blight:	Yes
Name:	M Jacobs	Depreciation Ratio:	0.56
Taxlot(s):	17-03-31-12-15600, 17-03-31-12-15601, 17-03-31-12-15602, 17-03-31-12-15800, 17-03-31-12-15900, 17-03-31-12-16000, 17-03-31-12-16100		
Property Notes:	Property has depreciated values. There was building exterior damage and graffiti. Food carts in parking lot.		
		Graffiti:	Y



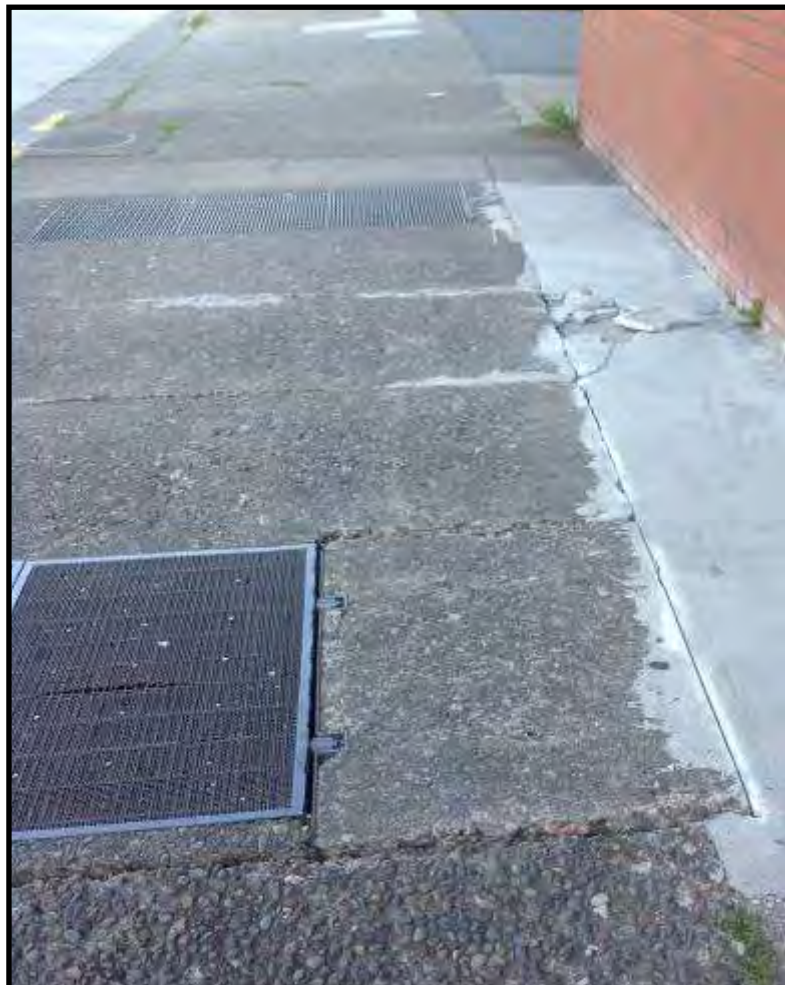
Property:	118	Determination of Blight:	Yes
Name:	US Bank Parking lot	Depreciation Ratio:	0.03
Taxlot(s):	17-03-31-13-03500, 17-03-31-13-03600, 17-03-31-13-03700, 17-03-31-13-03800		
Property Notes:	Property has depreciated values.		
Graffiti:			N



Property:	119	Determination of Blight:	Yes
Name:	Alley ROW - W 8th Alley btwn Willamette St & Olive St	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The alley roadway had broken pavement and potholes.		
		Graffiti:	N



Property:	120	Determination of Blight:	Yes
Name:	Sidewalk ROW - Charnelton St btwn 8th Ave & Broadway, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	The sidewalk was overgrown, uneven, and had large sections coming off sidewalk surface.		
		Graffiti:	N



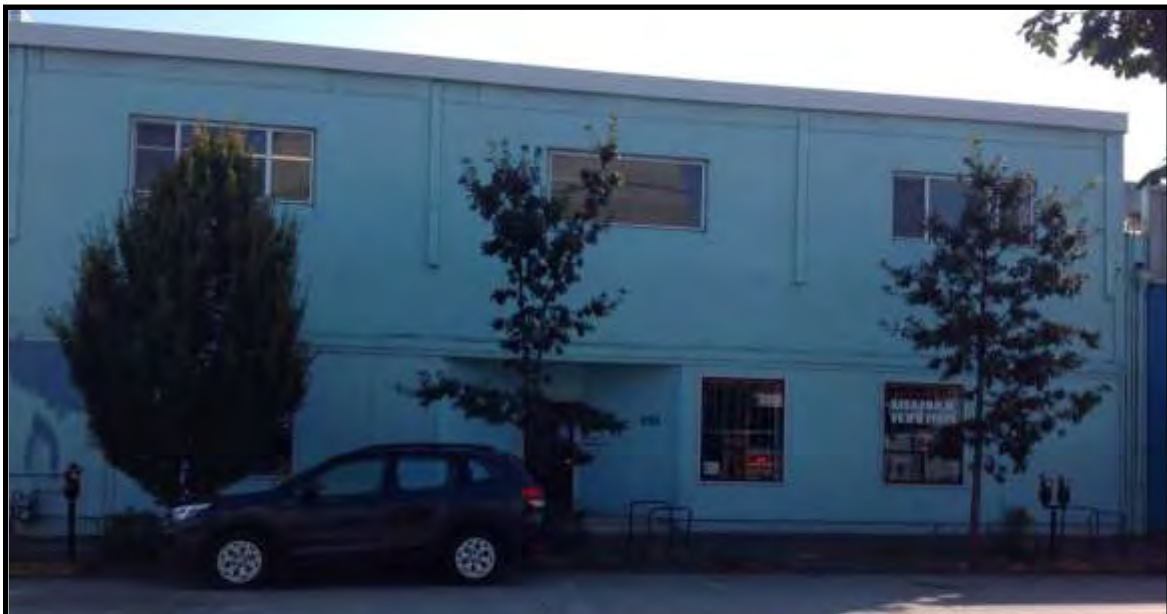
Property:	121	Determination of Blight:	Yes
Name:	Former Bon/Sykes Parking lot	Depreciation Ratio:	0.03
Taxlot(s):	17-03-31-13-06900		
Property Notes:	Property has depreciated values and graffiti. It is a parking lot.		
		Graffiti:	Y



Property:	122	Determination of Blight:	Yes
Name:	Whirled Pies	Depreciation Ratio:	3.32
Taxlot(s):	17-03-31-12-14800, same as #123		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



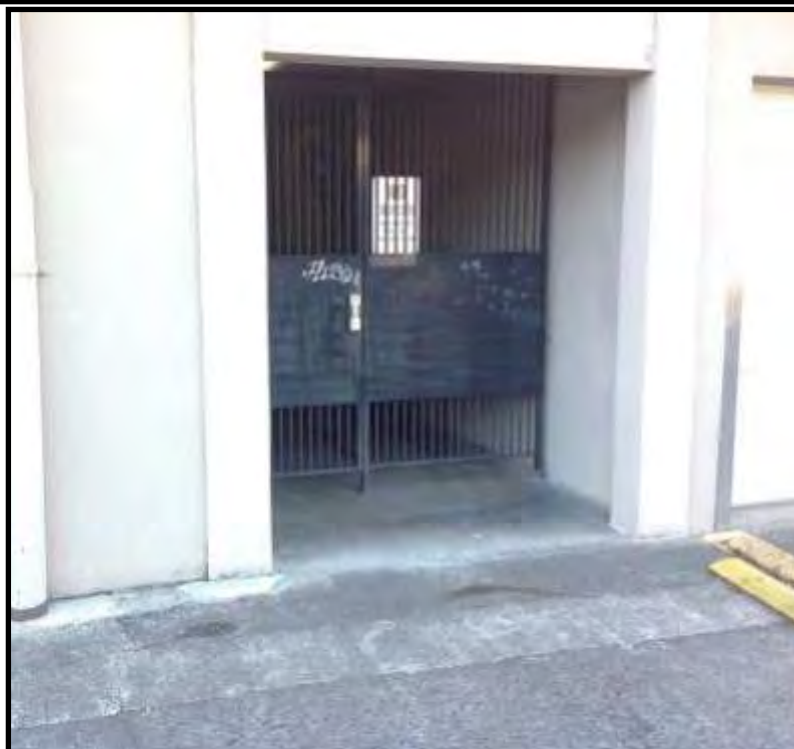
Property:	123	Determination of Blight:	Yes
Name:	Northwest Martial Arts (NWMA)	Depreciation Ratio:	3.32
Taxlot(s):	17-03-31-12-14800, same as #122		
Property Notes:	Property has depreciated values, graffiti and minor exterior damage.		
		Graffiti:	Y



Property:	124	Determination of Blight:	Yes
Name:	Goodyear	Depreciation Ratio:	0.37
Taxlot(s):	17-03-31-12-14600, 17-03-31-12-14700, 17-03-31-12-15100		
Property Notes:	Property has depreciated values and graffiti.		
		Graffiti:	Y



Property:	125	Determination of Blight:	Yes
Name:	8th & Olive Building	Depreciation Ratio:	2.24
Taxlot(s):	17-03-31-12-15300		
Property Notes:	Property has depreciated values.		
		Graffiti:	Y



Property:	126	Determination of Blight:	Yes
Name:	Travel Lane County	Depreciation Ratio:	2.69
Taxlot(s):	17-03-31-12-15500, same as #127		
Property Notes:	Property has depreciated values.		
Graffiti:			N



Property:	127	Determination of Blight:	Yes
Name:	State of Oregon Youth Authority	Depreciation Ratio:	2.69
Taxlot(s):	17-03-31-12-15500, same as #126		
Property Notes:	Property has depreciated values.		
Graffiti:			N



Property:	128	Determination of Blight:	Yes
Name:	Brenner's Furniture	Depreciation Ratio:	1.92
Taxlot(s):	17-03-31-12-14900, 17-03-31-12-15400		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	129	Determination of Blight:	Yes
Name:	Sidewalk ROW - Charnelton St btwn 7th Ave & 8th Ave, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk was overgrown, uneven and signs had graffiti. Does not have straight walking path, overgrown trees.		
		Graffiti:	Y



Property:	130	Determination of Blight:	Yes
Name:	Sidewalk ROW - W 7th Ave btwn Olive St & Charnelton St, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk was uneven and sign had graffiti.		
		Graffiti:	Y



Property:	131	Determination of Blight:	Yes
Name:	Dutch Bros.	Depreciation Ratio:	0.11
Taxlot(s):	17-03-31-12-15201		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



Property:	132	Determination of Blight:	Yes
Name:	Crosswalk at Olive St & W 7th Ave, south	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Large pothole and access issues with crosswalk.		
Graffiti:			N



Property:	133	Determination of Blight:	Yes
Name:	Sidewalk ROW - Pearl St btwn E 8th Ave & Broadway, east side	Depreciation Ratio:	N/A
Taxlot(s):	N/A		
Property Notes:	Sidewalk was uneven and broken in places.		
		Graffiti:	N



Property:	134	Determination of Blight:	No
Name:	Overpark North Lot	Depreciation Ratio:	4.42
Taxlot(s):	17-03-31-14-05800		
Property Notes:			
		Graffiti:	N



Property:	135	Determination of Blight:	Yes
Name:	Service Court	Depreciation Ratio:	0.12
Taxlot(s):	17-03-31-13-04200		
Property Notes:	Property has depreciated values		
		Graffiti:	N



Property:	136	Determination of Blight:	Yes
Name:	Parking Lot - 8th & Olive	Depreciation Ratio:	0.07
Taxlot(s):	17-03-31-12-15200, 17-03-31-12-15202		
Property Notes:	Property has depreciated values.		
		Graffiti:	N



City of Eugene, PDD

			Depreciati on Value (Improve ment to Land Ratio)	Depreciat ed Values (g)	(A) Bldg unsafe or unfit to occupy: Defective design and quality of physical construction.	(B) Bldg unsafe or unfit to occupy: Faulty interior arrangement and exterior spacing.	(C) Bldg unsafe or unfit to occupy: Overcrowding and a high density of population.	(D) Bldg unsafe or unfit to occupy: Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities.	(E) Bldg unsafe or unfit to occupy: Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.	(b) An economic dislocation, deterioration or disuse of property resulting from faulty planning.	(c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development.	(d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions.	(e) The existence of inadequate streets and other rights of way, open spaces and utilities.	(f) The existence of property or lots or other areas that are subject to inundation by water.	(g) A prevalence of depreciated values, impaired investments and social and economic maladjustment s to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.	(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.	(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services else- where.	Depreciati on Value (Improve ment to Land Ratio)	Depreciat ed Values (g)	Right-of- Way	Blighted Property	Blight All (includes ROW)	Graffiti Present ?					
	17-03-31-14-07401																											
	17-03-31-14-07402																											
	17-03-31-14-07403																											
	17-03-31-14-07404																											
	17-03-31-14-07405																											
	17-03-31-14-07406																											
	17-03-31-14-07407																											
	17-03-31-14-07408																											
	17-03-31-14-07409																											
	17-03-31-14-07410																											
	17-03-31-14-07411																											
	17-03-31-14-07412																											
	17-03-31-14-07413																											
35		Ambrosia Parking lot	0.03	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	0.03	Yes		Yes	Yes				
	17-03-31-14-07600																											
	17-03-31-14-07700																											
36	17-03-31-14-07500	Ambrosia	5.95				No	No	No	No	No	No	No	No	No	No	No	No	No	5.95			No					
37	17-03-31-14-07500	Quakenbush Building					No	No	No	No	No	No	No	No	No		No	No	No			No						
38	17-03-31-14-06600	The Miner Building	9.64				No	No	No	No	No	No	No	No	No	No	No	No	No	9.64								
39	17-03-31-14-06600	Passionflower					No	No	No	No	No	No	No	No	No		No	No	No									
40	17-03-31-14-06500	IDX	10.20	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	10.20	No		No					
41	17-03-31-14-06700	Funk and Levis	5.40	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	5.40	No		No					
42	17-03-31-14-06800	Alliance insurance	6.75	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	6.75	No		No					
43	17-03-31-14-06900	Citizens Building	17.20	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	17.20	No		No					
44		CenturyLink	N/A	No/A	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	N/A	No/A		No					
	17-03-31-14-11500																											
	17-03-31-14-11600																											
45	17-03-31-13-01800	Actors Cabaret	1.95				No	No	No	No	No	No	No	No	No	Yes	No	No	No	1.95			Yes	Yes	Yes	x		
46		Sidewalk ROW - 10th Ave btwn Olive St & Willamette St			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No			X		Yes				
47	17-03-31-13-01700	DAC Newberry	2.52	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	2.52	Yes		Yes	Yes				
48	17-03-31-13-01600	Harry Ritchie	4.42	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	4.42	No		No			x		
49		Woolworth Building	20.47	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	20.47	No		No					
	17-03-31-13-01400																											
	17-03-31-13-01500																											
50	17-03-31-13-01300	Centre Court	13.97	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	13.97	No		No					
51	17-03-31-13-02900	Washburne Building	5.68	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	5.68	No		No					
52	17-03-31-13-02800	Luckey's Cigar Club	1.64	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	1.64	Yes		Yes	Yes	x			
53	17-03-31-13-02700	Sweet Leaf Cannabis	4.20	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	4.20	No		No	No	x			
54	17-03-31-13-02600	Atrium Building	7.73	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	7.73	No		No	No	x			
55		LCC Downtown Campus & Housing	23.49	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	23.49	No		No					
	17-03-31-13-05100																											
	17-03-31-13-05200																											
	17-03-31-13-05300																											
	17-03-31-13-06600																											
56	Same as #55	Titan Court. LCC Student Housing.																										
57	17-03-31-13-06700	Shawmed Building	1.74	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	1.74	Yes		Yes	Yes	x			
58		Sidewalk Row - Charnelton St btwn Broadway & 10th Ave, east side			No	No	No	No	No	No	No	No	No	No	No	No	No	No	No			X		Yes				
59	17-03-31-13-04900	Buy2 Block	4.34	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	4.34	No		No	No				
60	17-03-31-14-12900	Pita Pit Building	0.92	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	0.92	Yes		Yes	Yes				
61	17-03-31-13-01800	Poppi's Anatolia					No	No	No	No	No	No	No	No	No		No	No	No									
62	17-03-31-14-02900	Parkview Place	8.40	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	8.40	No		No					
63	17-03-31-14-02800	Bon Mi Building	2.34	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	2.34	Yes		Yes	Yes	x			
64	17-03-31-14-02700	Park Place Apartments	14.98	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	14.98	No		No					

																(g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.	(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.	(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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																(g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.	(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.	(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.	Depreciation Value (Improve ment to Land Ratio)	Depreciated Values (g)						
			Depreciation Value (Improve ment to Land Ratio)	Depreciated Values (g)	(A) Bldg unsafe or unfit to occupy: Defective design and quality of physical construction.	(B) Bldg unsafe or unfit to occupy: Faulty interior arrangement and exterior spacing.	(C) Bldg unsafe or unfit to occupy: Overcrowding and a high density of population.	(D) Bldg unsafe or unfit to occupy: Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities.	(E) Bldg unsafe or unfit to occupy: Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.	(b) An economic dislocation, deterioration or disuse of property resulting from faulty planning.	(c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development.	(d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions.	(e) The existence of inadequate streets and other rights of way, open spaces and utilities.	(f) The existence of property or lots or other areas that are subject to inundation by water.								Right-of-Way	Blighted Property	Blight All (includes ROW)	Graffiti Present ?	
	17-03-31-11-10602																									
	17-03-31-11-10603																									
107		Parking lot - Butterfly lot	0.06	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes		0.06	Yes		Yes	Yes		
	17-03-31-11-09500																									
	17-03-31-11-09501																									
108	17-03-31-11-09001	Baden & Company Marketing	5.09	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No		5.09	No		No			
109	17-03-31-11-09000	Urban Therapeutic Building	2.75	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		2.75	Yes		Yes	Yes	x	
110	17-03-31-11-08800	Sessions Music Hall	0.81	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.81	Yes		Yes	Yes	x	
111		Conference Center	6.39	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No		6.39	No		No		x	
	17-03-31-11-07700																									
	17-03-31-11-07600																									
112		Sidewalk ROW - E 7th Ave btwn Willamette St & Oak St, northeast side			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes		
113	17-03-31-11-07601	The Graduate Hotel	32.46	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No		32.46	No		No			
114	17-03-31-12-06400	Hult Center	11.43				No	No	No	No	No	No	No	No	No	No	No	No		11.43			No			
115	17-03-31-12-06400	Hult Parking Garage					No	No	No	No	No	No	No	No	No		No	No					No			
116		Parcade	2.56	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		2.56	Yes		Yes	Yes	Yes	x
	17-03-31-12-16801																									
	17-03-31-12-16800																									
117		M Jacobs	0.56	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.56	Yes		Yes	Yes	Yes	x
	17-03-31-12-15600																									
	17-03-31-12-15601																									
	17-03-31-12-15602																									
	17-03-31-12-15800																									
	17-03-31-12-15900																									
	17-03-31-12-16000																									
	17-03-31-12-16100																									
118		US Bank Parking lot	0.03	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.03	Yes		Yes	Yes		
	17-03-31-13-03500																									
	17-03-31-13-03600																									
	17-03-31-13-03700																									
	17-03-31-13-03800																									
119		Alley ROW - W 8th Alley btwn Willamette St & Olive St			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes		
120		Sidewalk ROW - Charnelton St btwn 8th Ave & Broadway, east side			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes		
121	17-03-31-13-06900	Former Bon/Sykes Parking lot	0.03	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.03	Yes		Yes	Yes	x	
122	17-03-31-12-14800	Whirled Pies	3.32				No	No	No	No	No	No	No	No	No	Yes	No	No		3.32			Yes	Yes	x	
123	17-03-31-12-14800	NWMA					No	No	No	No	No	No	No	No	No		No	No							x	
124		Goodyear	0.37	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.37	Yes		Yes	Yes	Yes	x
	17-03-31-12-14600																									
	17-03-31-12-14700																									
	17-03-31-12-15100																									
125	17-03-31-12-15300	8th & Olive Building	2.24	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		2.24	Yes		Yes	Yes	X	
126	17-03-31-12-15500	CVALCO	2.69				No	No	No	No	No	No	No	No	No	Yes	No	No		2.69			Yes	Yes		
127	17-03-31-12-15500	State of Oregon Youth Authority					No	No	No	No	No	No	No	No	No		No	No								
128		Brenner's Furniture	1.92	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		1.92	Yes		Yes	Yes		
	17-03-31-12-14900																									
	17-03-31-12-15400																									
129		Sidewalk ROW - Charnelton St btwn 7th Ave & 8th Ave, east side			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes	X	
130		Sidewalk ROW - W 7th Ave btwn Olive St & Charnelton St, east side			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes	X	
131	17-03-31-12-15201	Dutch Bros	0.11	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.11	Yes		Yes	Yes		
132		Crosswalk at Olive St & W 7th Ave, south			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes		
133		Sidewalk ROW - Pearl St btwn E 8th Ave & Broadway, east side			No	No	No	No	No	No	No	No	Yes	No	No	No	No	No				X		Yes		
134	17-03-31-14-05800	Overpark North Lot	4.42	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No		4.42	No		No			
135	17-03-31-13-04200	Service Court	0.12	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.12	Yes		Yes	Yes		
136		Parking Lot - 8th & Olive	0.07	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No		0.07	Yes		Yes	Yes		

Preliminary Project Implementation Information

To be eligible for Urban Renewal funds, a project must be included in the Plan Amendment. However additional work and research is needed for each of the proposed projects to move forward. This document provides preliminary information on what implementation could look like should Council approve the draft Proposed 2023 Amendment to the Downtown Urban Renewal Plan, included as Exhibit A to the draft ordinance in Attachment A.

Proposed Project Focus Areas

A. Housing

In order to support the creation of new housing in the Downtown Urban Renewal District, the draft 2023 Plan Amendment adds two eligible activities:

1) Development Fee Assistance

Summary: Under this program, Urban Renewal funds would be used to pay for development fees that result in the creation of new housing. Development fees paid by the Agency may include System Development Charges (SDCs), permit fees, and other government-imposed development fees. Eligible projects would include new housing either in new construction or redevelopment of existing buildings.

An important reason for the lack of housing in the Downtown core is the relatively high cost of construction in dense areas. Payment of development fees would help offset construction costs and make projects more financially feasible, while also continuing to fund the programs and activities those fees pay for (such as infrastructure capacity for new growth).

Implementation if Plan is approved: Staff would begin the process of drafting the program scope, including any eligibility criteria, for Agency Board consideration, feedback, and approval.

Staff estimates bringing an initial program scope to the Agency Board in the fall of 2023. In addition, the Agency Board would allocate funds for this program as part of the standard budgeting process. Funds would be allocated based on meeting the established criteria and available funds.

Downtown Priorities Addressed:

- Housing: Support creation of a mix of new housing affordable across income levels

2) Real Property Acquisition

Summary: Under this program, Urban Renewal funds could be used to acquire real property to support the creation of new housing in the Plan Area. Offering real property for reduced or no cost can help offset construction costs and make projects financially feasible. In addition, targeting underutilized properties in the Plan Area would support efforts to revitalize downtown.

Implementation if Plan is approved: Staff would begin developing a strategy for this project. Staff could identify a process to acquire property, for example, by identifying strategically located properties and conducting negotiations with the property owner. Staff could also identify publicly owned properties that have redevelopment potential. To dispose of properties at reduced costs, staff could identify a process and criteria to select qualified developers. Agency Board action is required before the acquisition or disposition of any real property in the Plan Area.

Downtown Priorities Addressed:

- Housing: Support creation of a mix of new housing affordable across income levels
- Commercial Activity and Development: Encourage redevelopment in strategic locations

B. Physical Improvements to Address Safety and Comfort

Summary: Under this focus area, the Agency would be able to use Urban Renewal funds to make physical improvements to public spaces in the right-of-way in the Plan Area to create safe, accessible, and welcoming spaces for users. Improvements could include street, curb, alley, and sidewalk improvements; streetscape projects; and pedestrian, bike, and multi-modal improvements

Improvements to the public right-of-way benefit downtown workers, visitors, and residents, as well as the community at large with a safe and attractive downtown core. In addition to improving the quality of Downtown public spaces, improvements to street, curbs, and sidewalks can accomplish other City goals related to public safety, alternative, low carbon transportation, local economic development, and events and culture.

Implementation if Plan is approved: Right-of-way improvement projects would be implemented on an as-needed basis. Any project that costs more than \$250,000 would require Agency Board approval. Community Development staff would work with other City divisions and private partners to determine needs and priorities and to coordinate implementation.

Downtown Priorities Addressed:

- Public Safety: Improve physical environment to support public safety
- Public Spaces and Mobility: Improve the user, pedestrian, and multi-modal experience downtown
- Public Spaces and Mobility: Upgrade/redevelop City-owned public spaces
- Public Spaces and Mobility: Create a sense of place when in downtown

C. Emerging Projects Directed/Initiated by the Agency Board**1) Community Facilities**

Summary: This focus area would allow for Urban Renewal funds to be used on the development of community facilities that would attract local residents and visitors to the city center.

Implementation if Plan approved: Should the Agency Board want to pursue a Community Facilities project, further study is needed to determine type, location, design, cost, ownership structure, feasibility, and timing. The Agency Board would have multiple opportunities to review specifics before deciding whether to pursue a Community Facilities project.

Downtown Priorities Addressed:

- Commercial Activity and Development: Strengthen downtown's commercial environment
- Commercial Activity and Development: Encourage redevelopment in strategic locations
- Events and Culture: Strengthen downtown's role as Eugene's Cultural hub

2) Open Spaces

Summary: This focus area allows for the use of Urban Renewal funds for revitalization of Open Spaces and Parks within the Plan Area. This could include implementation of projects identified by the 2016 Projects for Public Spaces study, *Places for People*, including revitalization of the Park Blocks, Kesey Square, and completion of phase 2 of the Willamette Connection.

Implementation if Plan approved: Agency Board direction is needed for this work to move forward. Further study is needed to determine design, costs, priorities, feasibility, and timing.

Downtown Priorities Addressed:

- Public Spaces and Mobility: Upgrade/redevelop City-owned public spaces
- Public Spaces and Mobility: Create a sense of place when in downtown

3) Development Support

Summary: To support development and commercial activities within the Plan Area, especially the revitalization of vacant storefronts and underutilized property, the Agency would be able to offer financial assistance for physical improvements to privately owned properties, such as renovating ground-floor storefronts or underutilized commercial spaces. Incentivizing improvements to buildings can lead to an enhanced experience for downtown residents, workers, and visitors. Updated commercial spaces could stimulate economic activity and bringing positive ground-floor presence to the street.

Urban Renewal funds could be used to acquire real property to support commercial activity in the Plan Area. Offering real property for reduced or no cost can help offset construction costs and make projects financially feasible, which could catalyze positive commercial activity.

Implementation if Plan approved: Staff would begin developing a strategy for these activities. Staff could identify a process to competitively offer funds for renovation (i.e., a Request for Proposals) or a simple application process, with clearly identified criteria. Such a program could be used to complement the existing Downtown Revitalization Loan Program, offering grants in combination with loans. Staff would begin the process of drafting the program scope for Agency Board consideration, feedback, and approval.

If the Agency chooses to acquire and dispose of property for commercial redevelopment, staff could identify strategically located properties and conduct negotiations with the property owner. To dispose of properties at reduced costs, staff could identify a process and criteria to select qualified developers. Agency Board action is required before the acquisition or disposition of any real property in the Plan Area.

Downtown Priorities Addressed:

- Commercial Activity and Development: Strengthen downtown's commercial environment
- Commercial Activity and Development: Encourage redevelopment in strategic locations

Financial Impact

The proposed Plan amendment includes a \$50 million increase to the spending limit. The Agency Board has indicated they expect to direct a majority of funds included in the proposed new spending limit to support the creation of housing in the downtown core. The actual project funding allocations will depend on future Agency Board budgetary action and project implementation.

If the Plan amendment is approved, the Agency will continue to collect tax increment revenue within the Downtown Urban Renewal District. The proposed amendment will not reduce the amount of tax revenue the overlapping taxing districts, such as the City, County, and schools, are currently receiving from within the Downtown District boundary. Based on current financial projections, a \$50 million spending limit increase would extend the life of District by 19 years.

The Downtown District generates approximately \$2.6 million in tax increment revenue per year as of FY22. The impact to City finances depends on the path ultimately chosen by the Agency Board:

- **Continue the Downtown Urban Renewal Plan.** The \$2.6 million in annual revenue will continue to grow and be directed to the District to be used on eligible capital projects.
- **Discontinue Downtown District's collection of tax increment revenue.** If the District no longer collects revenue from the division of tax, the tax increment revenue will be directed to the overlapping taxing districts. Under this scenario, the City's General Fund would receive approximately 50% of what the Downtown District collects (\$1.3 million dollars per year as of FY22). Lane County would receive approximately 9% (\$235,000 per year as of FY22). Approximately 34% (\$880,000) would be collected on behalf of School District 4J, although it is important to note that the impact to 4J's overall budget would be negative. This is due to State funding mechanisms for education and local properties that are in 'compression' related to State laws regarding property tax limits. If the Downtown Urban Renewal District ceases to collect tax increment revenue, the *net impact to School District 4J would be an estimated decrease of \$150,000 per year.*

Downtown Urban Renewal District - Technical Details

Urban Renewal Basics

In Oregon, Urban Renewal is enabled by ORS 457 and is used to help cities and counties implement plans to revitalize specified areas within their jurisdiction. An Urban Renewal district has a Plan that documents planned investments and infrastructure improvements that stimulate private investment, leading to economic vitality and livability. Urban Renewal districts have an Agency Board and in Eugene, the City Council has the role of the Agency Board.

The primary revenue source for urban renewal is tax increment revenue. Tax increment revenue comes from property value increases since that district was created. To be eligible for tax increment revenue funds, projects must be included in the Urban Renewal District Plan. The identified projects in the Plan, however, can be specific (such as 'high-speed fiber'), or broad (such as 'infrastructure'). Urban Renewal funds can be used for purchase of real property, rehabilitation or construction of buildings, site improvements and costs related to those things, and improvements to streets, sidewalks, and utilities.

Tax Increment Revenue

The primary revenue source for Urban Renewal is tax increment revenue. Tax increment revenue comes from taxable property value increases since the district was created. These increased property values generate tax increment revenue, which is directed to the district. When an Urban Renewal district is first created, the assessed value within the district boundaries is established as the "frozen base." If any boundary expansions subsequently occur, the assessed value within the expansion area is added to the district's existing frozen base. Any new property taxes generated within that area through increased taxable value is called the "incremental" or "excess" value. Overlapping taxing jurisdictions continue to receive property taxes on the frozen base, while the Urban Renewal Agency receives property taxes related to the incremental value. This is called the "division of tax" method of raising revenue in an urban renewal district.

An Urban Renewal Plan identifies planned investments, their estimated costs, and expected tax increment revenue. The Plan sets a spending limit, known as the "maximum indebtedness." When an Urban Renewal district is established, taxing jurisdictions that overlap the district forgo some of the tax revenue they would otherwise collect from that area. Overlapping jurisdictions regain that revenue stream once the district expires. To the extent that the district increases assessed value over what would otherwise have occurred without Urban Renewal investment, the taxing districts should see an increase in tax revenues in the long term.

Although school property taxes are reduced as a result of urban renewal division of tax, in Oregon the net impact on an individual school system's operating budget is complicated because schools are funded by the state on a per-pupil basis. The state determines how much money must be allocated for the education of each pupil across the state. If the money is not available from local property taxes, the state will make up the difference. An additional factor is the impact of compression, which results in 4J experiencing a net benefit as a result of the Urban Renewal districts in Eugene. (See explanation below in "fiscal implications" section.)

Eligible Uses of Tax Increment Revenue Funds

To be eligible for tax increment funds, projects must be included in the Urban Renewal plan. The identified projects in the Plan, however, can be specific (such as 'high-speed fiber'), or broad (such as 'infrastructure').

The Urban Renewal Agency must determine the scope and types of projects that are included in the Urban Renewal plan. Oregon statutes (ORS 457.170) govern the types of projects that may be funded with tax increment funds:

- Plan and implement neighborhood development programs;
- Rehabilitation or conservation work;
- Repair and rehabilitation of buildings and improvements;
- Acquisition, sale, and lease of real property;
- Clearance or rehabilitation of property acquired by the URA;
- Construction or reconstruction of streets, utilities, and site improvements;
- Relocation of individuals living in the URA; and
- Carry out work which a housing authority is authorized to perform (under ORS 456.055 to 456.235).

Some Urban Renewal agencies use tax increment funds to pay all or some system development charges, building permit fees, or local improvement district assessments. These costs are part of 'site improvements,' which are allowed under state statute.

Process to Amend the Downtown Urban Renewal Plan

If Council wishes to continue to use Urban Renewal as a redevelopment tool in the Downtown District, it will need to approve a substantial Plan amendment, known as a "Type 1" amendment. A Type 1 amendment requires multiple steps and public outreach, which would take approximately four to six months from when Council starts the amendment process. The steps include:

1. Agency Board directs the Agency Director to prepare a draft of an amendment to the District Plan. This step initiates the staff work to draft the Plan and to conduct an analysis of blight in the District.
2. Agency Board holds a work session to start the Plan amendment process. Staff provides a draft Plan amendment for the work session.
3. Notify overlapping taxing districts and the general public.
 - Notify overlapping taxing districts that amendments are proposed and inform them of the proposed hearing date. Districts receive a copy of the draft Plan and are given 45 days to provide written comments.
 - Solicit concurrence from overlapping districts. (A Type 1 amendment requires concurrence.)
 - Mail out postcards to the general public and place materials and proposals on the City website.
4. Planning Commission reviews and comments on the proposed amendment.
5. City Council Public Hearing on the ordinance amending the Plan.
6. Council work session to review overlapping taxing district recommendations, comments from the public, and the Planning Commission recommendation.
7. Council meeting to consider the ordinance amending the Plan.

In order to amend the Downtown Urban Renewal Plan to retain the current level of tax increment revenues, Council would need to approve any amendment by June 2023. This estimate would allow for the 30-day referral period and, if referred, the necessary amount of time for the amendment to be placed on the November 2023 ballot.

Fiscal Implications – *If the Downtown Urban Renewal Plan is amended with an increase to the spending limit*

The Downtown District generates approximately \$2.6 million in tax revenue per year as of FY22. The \$2.6 million in annual revenue will continue to be directed to the District, and that revenue will continue to grow. Table 1 below shows estimates of tax revenue from the overlapping districts.

Table 1. Division of Tax Impact on Overlapping Taxing Jurisdictions as of FY22, Estimate of Current Property Taxes, Net of Discounts and Delinquencies

Taxing District	Type of Tax	Downtown
Education Taxes		
Eugene School District 4J	Permanent Rate	\$880,000
Eugene School District 4J	Local Option Levy	\$0
Lane Community College	Permanent Rate	\$115,000
Lane Education Service District	Permanent Rate	\$40,000
Total		\$1,035,000
General Government Taxes		
City of Eugene	Permanent Rate	\$1,300,000
City of Eugene	Library LOL	\$0
City of Eugene	Parks & Rec LOL	\$0
Lane County	Permanent Rate	\$235,000
Lane County	4-H/Extension LOL	\$0
Lane County	Public Safety LOL	\$0
Upper Willamette Soil & Water	Permanent Rate	\$10,000
Total		\$1,545,000
Bonded Debt Taxes		
City of Eugene	Bonded Debt	\$5,000
Eugene School District 4J	Bonded Debt	\$0
Lane Community College	Bonded Debt	\$0
Total		\$5,000
Total Taxes		\$2,585,000

Source: Lane County Assessment & Taxation, Table 4e, Detail of Urban Renewal Plan Areas by Taxing District, Tax Year 2021-22.

Note: Although local property taxes to schools are reduced as a result of the division of taxes, school budgets are only minimally reduced, all else being equal, because schools are funded through a per-pupil formula from the state, and any loss in local property taxes is made up by an increase in state funding. This chart does not take into account any effects of Measure 5 compression on education taxes.

If the Downtown Urban Renewal Plan is amended with an increase to the spending limit, the annual collection of tax increment revenue will eventually hit a cap per a newer state-mandated requirement in ORS 457.470. This annual cap does not affect the overall Plan spending limit, but rather it's a cap on the amount of tax increment revenue the District can collect in any one year. When the cap is reached, the annual tax increment revenue will plateau and remain flat in each subsequent year until the total spending limit of the Plan is realized. (Tax revenue beyond the annual cap would be directed to the overlapping taxing districts.) The practical impact of the annual cap is that it would take longer to collect enough tax increment revenue to reach the spending limit of the Plan. The annual cap can be waived if written concurrence is obtained from taxing districts imposing at least 75% of the amount of taxes imposed under permanent rate limits in the urban renewal area.

Fiscal Implications – *if the District no longer collects revenue from the division of tax*

The tax increment revenue (approximately \$2.6 million per year) will be directed to the overlapping taxing districts. Under this scenario, the City's General Fund would receive approximately 50% of what the Downtown District collects (\$1.3 million per year as of FY22). Lane County would receive approximately 9% (\$235,000 per year as of FY22). Approximately 34% (\$880,000 per year as of FY22) would be collected on behalf of School District 4J, although it is important to note that the impact to 4J's would be negative (see below). The actual revenue received by the overlapping districts may not match the amounts shown in Table 1 due to 'compression.' Compression occurs when the tax amount calculation for an individual property exceeds the Measure 5 limits of \$5 per \$1,000 of Real Market Value (RMV) for education taxes and/or \$10 per \$1,000 RMV for general government taxes. A property in compression pays a lower tax rate than the sum of all applicable tax rates. The Downtown Urban Renewal District diverts permanent tax rate dollars out of the education category and into the general government category, which causes reduced compression in the education tax rate category for some properties.

It is important to note that if the Urban Renewal district no longer collects tax revenue, the impact to School District 4J's overall budget *would be negative*:

- **4J's permanent rate.** Schools in Oregon are primarily funded on a statewide per-pupil funding formula, rather than by the level of tax dollars generated within school district boundaries. If the local property tax revenue does not meet the per-pupil level, the state makes up the difference. If we assume a constant school funding formula and all else remains equal, staff estimate that 4J loses around \$20,000 annually as a result of permanent rate tax dollars diverted to the City's Downtown Urban Renewal district, much less than the amount of property tax revenue that flows to the District.
- **4J's Local Option Levy.** The Downtown District generates no revenue from the local option levy. However, it indirectly impacts the revenue generated by the levy, due to compression. The Urban Renewal District diverts permanent rate tax dollars out of the education category and into the general government category, which causes reduced compression in the education tax rate category for some properties. The end result is that 4J receives around \$170,000 more revenue from the local option levy annually because of the compression relieved by the Downtown Urban Renewal District. The state funding formula does not apply to local option levies, so 4J realizes the full benefit of this increase.

The net impact to 4J of the District ceasing to collect revenue from the division of tax is a decrease of approximately \$150,000.

Increasing the Frozen Base

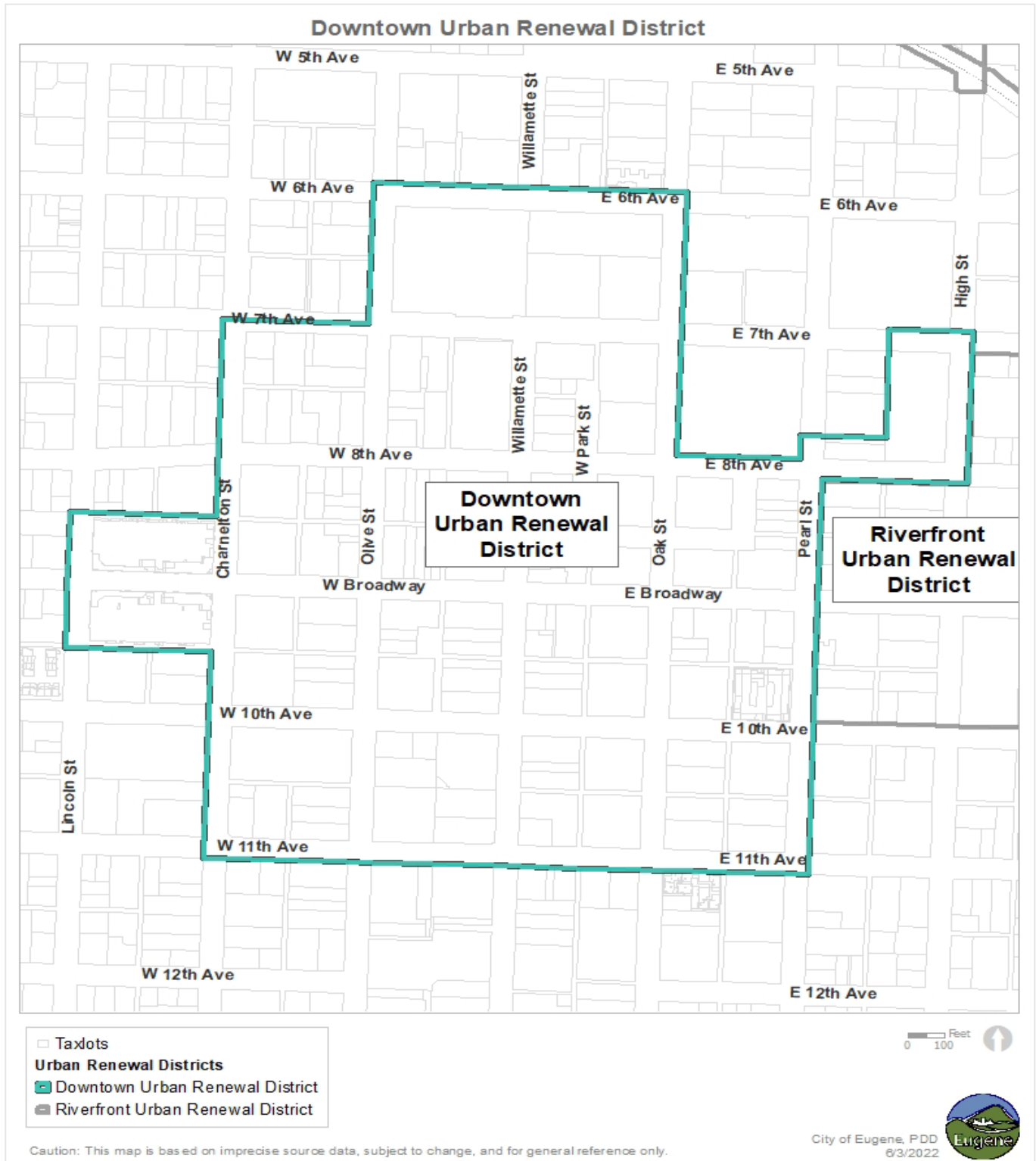
In considering a new Urban Renewal Plan amendment, the Agency Board could consider increasing a District's frozen base. When an urban renewal district is first created, the assessed value within the district boundaries is established as the "frozen base." If any boundary expansions subsequently occur, the assessed value within the expansion area is added to the district's existing frozen base. Increases in the value of the district above the base amount is called the "incremental" or "excess" value. Overlapping jurisdictions continue to receive property taxes on the frozen base, while the Urban Renewal Agency receives property taxes related to the incremental value. This is called the "division of tax" method of raising revenue in an urban renewal district.

Under Oregon law, an Urban Renewal Agency has the authority to increase the frozen base. It is important to note that the ability to increase the frozen base is subject to certain limitations and restrictions and must be done in accordance with state law and the provisions of the urban renewal plan.

Expenditure Review Panel

The Downtown Urban Renewal Plan requires that the City Manager, acting as the Agency Director, convene a committee to "convene not less than once a year a committee of such persons to prepare a report to the Director on a) the activities of the Agency for the previous fiscal year and b) whether the Agency's expenditure of tax increment dollars was limited to the projects authorized by the Plan and the associated administrative costs authorized by the Plan." The Expenditure Review Panel (ERP) consists of five members appointed by the Mayor and meets once a year to review the Agency's expenditures. ERP's reports are published on the Urban Renewal webpage: www.eugene-or.gov/UR.

Map of Downtown Urban Renewal District



Downtown Priorities and Projects

This attachment includes the list of Downtown Priorities and Projects presented to the Agency Board in January 2023. The list consists of six categories: Housing, Public Safety, Social Services, Commercial Activity & Development, Public Spaces & Mobility, and Events & Culture. There are priorities listed within each category, and possible projects and programs listed under each priority. The possible projects were pulled from ideas from the community, staff, and existing City policies and plans.

The actions identified to address the six categories are a broad mix of operational activities and physical improvements. Many could fall into more than one category. To advance the most effective actions that emerged from the public engagement, City staff created an inter-departmental Downtown Action Team in January 2023. This team will assess the ideas on the list based on criteria such as: cost, potential funding sources, feasibility, effectiveness, and alignment with existing City policies. The team will also evaluate the timing and urgency of each and how a racial equity and accessibility lens could be applied. This list is intended to be a living document that will evolve as projects are evaluated or implemented.

Housing	
Priority: Support creation of a mix of new housing affordable across income levels	Urban Renewal Eligible?
Project examples:	
Incentivize market-rate and/owner-occupied housing in the downtown core (e.g. cover SDCs and permits, offer reduced-cost land, low-interest loans)	Yes
Bolster existing programs that support creation of housing for people with low and very-low incomes	Yes
Revamp MUPTE or create new tax holiday program to incentivize housing	
Incentivize redevelopment of vacant office buildings into housing with ground-floor commercial (e.g. cover SDCs and permits, grants, loans)	Yes
Encourage rehabilitation of older multi-story rental housing south and east of the downtown core.	

Public Safety	
Priority: Increase and improve public safety presence downtown	Urban Renewal Eligible?
Project examples:	
Expand non-law enforcement public safety and outreach services (e.g. Downtown Ambassadors)	
Combine non-law enforcement public safety teams (e.g. Downtown Ambassadors and Red Hats)	
Expand law enforcement in downtown	
Establish gentle policing presence, set expectations about acceptable behaviors, and follow through	
Bring more diverse law enforcement representation downtown	
Priority: Improve physical environment to support public safety	
Project examples:	
Expand court program where minor infractions are worked off by cleaning up downtown	
Make physical improvements to discourage anti-social and criminal behavior (e.g. lighting, sidewalk infrastructure)	Yes

Social Services	
Priority: Identify needed social services in the downtown area, in coordination with ongoing community-wide efforts	Urban Renewal Eligible?
Project examples:	
Expand behavioral health crisis and addiction services in downtown (e.g. proactive outreach and create physical location)	Depends
Provide a facility with services such as showers, bathrooms, places to sit down, make phone calls	Yes
Create or support youth center that provides programming and activities as well as services	Yes
Increase coordination between providers (crisis and social services)	

Commercial Activity & Development	
Priority: Strengthen downtown's commercial environment	Urban Renewal Eligible?
Project examples:	
Activate vacant spaces with temporary activity (e.g. "pop-up shops")	
Incentivize positive commercial use and/or discourage vacancy	Depends
Promote active storefronts & activity on both sides of the street (recruit active uses, physical improvements)	Depends
Recruit businesses to serve downtown residents and workers (e.g. hardware store, pharmacy, etc.)	
Subsidize rent to support growing and new businesses	
Invest in improvements to vacant or underutilized commercial spaces to increase flexibility and marketability	Yes
Launch/expand marketing campaign to promote existing downtown businesses	
Support the creation of wet lab/incubator space	Yes
Expand the square footage of convention facilities downtown	Yes
Expand free parking options to support commercial activity	Depends
Priority: Encourage redevelopment in strategic locations	
Project examples:	
Invest in private development at strategic publicly owned locations (E.g. McAyels, Future City Hall, 8th/Pearl)	Yes
Incentivize redevelopment of vacant or underutilized privately-owned parcels (including surface parking lots)	Yes

Public Spaces & Mobility		Urban Renewal Eligible?
Priority: Improve the user, pedestrian, and multi-modal experience downtown		
Project examples:		
Repair and enhance sidewalks		Yes
Install more lighting features		Yes
Improve bicycle/non-motorized vehicular facilities		Yes
Clean the streets and sidewalks on a more regular basis		
Provide more trash cans		Yes
Build or provide more public restrooms		Yes
Improve connections between traditional downtown core and the Market District, the Riverfront, and the UO		Yes
Create a pedestrian connection across the railroad tracks between the end of Willamette Street and Skinner Butte.		Yes
Conduct a “walkability” assessment to determine needed pedestrian improvements in downtown.		Yes
Create more public spaces that attract families and youth; provide places to play, sit, and attend events (ex: Farmers Market Pavilion)		Yes
Priority: Upgrade/redevelop City-owned public spaces		
Project examples:		
Complete Park Blocks renovation		Yes
Improve Kesey Square		Yes
Redevelop public space at 10th/Olive intersection (LTD/Library/LCC/Atrium)		Yes
Complete Willamette Connection Phase 2		Yes
Locate a play structure for kids near the Park Blocks.		Yes
Priority: Create a sense of place when in downtown		
Project examples:		
Include signs, public art, and landscaping at the gateways to downtown along Broadway and Willamette.		Yes
Implement a historic plaque program and walking tour.		Yes
Provide a prominent entrance to downtown from East Broadway near Mill Street.		Yes

Events & Culture		Urban Renewal Eligible?
Priority: Strengthen downtown's role as Eugene's Cultural hub		
Project examples:		
Increase small-scale, regular programming that creates a positive atmosphere (e.g. banner program, busking program, concerts, windowfront installations)		Depends
Create more regular weekly events (i.e. Saturday and Farmers Markets)		
Host annual/seasonal community gatherings downtown (e.g. Eugene Celebration, Halloween, Fiesta Cultural)		
Host or support art and cultural activities that increase inclusion, diversity, and equity (e.g. events, public art, Multi-Cultural Center)		Depends
Support relocation and development of museum(s) Downtown (e.g. art, childrens', history, Eugene Science Center)		Yes

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971.

Meeting Date: May 15, 2023
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

This is a public hearing on a proposed ordinance amending the City's prohibited camping, and related, code provisions.

BACKGROUND

HB 3115, now codified as ORS 195.530, was passed by the Oregon Legislature and signed into law by Governor Brown in June, 2021. HB 3115 provides that local governments have until July 1, 2023, to comply with the requirements of the bill. This means that if there are any changes that must be made to City Code in order to comply with HB 3115, those changes must be effective by June 30, 2023.

HB 3115 states: "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness." The bill defines "keeping warm and dry" to mean "using measures necessary for an individual to survive outdoors given the environmental condition" but specifically excludes "using any measure that involves fire or flame."

Currently, the City prohibits the establishment of a campsite on all publicly owned property (EC 4.815(3)), defining a campsite as: "[A]ny place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof."

The subject of this public hearing is the proposed ordinance set forth in Attachment A to this AIS. The proposed ordinance is intended to bring the City into compliance with HB 3115 by replacing the City's current prohibited camping code provision with location-specific camping prohibitions that are based on risks to public health, safety, and accessibility, thereby narrowing the scope of the City's current camping prohibition. Also included in the proposed ordinance are code amendments prohibiting certain health hazard and access-denying activities in the City's right-of-way; these proposed code amendments are separate and distinct from the City's prohibited camping code

provision. Additionally, the proposed ordinance amends EC 4.816 to add the City's currently uncodified Dusk to Dawn program as a permitted overnight sleeping program. Lastly, the proposed ordinance amends EC 4.990(8) to make the penalty and process for willful violation applicable to any violation of EC 4.815, not just vehicular camping violations.

Eugene has in place many permitted overnight camping programs. Starting in 1998 with the Council's adoption of a car camping program, Eugene has established many exceptions to Eugene Code 4.815, the City's prohibited camping code provision; these exceptions are primarily set forth in Eugene Code 4.816, Permitted Overnight Sleeping. Attachment B to this AIS is a summary of the City's permitted overnight sleeping programs, including the locations of the sites. In addition to these overnight sleeping programs, EC 4.816 provides that, with permission of the owner and tenant of the residence, people can sleep overnight in the back yard or driveway of a single-family residence in a residential zone, and, with permission of the owner, sleep overnight in a vehicle in a parking lot (religious, business or public entities) or on a paved or graveled surface located on a vacant or unoccupied parcel.

PREVIOUS COUNCIL DISCUSSION

[February 27, 2023 Work Session](#)

This work session provided an overview of HB 3115 and previewed the Council's next steps.

[March 8, 2023 Work Session](#)

At this work session the Council discussed potential City Code amendments.

[April 24, 2023 Work Session](#)

At this work session the Council continued to discuss potential City Code amendments and unanimously pass the following motion:

Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to schedule a public hearing on the draft ordinance, set forth on Attachment A with the following additions; 1) Camping restriction on public property located within 1000 feet of an educational facility, 2) Extending the Prohibitive Camping Zone for what is classified as other waterways to 100 feet top of bank, 3) Clarify that wetlands are protected areas with regard to camping and dumping, and move to direct the City Manager to add the proposed ordinance and Amendment to EC 4.990(8) making the penalty and process for willful violation applicable to any violation of EC 4.815, not just vehicular camping violations. PASSED 8-0

COUNCIL OPTIONS

This is a public hearing only. No action is requested at this time.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Proposed Ordinance
- B. City of Eugene Permitted Overnight Sleeping Programs Summary

FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton
Telephone: 541-682-8447
Staff E-Mail: KBrotherton@Eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING PROHIBITED CAMPING, PERMITTED OVERNIGHT SLEEPING, AND PROHIBITED ACTIVITIES ON STREETS, SIDEWALKS AND SHARED-USE PATHS, AND AMENDING SECTIONS 4.815, 4.816, 4.860, 4.990, AND 5.135 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.815 of the Eugene Code, 1971, is amended to provide as follows:

4.815 Prohibited Camping.

(1) As used in this section:

(a) "To camp" means to set up or to remain in or at a campsite.

(b) "Campsite" means any place ~~[where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed,]~~ established or maintained for the purpose of maintaining a temporary place to live ~~[, whether or not such place]~~ **that** incorporates the use of any tent, **tarp**, lean-to, shack, **wooden pallet**, or any other structure, or any vehicle or part thereof.

(2) It is found and declared that:

(a) From time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth;

(b) Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; ~~[and,]~~

(c) Camping on or immediately adjacent to property intended primarily for use by motor vehicles poses an immediate safety risk to the person camping and, in certain circumstances, to the vehicular drivers;

(d) The City's sidewalks, accessways and shared-use paths must be accessible to everyone, including people with disabilities; this accessibility depends on sidewalks, accessways, and shared-use paths having a minimum clear width. Campsites that encroach into the necessary clear width prevent people with disabilities from having full access to these transportation systems;

(e) State and federal laws require the City to protect and improve the physical integrity and water quality of the Willamette River, including all tributaries to the river. All City waterways are tributaries to the Willamette River. Establishing campsites near a waterway in an area not intended for that use degrades the waterway's physical integrity and water quality, and, when contaminants from campsites enter the waterway, poses an immediate risk to public health and safety; and,

~~[(e)]~~**(f)** The enactment of this provision is necessary to protect the peace, **accessibility**, health, and safety of the city and its inhabitants.

(3) No person shall camp in or upon ***the following publicly owned property***: ~~[any sidewalk, street, alley, lane, public right-of-way, park or any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances.]~~

(a) Property that is primarily intended for and used by motor vehicles, including but not limited to, the portion of the street between the curbs;

(b) Publicly owned parking lots and on-street parking spaces;

(c) Property that is intended to provide a buffer between lanes of vehicular traffic or between vehicular traffic and pedestrians, including but not limited to traffic islands and parking strips, if there is not a minimum of 60 inches (5 feet) between the campsite and vehicular traffic;

(d) Sidewalks, accessways, and shared-use paths when the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) cannot be maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have a minimum clear width of 120 inches (10 feet);

(e) Property adjacent to a building if the campsite blocks access to the building's entrance, exit, access ramp, or stairs;

(f) For the Willamette River and all other open waterways, property located within 100 feet of top of high bank; and property within 5 feet of ditches, wetlands, and vegetative stormwater quality facilities. For purposes of this section, "top of high bank" means the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and "open waterway" means a natural or human-made creek, stream, pond, or open channel; and,

(g) Property within 1000 feet of an educational facility. For purposes of this section, "educational facility" means a public library or a building owned, leased or under the control of a public or private school system, college or university.

(4) Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event ***or specific activity*** from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption.

Section 2. Section 4.816 of the Eugene Code, 1971, is amended to add a new subsection (11) that provides as follows:

4.816 Permitted Overnight Sleeping.

....

(11) *Permitted Overnight Sleeping Dusk to Dawn Program. 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 conditions:*

(a) *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.*

(b) *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.*

(c) *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.*

(d) *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.*

(e) *If, as an addition to the permitted overnight sleeping program authorized by this subsection (11), daytime support services are available at or near the site, the Dusk to Dawn site may be referred to as a Dawn to Dawn site.*

Section 3. Section 4.860 of the Eugene Code, 1971, is amended to provide as follows:

4.860 Certain Activities on Streets, ~~[and]~~ Sidewalks, Accessways, and Shared-Use Paths Prohibited.

Unless otherwise authorized in this code ***or by revocable permit***, no person shall:

(a) Cut or split wood on a street or sidewalk.

(b) Carry ~~[or]~~ haul, ***deposit, or discard any*** rubbish, garbage, ***debris, human waste, or other refuse*** ~~[or filth on a]~~ ***upon any*** street, ~~[or]~~, sidewalk, ***accessway, or shared-use path*** exposed so as to be offensive to pedestrians.

(c) Give a show, exhibition or performance on a street or sidewalk.

(d) Set up or operate a vehicle, stand or place for the display or sale of merchandise, or sell, vend, or display for sale an article in the streets or on the sidewalks or in doorways or stairways of business houses, or in any other place where such activity causes congregation and congestion of people or vehicles on the streets or sidewalks.

(e) Place or maintain gasoline pumps or similar devices for vending volatile oils on a street or alley except under a revocable permit from the city manager.

(f) Place personal property on a sidewalk, accessway, or shared-use path if the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) is not maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have minimum clear width of 120 inches (10 feet).

(g) Drain, or cause or permit to be drained, sewage, graywater, or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon any street, sidewalk, accessway, or shared-use path, the associated stormwater drainage system, or adjacent wetlands. A violation of this section is deemed an immediate risk to public health and safety and, in addition to the issuance of a citation for the violation, a recreational or camping vehicle is subject to immediate impoundment in accordance with EC 5.693-5.980 and the administrative rules adopted pursuant thereto.

Section 4. Subsection (8) of Section 4.990 of the Eugene Code, 1971, is amended to provide as follows:

4.990 Penalties – Specific.

. . . .

(8) A willful violation of section 4.815[~~where the violation consists of camping in a vehicle parked overnight on a public street,~~] is punishable by a fine not to exceed \$500 or confinement in jail for a period not to exceed ten days, or both. As used in this subsection, “willful violation” means a violation that occurs after the person has received, within 30 days preceding the current violation, a citation for violating section 4.815 or a written warning from a peace officer or other person authorized by the city manager to issue such warnings, that the person was violating section 4.815. In addition to the foregoing penalties, a vehicle used in a willful violation of section 4.815 may be immobilized or impounded pursuant to sections 5.693 through 5.705 of this code.

. . . .

Section 5. Subsection (2) of Section 5.135 of the Eugene Code, 1971, is amended to provide as follows:

5.135 Storage of Vehicles on Streets.

. . . .

(2) No person shall store or permit to be stored a vehicle on a street or other public property if the vehicle's registration sticker has expired ***or if the vehicle has no license plate or registration sticker.***

. . . .

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 _____, 2023

Approved by the Mayor this

__ day of _____, 2023

City Recorder

Mayor

City of Eugene Permitted Overnight Sleeping Programs

Microsites



Microsites are designated sites where people can stay in Conestoga huts or Pallet Shelters in a secure, managed location, with on-site amenities as well as individualized and group facilitation supports. Microsites are managed by Community Supported Shelters.

Capacity

Microsites accommodate up to 6 structures per site. Contact for current availability.

Program Management

Community Supported Shelters (CSS) manages several microsites.

Locations

- Eugene Mission, 1542 W. 1st Ave. (CSS)
- Graham Fieldhouse, 22nd Ave. and Polk St. (CSS)
- Additional dispersed microsites (CSS)

How to Access

CSS: People can sign up for a CSS rest stop or microsite at the CSS main office at 1160 Grant St. during their walk-in hours, Wednesday through Friday from 1 p.m. – 4 p.m. CSS can be contacted by phone or email at (541) 683-0836 or c.s.s.eugene@gmail.com

Opportunity Village



Opportunity Village is a transitional community providing a safe space for people experiencing homelessness to sleep, keep their belongings, participate in a village community, and receive supports to help them stabilize and transition into permanent housing. It consists of small bungalows and Conestoga huts, with access to community spaces and shared infrastructure.

Capacity

29 sleeping units, contact for current availability

Program Management

Opportunity Village is managed by [SquareOne Villages](#).

Location

111 N. Garfield St.

How to Access

Visit the site at 111 N Garfield between 9 a.m. - 5 p.m. You can view and print the application, and find additional information, at www.squareonevillages.org/opportunity.

Phone: (541) 650-6937

Email: info@squareonevillages.org

Overnight Parking Program



The Overnight Parking Program provides sanctioned, safe, dispersed locations in the community for unhoused people to sleep in their vehicles, with a small number of sites offering Conestoga huts for sleeping. Sites are located in the parking lots of religious institutions, businesses, and public or private entities, with permission of the property owners. Up to six vehicles are allowed per site, and all sites have access to restrooms and trash service.

Capacity

Over 50 spots at approximately 30 locations. Contact for current availability.

Program Management

The Overnight Parking Program is managed by [St. Vincent de Paul](#).

Locations

Locations are dispersed throughout Eugene.

How to Access

To sign up for the Overnight Parking Program, visit the Eugene Service Station at 450 Hwy 99N, open 8 a.m. - 5 p.m. every day, or call (541) 461-8688.

Rest Stops



Rest Stops are designated sites where people can stay in Conestoga huts or Pallet Shelters in a secure, managed location, with on-site amenities as well as individualized and group facilitation supports.

Capacity

Rest Stops accommodate up to 20 people per site. Contact for current availability.

Program Management

Community Supported Shelters (CSS) manages eight rest stops.

Nightingale Hosted Shelters (NHS) manages one rest stop.

Locations

- Skinner City Farm, N Washington and Cheshire (CSS)
- Lot 9 near Autzen Stadium, Leo Harris Parkway and N Walnut (CSS)
- Westmoreland, near 18th Ave. and Chambers St. (CSS)
- Bertelsen, W. 7th and Bertelsen (CSS)
- Empire Pond, Barger/Empire Park Dr. and Hwy 99 (CSS)
- Veterans Safe Spot at the Eugene Mission, 1542 W. 1st Ave. (CSS)
- Roosevelt and N. Garfield (CSS)
- NW Expressway and Chambers (CSS)
- 34th Ave. and Hilyard St. (NHS)

How to Access

CSS: People can sign up for a CSS rest stop or microsite at the CSS main office at 1160 Grant St. during their walk-in hours, Wednesday through Friday from 1 p.m. – 4 p.m. CSS can be contacted by phone or email at (541) 683-0836 or c.s.s.eugene@gmail.com

NHS: Access the application and additional information about the program at <https://nightingaleshelters.org/apply/> or call (541) 630-6303.

Dusk to Dawn/Dawn to Dawn



Dawn to Dawn (also known as Dusk to Dawn) is a low-barrier, drop-in shelter program that provides space where people can stay, keep their belongings, and receive connections to services. Shelter is provided in heated, multi-person tents.

Capacity

150 spaces, contact for current availability

Program Management

The Dawn to Dawn program is managed by St. Vincent de Paul

Location

171 Hwy. 99

How to Access

Sign up begins at 2 p.m. every day at the Eugene Service Station at 450 Hwy 99N. The Service Station can be reached at (541) 461-8688.

Safe Sleep Sites



On April 28, 2021, the Eugene City Council approved an ordinance to create more safe and lawful places for people to sleep. The ordinance allows for the temporary establishment of “safe parking” and “safe tent” sites that could provide options for individuals to legally park their vehicles or sleep in tents. These sites may accommodate a larger number of vehicles or tents than previously allowed by code, up to 60 vehicles or up to 40 tents. The sites are managed by social service providers who are responsible for compliance with rules and community agreements, monitoring who is allowed to be on-site, coordinating ongoing site infrastructure needs, being accessible and responsive to neighbor concerns, and coordinating with the City and other partners. The ordinance is in effect until June 30, 2024, unless extended.

Safe Sleep (Parking) Site Sign Up

To sign up for a parking spot at the at 310 Garfield Safe Sleep site, complete the [Safe Sleep Waiting List form](#).

Safe Sleep Site Locations

310 Garfield St.

Accommodates up to 55 vehicles used for shelter, along with additional vehicles used by those residents for transportation. [St. Vincent de Paul Society of Lane County](#) operates the site.

410 Garfield St.

Indoor site for 86 tents. Operated by [St. Vincent de Paul Society of Lane County](#), including a daily meal, on-site showers, laundry vouchers, common area, case management, regular service provider visits.

Everyone Village

Located at 3825 Janisse St. and operated by Everyone Church. Current capacity is 60, in a mix of vehicles and small shelters.

Dwayne Woods (Rosa) Safe Sleep Site

Located at 2243 Roosevelt Blvd and operated by local service provider Carry It Forward, this site has a capacity of 40 sleeping structures – a mix of Pallet Shelters, Conestoga huts, and other small shelters.

Tom Campbell Safe Sleep Site (at Chase Commons Park)

Located at 175 Commons Drive and operated by Local service provider Carry It Forward, this site has a capacity of 20 sleeping structures, mostly Pallet Shelters. To help support an unmet need in the community, the Chase Commons site prioritizes unsheltered people 18 or older who are medically fragile and therefore experience increased vulnerability to living unsheltered. Services will be available to residents to support their healthcare needs and to assist them in improving their overall stability and moving toward permanent housing.