



Eugene City Council

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Eugene, OR 97401
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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 25, 2022

7:30 p.m. CITY COUNCIL MEETING

As the state and community recover from the COVID-19 pandemic, 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 July 25, 2022;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Claire Syrett, President
Mike Clark
Randy Groves
Jennifer Yeh

Matt Keating, Vice President
Greg Evans
Emily Semple
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

2. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- May 23, 2022 Work Session
- May 23, 2022 Meeting
- June 13, 2022 Work Session

B. Approval of City Council Tentative Agenda

3. PUBLIC FORUM

4. PUBLIC HEARING: AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES

5. CONSENT CALENDAR 2

A. RESOLUTION ANNEXING LAND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF LORETTA WAY AND DENIS DRIVE

6. ACTION- ORDINANCE EXTENDING SUNSET DATE OF SAFE TENT AND VEHICLE SITES

7. ACTION- ORDINANCE TRANSITIONING TRANSIENT LODGING TAX ADMINISTRATION TO DEPARTMENT OF REVENUE

8. ACTION- INITIATION OF LAND USE CODE AMENDMENT FOR 5TH STREET MARKET EXPANSION

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



Approval of City Council Minutes

Meeting Date: July 25, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the Work Sessions on May 23 and June 13, 2022, and the Meeting on May 23, 2022

ATTACHMENTS

- A. May 23, 2022 Work Session
- B. May 23, 2022 Meeting
- C. June 13, 2022 Work Session

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

MINUTES

**Eugene City Council
Work Session
Eugene, Oregon 97401**

**May 23, 2022
5:30 p.m.**

Councilors Present: Emily Sem enka, Jennifer Yeh, Mike Clark,
Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the May 23, 2022, work session of the Eugene City Council in hybrid virtual and in-person format.

1. WORK SESSION: Addressing Toxic Polluters

City Manager Sarah Medary introduced Policy Analyst, Jason Dedrick who gave a presentation on the topic.

Council Discussion:

- Mayor Vinis – expressed appreciation for the presentation and clarification of types of pollution.
- Councilor Syrett – shared that the headline from the Register-Guard newspaper is about global pollution; asked how the appointees to the Lane Regional Air Protection Agency Board are chosen; commented that Council could be more actively engaged in moving policy at that Board; stated Council should utilize the toxics right-to-know act, particularly on air and land pollution, to ensure it is promoting public safety and well-being; stated that there is room for improvement for land and air pollution; asked if the ground vibration aspect is a possible source for industrial activity complaints in her ward; stated appreciation for the added information on octave bands and hertz.
- Councilor Groves – shared that he worked with Councilor Syrett on authoring the work session poll for this topic; said he is hopeful there will be a wrap up of these issues that will move the process forward; stated that it appears the topic is broken down into proactive and reactive categories; shared that there is a state program similar to the toxics right-to-know act which would have data that can be obtained about chemical users; stated that it would be good to align the state and local processes in the future; asked what the Council or the City can do when there is chemical contamination in a city neighborhood; asked if staff should periodically sit down with the Lane Regional Air Protection Agency, Department of Environmental Quality or Environmental Protection Agency to find out where they see holes and how best to plug those holes in the system to have a swift and good response for community members.
- Councilor Yeh – stated that it would be nice if staff helped Council to understand how the different work sessions are connected to others; asked staff if they can find out if the vibration noise pollution issue that is occurring in Ward 7 violates state standards; noted that investing in the equipment needed to see if there is a problem would be a smart way to move forward; asked if staff is able to handle the current complaints; asked for clarification of the land use compatibility statement.

- Councilor Keating – asked if the land use compatibility statement can be used by a municipality to prevent, block or shine light on polluters that are considering moving to the area; noted that there are nine seats on the Lane Regional Air Protection Agency and Eugene occupies four of those seats; stated he would like to explore vehicular pollution, and the possibility of a smog check program; shared that the Lane Regional Air Protection Agency website contains an anonymous complaint form to report but the categories on this report are limited and do not include vehicles, leaf blowers, fireworks or other common air polluting items; shared that the Lane Regional Air Protection Advisory Board did receive a citizen’s advisory report that was an educational piece about gas-powered leaf blowers that he will share with Council when the report is final; stated he hopes that Eugene will take similar actions to Portland in transitioning lawn equipment to 100 percent electric; said he is interested in Councilor Syrett’s possible motion regarding vibration noise pollution and would support legal action regarding this noise pollution.
- Councilor Semple – stated she would like for Council to be able to use the land use compatibility statement to help resolve the vibration issue in Ward 7; commented that leaf blowers are obnoxious and cited Eugene Code 6.750(e) regarding use of powered leaf blowers.
- Councilor Clark – asked about the toxic right-to-know reports and asked for clarifying details about what is regulated and/or monitored; commented on JH Baxter and toxic and dangerous materials; asked what type of tracking or monitoring is done regarding toxic or dangerous chemicals being used in the area; asked if there is a scale for toxicity levels that is documented; asked if there is any analysis by the Fire Department on levels of toxicity and where the greatest dangers exist in the event of an emergency situation; stated that the conflict that Council is faced with is the proximity of residential areas to industrial properties; stated that Council knows where volatile materials are in industrial areas and it is Council’s duty to not allow more residences to be built close to these dangers; said that Council has a duty to analyze how much buildable land is in proximity to dangerous use of chemicals and then remove properties from the buildable land list if they are too close to dangerous chemical use.
- Councilor Zelenka – stated he is looking forward to the fossil fuel risk bond and public health overlay zone work sessions scheduled in the future; questioned Council’s ability to regulate and go beyond what the federal and state rules are and what the practical and political repercussions are to doing so; noted that regulation would require expertise and enforcement and would require staffing and legal structure work whereas the Department of Environmental Quality has the expertise and already exists; asked what mechanisms can be implemented to address liability for toxic clean-up; asked how plastics and plastic pollution can be regulated; said that he is interested in the vibration ordinance motion that Councilor Syrett intends to make.
- Councilor Evans – asked if there is a buffer zone between areas where new homes will be built and industrial and/or commercial areas that have the potential to pollute; noted he has concerns about individuals living near some industrial plants in west Eugene; asked if there is a study that shows cancer rates in people who live near heavy polluters; asked if there are any remedies to protect the people who live near industrial developments and heavy polluters; asked if other cities have something like a buffer zone that Eugene can model and whether this can be researched.

- Councilor Syrett – stated the City should have some role in monitoring toxic chemical usage with more robust oversight; stated that the land use compatibility statement could be a great tool but would require updates to amend policies and ordinances; stated that she likes the suggestion to have a follow-up work session after all of the pollution work sessions are presented; stated that she feels urgency to act on the sound vibration that is impacting residents right now; shared there was a study done by a community member that was able to determine the source of the vibration traveling through the air and this person is willing to share more about the study with staff.

MOTION: Councilor Syrett, seconded by Councilor Groves, moved to direct City Manager to prepare an ordinance regulating the impact of vibrations as chronic pollution within our existing noise ordinance and bring back for public hearing before Council’s winter break.

Council Discussion

- Councilor Keating – stated he would prefer the motion include language to further direct the City Manager to collect and submit evidence to the district attorney regarding noise vibration impacts on the River Road Community; asked the Council to explore legal action later.
- Councilor Groves – stated his support for this motion and acting now.
- Councilor Clark – asked to clarify if this motion is only speaking to authority and that the scale of impact will be discussed at a later work session.
- Councilor Zelenka – noted that there are many things that would go into this type of ordinance; asked if before winter break will be sufficient time for staff to get the information; stated that the existing noise ordinance is weak in terms of being able to enforce and getting people to comply.

VOTE: PASSED 8:0

Council Discussion

- Councilor Keating – stated his interest in advancing the ordinance for vibration noise pollution before winter break if possible to provide relief to those residents who are currently impacted; noted there is a current pollution issue of raw sewage being dumped at public parks, asked if there are any current codes about the collection or dispersing of raw sewage; encouraged law enforcement partners to enforce any codes prohibiting dumping of sewage.
- Councilor Clark – asked if there is any risk assessment done on a property when a building permit is submitted; stated his concern about allowing homes to be built close to dangerous chemical usage; asked if a home would be permitted to be built near JH Baxter; stated that Eugene should have a buffer zone or some sort of risk assessment for property designated for residential use; asked who would be the regulatory authority for businesses that handle dangerous or volatile chemicals to ensure that the business has enough insurance to cover potential liability issues; asked staff to determine who would be responsible for verifying insurance liability coverage.
- Councilor Zelenka – asked what measures Council can use to prevent a business from walking away without cleaning up the mess after polluting or harming the community and

then filing for bankruptcy; asked what Council's authority is to limit or exclude specific uses on lands; noted his concern regarding buffer zones and the effectiveness it would have on protecting residents; stated that newly zoned commercial/industrial should not be located adjacent to residential properties; asked how far Council can go in requiring pollution control devices on industrial and commercial enterprises.

- Councilor Groves – acknowledged the raw sewage situation in Councilor Keating's ward and noted that his ward has also experienced issues with this and that it is a problem and is not fair for the people who live, work, and play in the area; noted he would support any measures that Council can take to address the issue; noted that the buffer zone is a big piece of the health overlay zone that will be discussed at an upcoming work session; stated he is in favor of looking at all the tools available to determine what is the best path forward; noted he would like to have a recap of this work session series after they are all complete.
- Councilor Evans – noted he is concerned about the class one freight railroads that come through the City and the number of accidents and spillage that occurs near residential homes; asked how the Council can effectively protect residents and regulate the kind of traffic coming through neighborhoods with regard to the railroads; asked what the proximity is of residential and commercial areas to the railroads and their rights-of-way; asked if anything can be done to protect residents from the spillages that the railroads are not required by federal law to report.
- Councilor Syrett – expressed appreciation for being reminded about the upcoming public overlay zone work session; noted that Lisa Arkin with Beyond Toxics shared research she completed on the history of Bethel, which noted that Roosevelt Road was the original buffer zone in the original planning; stated her interest in determining how to strengthen the effort to hold railroads accountable for responsible pollution clean-up on their land.
- Councilor Keating – clarified that the site referenced previously that has issues with raw sewage dumping is at 39th and Donald Place.
- Mayor Vinis – stated that it is clear there is a lot of work that Council can do, to include fixing the things that are not right and preventing things from happening in the future; said she has clearly seen specific impacts to parts of the community; noted that she is looking forward to the ongoing conversation around this topic.

The meeting was adjourned at 1:27 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Hybrid Virtual/In-Person Meeting
Eugene, Oregon 97401**

**May 23, 2022
7:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Randy Groves, Claire Syrett, Greg Evans

Mayor Vinis opened the May 23, 2022, meeting of the Eugene City Council in a hybrid in-person and virtual format.

1. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the Flag was led by Alan Brown, City of Eugene Park Ambassador and U.S. Army Veteran, in recognition of Memorial Day on May 30.

Mayor Vinis read a proclamation in recognition of National Gun Violence Awareness Day on June 3, the first Friday in June.

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Mayor Vinis – acknowledged that May is Asian American and Pacific Islander Month
- Councilor Groves – thanked Mr. Brown for leading the Pledge of Allegiance as well as his service to the nation and the community.
- Councilor Syrett – noted an increase in resident emails to Council regarding RV street campers on Wilson Street and the impact on the residents on that street; noted the same issue being reported on the railroad property along the Ninkasi wall, a chronic spot for illegal camping and criminal activity issues; asked for an update on the reopening of Washington-Jefferson Park for herself and her constituents and stated she hopes that it can be used as a park again this summer.
- Councilor Yeh – provided an update from Metropolitan Waste Water Management Commission, noting that the Commission set aside two percent of the logs from the Poplar Farm for a small-scale pilot project to mill logs, and approximately 17 thousand board feet were milled by Urban Lumber that will be sold through Bring.
- Councilor Keating – expressed gratitude for partners at Eugene Water & Electric Board, McKenzie Watershed Council, EWEB Source Water Protection Team, McKenzie River Trust, US Forest Service, and Willamette National Forest for their informative tour of the McKenzie River recently; thanked Home Share Oregon for inviting him to a discussion regarding home share needs and solutions for Oregonians, noting there are one million owner-occupied homes in Oregon with a spare bedroom and if two percent of those opened up their home to renters, 20 thousand persons could become securely housed; thanked neighborhood associations Southeast Neighbors, Southwest Hills Neighborhood Association, and Amazon Neighbors for hosting picnic-style outdoor open house events recently and thanked local businesses who provided booths at these events.

- Councilor Zelenka – thanked Mayor Vinis for recognizing Gun Violence Awareness Month and shared a personal story of loss to gun violence; stated concern for the growing gun violence issues in America and how to resolve them; noted that the Biden Administration was able to secure baby formula from other countries to ease a massive supply shortage in the United States.
- Councilor Evans – expressed appreciation for the statement on gun violence; noted that he is tired of hearing statements following gun violence events with no action to resolve the core issue, a lack of mental health services in the country; shared his personal connection to individuals impacted by a recent mass shooting; stated that these types of gun violence issues will continue to happen until the mental health crisis is addressed.

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- April 13, 2022, Work Session
- April 20, 2022, Work Session
- April 25, 2022, Work Session

B. Approval of City Council Tentative Agenda

C. Approval of Funding and Use of City Resources for Housing Affordable to Low to Low- and Moderate-Income Persons

MOTION: Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 1.

Council Discussion

- Councilor Zelenka – pulled Item 3C, Approval of Funding and Use of City Resources for Housing Affordable to Low- and Moderate-Income Persons, from the Consent Calendar.

VOTE: PASSED 8:0

Council Discussion

- Councilor Zelenka - noted that Eugene has two awesome projects for housing homeless individuals and asked staff to discuss these two projects to recognize their efforts and successes; noted that projects were funded by half a percent of the Construction Excise Tax and if a full one percent had been approved, as other cities have done, there would be twice as many projects for the unhoused; said he hopes that Council will revisit that in the near future; asked staff if there was any non-subsidized affordable housing built in the last year; noted that he does not know of any non-subsidized affordable housing being built recently; stated the subsidy programs in this area are great and create great projects; noted that the housing crisis cannot be solved with only subsidized housing options.

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve the use of \$670,000 of Affordable Housing Trust Funds for Peace Village by SquareOne Villages and \$350,000 of Affordable Housing Trust Funds for Green Lane Veteran’s Housing by Saint Vincent De Paul of Lane County, and to allocate the remaining

4. PUBLIC FORUM

1. Daniel 'Drae' Charles – provided a statement for Human Rights Commission.
2. Eliot Benson – provided a statement for the Civilian Review Board.
3. Melissa Takish – supported Planning Commission recommendations for middle housing.
4. Ellen Peters – voiced concern about increasing short-term rentals in Eugene reducing rental inventory in the city.
5. Ted Coopman – voiced concern over lack of public involvement to HB2001.
6. Gerry Meenaghan – voiced opposition to proposed middle housing and lack of public involvement.
7. Harry Sanger – spoke regarding local elections and opposed proposed middle housing ordinance.
8. Mim Stewart – spoke in opposition to proposed middle housing ordinances for HB2001.
9. William Smith – spoke regarding wireless safety and the dangers of 5G.
10. Thia Bell – spoke regarding public engagement during the middle housing development process.
11. Joshua Korn – spoke regarding public worker corruption and a coalition of mayors.
12. Elaine Zablocki – spoke regarding HB2001 and public engagement.
13. Kaarin Knudson – spoke in favor of proposed middle housing ordinance.
14. Judy Clark – spoke against 75 percent lot coverage in middle housing.
15. Linda Kelley – spoke in support of an electrification ordinance.
16. Valerie Rosenberg – spoke in favor of an electrification ordinance.
17. Kathy Ging – spoke against HB2001, and the middle housing proposed ordinance.
18. Paul Conte – spoke against the proposed middle housing ordinance.
19. Christine Sundt – spoke regarding ways to make local adjustments for HB2001.
20. Sandra Bishop – asked Council to adopt the minimum HB2001 standards.
21. Dylan Lamar – spoke about parking aspects of the proposed middle housing ordinance.
22. Lena Houston-Davisson – spoke against the proposed middle housing lot coverage of 75 percent and building height.
23. Tracye May – spoke against the proposed middle housing ordinance.
24. Isaac Judd – spoke regarding affordability of housing in Eugene.
25. Nancy Yamin – spoke against HB2001 and the proposed middle housing ordinance.
26. Richard Sundt – spoke regarding EmX transportation issues.
27. Daniel Brau – spoke regarding Climate Action Plan 2.0 and middle housing lot coverage.
28. Jessica Rossi – asked Council to adopt minimum standards of HB2001 and increase public engagement.
29. Pam Woodell – spoke in favor of tree protections and against increased lot coverage.
30. Michelle Corlette – spoke against the proposed middle housing ordinance.
31. Randy Prince – spoke about fire safety and the proposed middle housing ordinance.
32. Tracy Bartlett – spoke against the proposed middle housing ordinance.
33. Lauren Hallett – spoke in favor of the proposed middle housing ordinance.

34. Rachael Latimer – spoke against the proposed middle housing ordinance.
35. Julie Daniel – spoke in favor of increasing the bike/pedestrian section of the street bond.
36. Stephanie Coopman – spoke against the proposed middle housing ordinance.
37. Debby McGee – spoke against fossil fuel use and in favor of climate action plan.
38. Bill Aspegren – spoke in favor of implementing minimum standards for HB2001.
39. Rachel Anderson – spoke in favor of implementing minimum standards for HB2001.

Council Discussion

- Councilor Syrett – stated several speakers expressed more interest in housing cars than in housing human beings; expressed disappointment that a majority of Council voted to eliminate the parking incentive for small housing and affordable units, noting that it contradicts what Council has said regarding affordable housing; noted the parking requirement makes housing more expensive and takes up more space that could house people; noted that all proposed parking incentives in the original Planning Commission recommendations were voluntary, not required; thanked Julie Daniel for her advocacy for road bond funding for sidewalks.
- Councilor Keating – thanked those who provided testimony; noted his recent attendance at the Amazon Neighborhood gathering and shared that many residents voiced appreciation for Council’s work on middle housing; noted that Council reduced the proximity to transit aspect of no on-site parking in the proposed middle housing ordinance; showed a stack of postcards he received and stated he welcomes more input from constituents; noted that Council has heard from a wide array of people on the middle housing matter.
- Councilor Yeh – expressed appreciation for those in attendance, both virtual and in-person; noted that middle housing is not a radical change; stated the radical change happened years ago when middle housing was banned to control who can live in Eugene neighborhoods; noted that allowing middle housing will create a more inclusive community.
- Councilor Groves – thanked those who testified; noted that Public Forum had been described as a special hearing for middle housing; clarified that is not the case, this was a standard City Council Public Forum; acknowledged there is a lot of emotion on both sides of the middle housing topic and there is a fairly even split between the two sides of the topic; noted that there will be many potentially divisive, difficult topics coming before Council in the coming months and it is important to listen to as many people as possible

5. CONSENT CALENDAR 2

A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor’s Map 17-04-24-23, Tax Lot 1602, Located at 158 West Hilliard Lane)

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 2. **PASSED 8:0**

The meeting was adjourned at 10:11 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Work Session
Eugene, Oregon 97401**

**June 13, 2022
5:00 p.m.**

Councilors Present: Claire Syrett, Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Emily Semple, Alan Zelenka, and Greg Evans

Mayor Vinis opened the June 13, 2022, work session of the Eugene City Council in a hybrid in-person/virtual format.

1. Work Session: Urban Renewal Districts

Community Development Director, Will Dowdy, Economic Development Planner, Anne Fifield, and Planning and Development Director, Denny Braud presented information regarding the Urban Renewal Districts.

Council Discussion:

- Mayor Vinis – stated appreciation for the presentation and being reminded of the Downtown Plan.
- Councilor Zelenka – noted his preference to make Urban Renewal as effective as possible; asked staff to explain the Urban Renewal District sunset process and its impact on tax income for said district; asked if the amount of taxes will get capped and returned to districts; asked for clarity about the Downtown Action Plan, referencing the plan in 2004, and asked why staff are sticking to the outdated plan; asked if there is a legal requirement to stick to the old plan; asked if the plan must be consistent with the nine elements outlined.
- Councilor Groves – asked if staff capacity will allow to the City to handle a new downtown action plan; asked if the Downtown Action Plan footprint should remain the same or expand to include 5th Street, Riverfront area and midtown; asked about existing building that can be used for a new City Hall within the Urban Renewal district; asked if Urban Renewal funds can be applied toward debt services to an internal debt service bond; regarding the Climate Action Plan, asked if Urban Renewal funding can be used to supply grants for solar upgrades in the existing downtown.
- Councilor Keating – noted on page 45 of the Downtown Action Plan outlines a dozen opportunity areas beyond the urban renewal area; asked why the Urban Renewal District has not been adjusted since the 1968; asked what challenges the Urban Renewal District boundaries may present Council for a boundary expansion; asked about the timeline and legal process if Council chose to expand the Urban Renewal District; asked if a public/private partnership for an event center would meet the action plan for renewal dollars if Council approves the proposed motion.
- Councilor Syrett – noted she was ambivalent about this topic; asked who would choose the projects that would go into the draft plan if the motion is approved; asked why it is difficult to determine when the limit will be hit; noted she is proud of the projects that

have been added; stated she feels that the Urban Renewal District is being forced as a permanent fixture; noted a need for a pharmacy downtown and the completion of the park block improvements; asked about new urban renewal districts for Highway 99 and the 4 corners area but said she is uneasy if the current district will continue to go on forever.

- Councilor Clark – noted that state and local laws have had a direct impact on pharmacies closing recently; asked whether adding land to existing Downtown Renewal District would result in a new tax increment base, higher than the existing one; asked to clarify the cost to buy and add on to a building in the Riverfront District, noting the estimate was \$25 million and would take seven years to pay back; asked to clarify if a previous vote by Council stated that the Downtown Renewal District would definitely be ended and not carried out indefinitely; asked staff to bring back an analysis from the school district about how they will respond to a net loss of \$150,000 a year if Council chooses to not move forward with the district.
- Councilor Semple – stated she is very interested in a new downtown action plan, cost and benefits, noting that urban renewal funds do not have to be used; suggested sidewalks use transportation or park block funding; asked if City Hall is a project that could use Urban Renewal funding; asked how the fund would increase if a new city hall is built, since city hall would not pay taxes; noted she agrees that downtown needs a pharmacy; noted she does not like urban renewal plans; asked what projects would not get done under urban renewal; stated a preference to put funding into the General Fund rather than an urban renewal fund for more general use without being locked into specific plans.
- Councilor Yeh – noted that she thinks that urban renewal can be a good plan; noted the importance of recognizing when/if a downtown renewal plan should end; said she is interested in how a plan could be used in other areas; noted that Bethel is an area that needs more attention; asked if other areas would be considered in that planning;
- Councilor Evans – noted previous work with staff regarding urban renewal in Bethel, and asked to clarify the timeline that would assist with projects; asked staff to discuss an urban renewal district in the 1960s that funded State Street Park in Bethel and how it worked; asked if Council has the ability to do project-specific urban renewal districts; asked staff what it would take to expand the district and if a metro plan amendment would be required to include the fairgrounds and a convention center project in the Urban Renewal District.
- Mayor Vinis – asked staff about the other possible capital projects discussed when the farmer’s market plan was decided; noted a challenge for Urban Renewal District expansion onto 6th and 7th avenues is whether it would generate enough income; noted her interest in looking at other areas for creating districts; asked staff to clarify the timelines for the Urban Renewal District.
- Councilor Zelenka – noted that the incremental assessed value in urban renewal, once the base is set, is slow in growing; noted new districts take a long time to grow; stated that the Lane Events Center is almost the same size as the Downtown Urban District which can only increase by about two more blocks, so it is not possible to add the Lane Event Center to the Urban Renewal District; said expansion of new district would have an impact on the General Fund and could impede General Fund programs; asked staff if the downtown project list gets updated to show items completed, not done, or deleted;

asked staff about projects that might go into the new list and how that list would be developed; asked if Council has the final say on what is on the list of projects.

- Councilor Keating – asked how the public, neighborhood associations, and stakeholders will participate in the development of plans; asked if there is a more timely way to revisit the plans; noted that urban renewal cannot cover operating costs; noted he would support some projects mentioned in this work session such as a pharmacy downtown, a Eugene events center, city hall, housing, mental health centers and the downtown loos [public bathroom]; asked if loos could be covered by urban renewal dollars.
- Councilor Syrett – expressed appreciation for the clarifications made during this work session by staff; clarified that the Downtown plan overlaps with other plans; recognized that funds going toward the Urban Renewal District are funds that would normally go to the General Fund, which could be used for operating costs; noted that downtown does need constant attention but it does not have to be funded by urban renewal.
- Councilor Evans – noted past urban renewal plans were used to destroy Black, Indigenous, and People of Color homes and neighborhoods; asked how the urban renewal effort can avoid creating the same unintended consequences.
- Councilor Clark – urged Council to keep in mind the quality and type of projects that happen with an Urban Renewal District; noted there is a substantial population that would push to end the Urban Renewal District; stated that it is important to keep this in mind when deciding what projects to add to the list.

MOTION and VOTE: Councilor Syrett, seconded by Councilor Keating, moved to direct City Manager to create a Downtown Action Plan that is consistent with the Eugene Downtown Plan to identify opportunities, needs and inform future funding discussions. **PASSED: 8:0**

Mayor Vinis adjourned the meeting at 6:52 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 25, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Brooke Freed
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

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

BACKGROUND

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

COUNCIL OPTIONS

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

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Brooke Freed
Telephone: 541-682-5010
Staff E-Mail: bfreed@eugene-or.gov



City Council Tentative Agenda

Updated July 21, 2022

****SPECIAL NOTICE ****

As our state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held using hybrid and virtual meeting technology. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

July 2022					
Date	Day	Time	Title	Length	Dept. Contact
25-July	Monday	5:30 pm	Building Electrification Follow-up (Work Session)	90 mins	Lydia Bishop, PDD
		7:30 pm	Committee Reports and Items of Interest Public Forum Ordinance Adopting Hazardous Substance User Fees (Hearing and Possible Action) Resolution Annexing Land at the southwest corner of the intersection of Loretta Way and Denis Drive (Consent Calendar 2) Ordinance Extending Sunset Date of Safe Tent and Vehicle Sites (Possible Action) Ordinance Transitioning Transient Lodging Tax Administration to DOR (Possible Action) Initiation of Land Use Code Amendment for 5th Street Market Expansion (Possible Action)		Mark Dahl, ESF Althea Sullivan, PDD Peter Chavannes, CS Twylla Miller, CS Will Dowdy, PDD
<i>Expected absences for 7/25: none</i>					
27-July	Wednesday	12 pm	Public Health Overlay Zone (Work Session)	45 mins	Allie Camp, PDD
			Riverfront Urban Renewal District (Work Session)	45 mins	Amanda D'Souza
<i>Expected absences for 7/27: none</i>					
Work Session Action Public Hearing Public Forum Consent Calendar Committee Reports/Items of Interest Ceremonial Matters Pledge of Allegiance					

Council Break: July 28 – September 11



UPCOMING PUBLIC HEARINGS			
Date	Topic	Description	Staff Contact
July 25, 7:30 pm	Ordinance Adopting Hazardous Substance User Fees	The City Council will hold a public hearing to consider an ordinance updating the City's hazardous substance user fees.	Mark Dahl, 541-682-8361

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Fossil Fuel Risk Bonds – TBD	Groves, Syrett	10/21/21
Gas Stations – TBD	Keating	4/15/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 25, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

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

SUGGESTED MOTION

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

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing and Possible Action: An Ordinance Adopting Hazardous Substance User Fees

Meeting Date: July 25, 2022
Department: Fire
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Deputy Fire Marshal Mark Dahl
Contact Telephone Number: 541-682-8361

ISSUE STATEMENT

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

To support the program for the fiscal year July 1, 2022, through June 30, 2023 (FY23), the Toxics Board recommends that City Council adopt a fee of \$26.10 per full-time-equivalent employee, up to the maximum of \$2,000 per entity as provided by state law. The \$26.10 is a decrease of \$36.59 per FTE in comparison to last year's fee. The decrease is due to consideration of the amount of staff time needed to coordinate the Toxics Program in FY 23. The Toxics Board previously provided a different fee recommendation but upon reconsideration of the staff time necessary to coordinate the program, the Toxics Board is now recommending a fee of \$26.10 per FTE. The Fire Marshal's Office plans to conduct a formal analysis of the staff time required for coordinating this program by the end of the calendar year. The analysis conducted by the Fire Marshal's office will inform the Toxics Board's recommendation for the Hazardous Materials User Fee for FY 24.

Time is of the essence in adopting this fee; therefore, this item is scheduled for public hearing and possible action at a single meeting. The unanimous consent of the City Council is required for the council to enact this ordinance at the same meeting as the public hearing.

BACKGROUND

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

Until 2004, the methodology was to poll businesses at the beginning of each calendar year and ask

them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly.

In 2004, a state-imposed fee cap of \$2,000 per entity took effect (in accordance with ORS 453.370(2)(b)). Since that time, businesses are still polled for their FTE figures, the program's revenue requirement is still divided by the total number of FTE reported, and businesses are billed accordingly.

In a continued effort to balance the financial impact—especially for businesses that have not reached the \$2,000 state-imposed fee cap—with maintaining staffing at a reasonable level, the Toxics Board voted unanimously to recommend a fee of \$26.10 per FTE, which covers a budget of \$82,357.00 to support the program for FY23.

To calculate the fees for FY23, the total number of 4664 FTE reported was used in conjunction with the revenue requirement of \$82,357.00; then considering the maximum of \$2,000 per entity as provided by state law, resulted in a fee of \$26.10 per FTE, up to the state-imposed fee cap of \$2,000 per entity. Compared to last year's fee of \$62.80 per FTE, this is a decrease of \$36.59 per FTE. Any business with more than 76.63 FTE would pay the state-imposed fee cap of \$2,000 per entity.

In consideration of the Triple Bottom Line, the Eugene Toxics Right-to-Know Program and the work of the Toxics Board supports valuing all people and assists City Council, staff and the public to be responsible stewards of our physical assets and natural resources.

Section 54, Article I of the City Charter reads as follows: *The people of Eugene do hereby find that:*

- A. *Exposure to toxic chemicals can damage human health and the environment; and*
- B. *Citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.*

The Eugene Toxics Right-to-Know Program requires businesses who meet certain criteria to provide information to the public concerning the use and disposition of federally-listed hazardous substances. The program is overseen by the Toxics Board who makes policy recommendations governing the program and is authorized to enforce the reporting requirements and impose penalties. The Toxics Board is comprised of seven members: three members who are employed by or are agents of businesses required to report under the law; three who have a proven record of environmental advocacy; and one neutral member.

PREVIOUS COUNCIL DIRECTION

Previously, each year the City Council has passed an ordinance updating the user fee per the Toxics Right-to-Know Board's recommendations.

COUNCIL OPTIONS

1. Adopt the Ordinance at a single meeting with a 30-day effective date.
2. Not act on the Ordinance tonight, in which case action will be scheduled for a future council meeting.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends Option 1, adoption of the ordinance at a single meeting.

SUGGESTED MOTION

Move to adopt an Ordinance Adopting Hazardous Substance User Fees.

ATTACHMENTS

- A. Proposed ordinance
- B. Toxics Right-to-Know program workplan for the fiscal year commencing July 1, 2023
- C. Toxics Right-to-Know program user fee history

FOR MORE INFORMATION

Staff Contact: Deputy Fire Marshal Mark Dahl
Telephone: 541-682-8361
Email: mdahl@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES.

The City Council of the City of Eugene finds that:

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the “Amendment”), the City Council has previously adopted a series of Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20648.

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

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on July 25, 2022, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

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

E. The Toxics Board has recommended a fee of \$26.10 per FTE, not to exceed \$2,000 for any single facility for the 2022 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2022.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of \$26.10 per FTE, not to exceed \$2,000 for any single facility for the 2022 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. No enforcement action shall be taken against any reporting company for failure to pay until after October 1, 2022.

Section 3. As used in this Ordinance, the terms “FTE” and “hazardous substance users” have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 4. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Passed by the City Council this
_____ day of _____ 2022.

Approved by the Mayor this
_____ day of _____ 2022.

City Recorder

Mayor



TOXICS RIGHT-TO-KNOW WORKPLAN

Fiscal Year '23

Mark Dahl

Program Manager, City of Eugene
1320 Willamette St., Eugene, OR 97401

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Introduction

The Toxics Right-to-Know Program started in 1996 by amendment to the Eugene City Charter. The Program was created to facilitate the collection and distribution of information related to the use and disposition of federally listed hazardous substances, by qualifying businesses. Since 1998 the program as been funded through the assessment of fees paid by businesses which are: physically located within the Eugene city limits, use any quantity of listed hazardous substances, have at least 10 full time equivalent (FTE) employees, and operate within the #2,000-3,999 SIC codes.

Each of the first six section of the workplan has a summary, a list of general tasks, and an estimate of staff time allotment. Tasks are grouped by similarity and by synergy (a decrease in time spent on one can lead to an increase in another). Due to the interaction between tasks the time allotment is given by section. The seventh section covers proposed projects to be worked on or explored during the course of the year.

For fiscal year '23, the Workplan has been created with a 50% staffing model. The Toxics Program will fully fund 50 percent (50%) of staffing personnel costs (e.g. wages, benefits, taxes) and receive a direct proportional amount of staff time over the course of the fiscal year.

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Board Support	6
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Budget, Fees, & Workplan

The Program facilitates the annual requirement for the Toxics Board to recommend a program fee schedule to the City Council. The Program develops: the annual budget with the Fire Administration, annual Workplan with the Fire Marshal's Office and Toxics Board, and a fee schedule for the Toxics Board approval. The workplan and budget are utilized as supporting documentation for the proposed annual fee schedule. By charter mandate the fee schedule is to fully fund the program through collected fees.

1. Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees.¹
2. Work with Fire Chief and the Toxics Board to develop a work plan and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee.²
3. Facilitate process to assist City Council approve the annual hazardous substance user fees; and Prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings.³

Estimated Budget, Fees, & Workplan Total = 5%

¹ Article VI, Section 6.2.B.1

² Article VI, Section 6.3

³ Article VII, Section 7.A

Education, Outreach & PR

Providing orientations and educational sessions with new businesses and board members along with informational presentations to community members is a critical element of the program. By ensuring full understanding of the scope and purpose of the program, businesses are more likely to comply with the mandate of the program.

1. Maintain content on the Toxics Board and Toxics Program's webpages.⁴
2. Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public.⁴
3. Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders.⁴
4. Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly.⁴
5. Add a rating system (such as HMIS) to the Toxics Program website in FY21 to improve public and industry hazard understanding.

Estimated Education, Outreach, & PR Total = 5%

⁴ Necessary to support charter amendment

Compliance and Auditing

As much as possible, the program attempts to proactively encourage compliance. Through proper guidance and education, provided to businesses within the program, coupled with auditing of submitted data the need for more extreme activities from non-compliance has been kept to a minimum. The charter mandated activities, for when a business is non-compliant, have been budgeted at under 1% of program staff time since they are on an as needed basis and rarely needed.

1. Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter mandated deadline of April 1st: including providing information and assistance.⁵
2. Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements.⁶
3. Publish names of non-complying entities in the daily newspaper.⁷
4. Investigate evidence of reports not filed in compliance with the Charter Amendment.⁸
5. Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly-identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs.⁹
6. Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1st for payment of invoices.¹⁰
7. Enforce reporting requirements and impose penalties for noncompliance.¹¹
8. Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene.¹²
9. Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment.¹³

Estimated Compliance & Auditing Total = 15%

⁵ Article IV, Section 4

⁶ Article VI, Section 6.2.C

⁷ Article VI, Section 6.2.D

⁸ Article VI, Section 6.2.E

⁹ Article VI, Section 6.2.F

¹⁰ Article VII, Section 7.A

¹¹ Article VIII, Section 8.1

¹² Article VII Section 8.2.E

¹³ Article VIII, Section 8.3

Program Management

Beyond the previous sections there are many tasks that must be completed to maintain an effective and efficient program. The Program operates in a balance between needs of the Board, facilitating the program mandates, and needs of the Fire Marshal's Office. Annual reporting, process evaluation and improvement, program research, and much more must take place for the program to operate and optimum efficacy.

1. Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with Information Technology staff to build or purchase a more efficient records and data management program/system.¹⁴
2. Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process).¹⁵
3. Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library.¹⁶
4. Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf.¹⁷
5. Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate.¹⁵
6. Conduct inventory processes to identify covered entities and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses.¹⁵
7. Conduct ongoing continuous improvement program and process analyses and make recommendations to Toxics Board for improvements as necessary.¹⁵

Estimated Program Management Total = 20%

¹⁴ Article IV, Section 4

¹⁵ Necessary to support charter amendment

¹⁶ Article V, Section 5.1.F

¹⁷ Article VI, Section 6.2.B.3

Board Support

A critical element of the program operations is to support the Toxics Right-to-Know Board to facilitate effective operation. The Program facilitates: communication of recommendations from the Board to the City Council and City Manager, posting and filling of Board vacancies, coordination of Board meetings, and other special projects as developed by the Board.

1. Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments.¹⁸
2. Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above).¹⁹
3. Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up).²⁰
4. Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and Publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide.²⁰

Estimated Board Support Total = 5%

¹⁸ Article VI, Section 6.1

¹⁹ Article X, Section 10

²⁰ Necessary to support charter amendment.

Appendix A – Program Task Matrix

Attachment B

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.B.1 and Article VII, Section 7.B: Toxics Board: Recommend annual hazardous substance user fees	Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees	2%	Budget, Fees, & Workplan #1
Charter Mandate – Article VI, Section 6.3: City Manager: Work with the Toxics Board jointly to determine the appropriate support services for the program	Work with Fire Chief and the Toxics Board to develop a work plan, and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee	2%	Budget, Fees, & Workplan #2
Charter Mandate – Article VII, Section 7.B: City Council: Approve and amend as necessary annual hazardous substance user fees	Facilitate process to assist City Council approve the annual hazardous substance user fees; and Prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings	1%	Budget, Fees, & Workplan #3
Necessary to Support Charter Amendment	Maintain content on the Toxics Board and Toxics Program’s webpages	2%	Education, Outreach, & PR #1
Necessary to Support Charter Amendment	Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public	3%	Education, Outreach, & PR #2
Necessary to Support Charter Amendment	Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders	3%	Education, Outreach, & PR #3
Necessary to Support Charter Amendment	Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board’s email box, and facilitate responses accordingly	2%	Education, Outreach, & PR #4
Charter Mandate – Article IV, Section 4: Hazardous Substance Users: File annual, public, hazardous materials balance report; and File a signed declaration certifying that the hazardous materials balance reports filed are accurate and complete	Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter-mandated deadline of April 1 st : including providing information and assistance	5%	Compliance and Auditing #1

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.C: Toxics Board: Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #2
Charter Mandate – Article VI, Section 6.2.D: Toxics Board: Publish names of non-complying entities in the daily newspaper	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #3
Charter Mandate – Article VI, Section 6.2.E: City Fire Marshal: Investigate evidence of reports not filed in compliance with the Charter Amendment	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #4
Charter Mandate – Article VI, Section 6.2.F: City Fire Marshal: Audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years	Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly-identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs	1%	Compliance and Auditing #5
Charter Mandate – Article VII, Section 7.A and Article VII, Section 7.C: Hazardous Substance Users: Pay an annual fee to cover program expenses	Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1 st for payment of invoices	1%	Compliance and Auditing #6
Charter Mandate – Article VIII, Section 8.1: Toxics Board: Enforce reporting requirements and impose penalties for noncompliance	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #7
Charter Mandate – Article VIII, Section 8.2.E: City Manager: Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #8
Charter Mandate – Article VIII, Section 8.3: Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment	Percentage of staff time is currently zero because historically, this situation has not occurred; however, if it were to occur, staff time would need to be reallocated accordingly to manage the process	<1%	Compliance and Auditing #9

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article V, Section 5.1.C and Article VI, Section 6.2.A: Toxics Board: Provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library’s computer systems	Percentage of staff time is currently zero because online data entry system for hazardous materials balance reports has been developed and implemented	<1%	Program Management #1
Necessary to Support Charter Amendment	Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library’s computer systems; and work with Information Technology staff to build or purchase a more efficient records and data management program/system	1%	Program Management #1
Necessary to Support Charter Amendment	Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process)	1%	Program Management #2
Charter Mandate – Article V, Section 5.1.F: Toxics Board: Make hazardous materials balance reports available at the Eugene Public Library for seven years	Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library	1%	Program Management #3
Charter Mandate – Article VI, Section 6.2.B.3: Toxics Board: File an annual report on the effectiveness of the program, and any recommendations for improvements	Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board’s behalf	1%	Program Management #4
Necessary to Support Charter Amendment	Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate	1%	Program Management #5
Necessary to Support Charter Amendment	Conduct inventory processes to identify covered entities, and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses	5%	Program Management #6
Necessary to Support Charter Amendment	Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up); and Conduct	3% 3%	Program Management #7 Board Support #3

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
	ongoing continuous improvement program and process analyses, and make recommendations to Toxics Board for improvements as necessary		
Charter Mandate – Article VI, Section 6.1: City Council: Appoint Toxics Board members	Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments	3%	Board Support #1
Charter Mandate – Article X, Section 10: City Council: Enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board	Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above)	1%	Board Support #2
Necessary to Support Charter Amendment	Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and Publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide	1%	Board Support #4
	TOTAL APPROXIMATE % OF STAFF TIME	50%	



Program Fee History

November 1996 Eugene City Charter, Section 54, Amendment IV adopted (Section 54, Amendment IV, Article VII, Section 7(D)). For the fiscal year 1997 and 1998 – The program was supported by the City of Eugene’s General Fund in accordance with the Eugene City Charter (Section 54, Amendment IV, Article VII, Section 7(D)).

- ❖ 1998 fee -- \$500/facility + \$16.12/FTE (Charged to reporting businesses)¹
- ❖ 1999 fee -- \$500/facility + \$7.92/FTE (Charged to reporting businesses)²
- ❖ 2000 fee -- \$14.310/FTE³
- ❖ 2001 fee -- \$12.540/FTE
- ❖ 2002 fee -- \$10.790/FTE
- ❖ 2003 fee -- \$13.920/FTE
- ❖ 2004 fee -- \$31.650/FTE up to \$2,000⁴
- ❖ 2005 fee -- \$30.940/FTE up to \$2,000
- ❖ 2006 fee -- \$31.300/FTE up to \$2,000
- ❖ 2007 fee -- \$37.380/FTE up to \$2,000
- ❖ 2008 fee -- \$46.200/FTE up to \$2,000
- ❖ 2009 fee -- \$52.380/FTE up to \$2,000
- ❖ 2010 fee -- \$55.480/FTE up to \$2,000
- ❖ 2011 fee -- \$53.340/FTE up to \$2,000
- ❖ 2012 fee -- \$79.000/FTE up to \$2,000
- ❖ 2013 fee -- \$82.690/FTE up to \$2,000
- ❖ 2014 fee -- \$56.750/FTE up to \$2,000
- ❖ 2015 fee -- \$56.080/FTE up to \$2,000
- ❖ 2016 fee -- \$48.290/FTE up to \$2,000
- ❖ 2017 fee -- \$63.120/FTE up to \$2,000
- ❖ 2018 fee -- \$65.430/FTE up to \$2,000
- ❖ 2019 fee -- \$62.230/FTE up to \$2,000
- ❖ 2020 fee -- \$56.13/FTE up to \$2,000
- ❖ 2021 FEE -- \$62.800/FTE up to \$2,000
- ❖ [Proposed]-- \$26.10/FTE up to \$2000

¹ Beginning spring 1998, program is supported by fees assessed each spring, per the City Charter. This continues to be the case.

² Because of the 05/05/99 Oregon Court of Appeals decision, all fees paid in 1998 and 1999 were refunded; due to the City assessing fees based on quantity.

³ In 2000 an additional class of businesses that did not meet the 2,640-pound reporting threshold but did meet the other three criteria to be considered hazardous substance users. This class of businesses are categorized as non-reporting businesses under the program. From then all fees were assessed to both reporting and non-reporting businesses.

⁴ State-imposed fee cap of \$2,000 per facility took effect 7/1/03 (ORS 453.370(2)(b)).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene
(Assessor's Map 17-04-24-21, Tax Lots 04701 and 04800 Located east of the
intersection of Loretta Way and Denis Drive)
(City File: A 22-7)

Meeting Date: July 25, 2022
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5A
Staff Contact: Althea Sullivan
Contact Telephone Number: 541-682-5485

ISSUE STATEMENT

This item is a request to annex property located east of the intersection of Loretta Way and Denis Drive. The property to be annexed is approximately 1.25 acres. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low-Density Residential with the /UL Urbanizable Land Overlay. Both the Metro Plan and the applicable refinement plan, the River Road - Santa Clara Urban Facilities Plan, designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is contiguous to City limits on its eastern, southern, and western borders. Annexation will allow for future development consistent with the property's residential land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that (1) the land proposed to be annexed is within the City's UGB and is contiguous to the City limits or separated from City limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans; and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached draft resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within

July 25, 2022 Meeting – Item 5A

500 feet of the subject property and the affected neighborhood association (River Road Community Organization) consistent with Eugene Code requirements. The City did not receive any testimony in response to the public notice.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of public testimony, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue, which is open from 12 pm to 4 pm Monday through Friday. To view materials at another time, please contact the listed staff representative to schedule an appointment. Copies may be also obtained at a reasonable cost.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt a resolution approving the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Area
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

Staff Contact: Althea Sullivan

Telephone: 541-682-5485

Staff E-Mail: ASullivan@eugene-or.gov

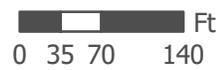


-  Subject Property
-  Eugene City Limits
-  Taxlots



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

Created on 7/11/2022
by City of Eugene Planning Division



RESOLUTION NO. _____**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-24-21, TAX LOTS 04701 AND 04800 LOCATED EAST OF THE INTERSECTION OF LORETTA WAY AND DENIS DRIVE).****The City Council of the City of Eugene finds that:**

A. An annexation application was submitted on April 20, 2022, by Pritchard Joint Trust, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-21 Tax Lots 04701 and 04800, to the City of Eugene.

B. The property proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation are attached as Exhibit C.

D. On June 24, 2022, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 25, 2022.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

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

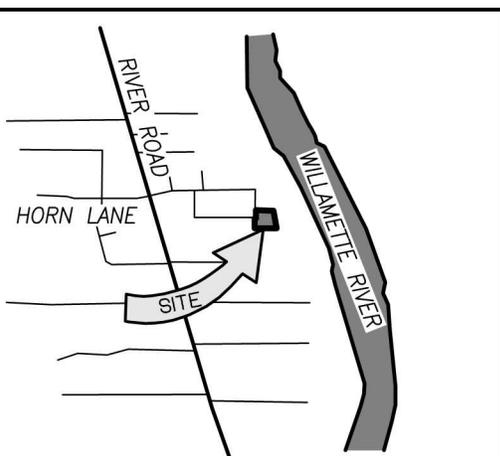
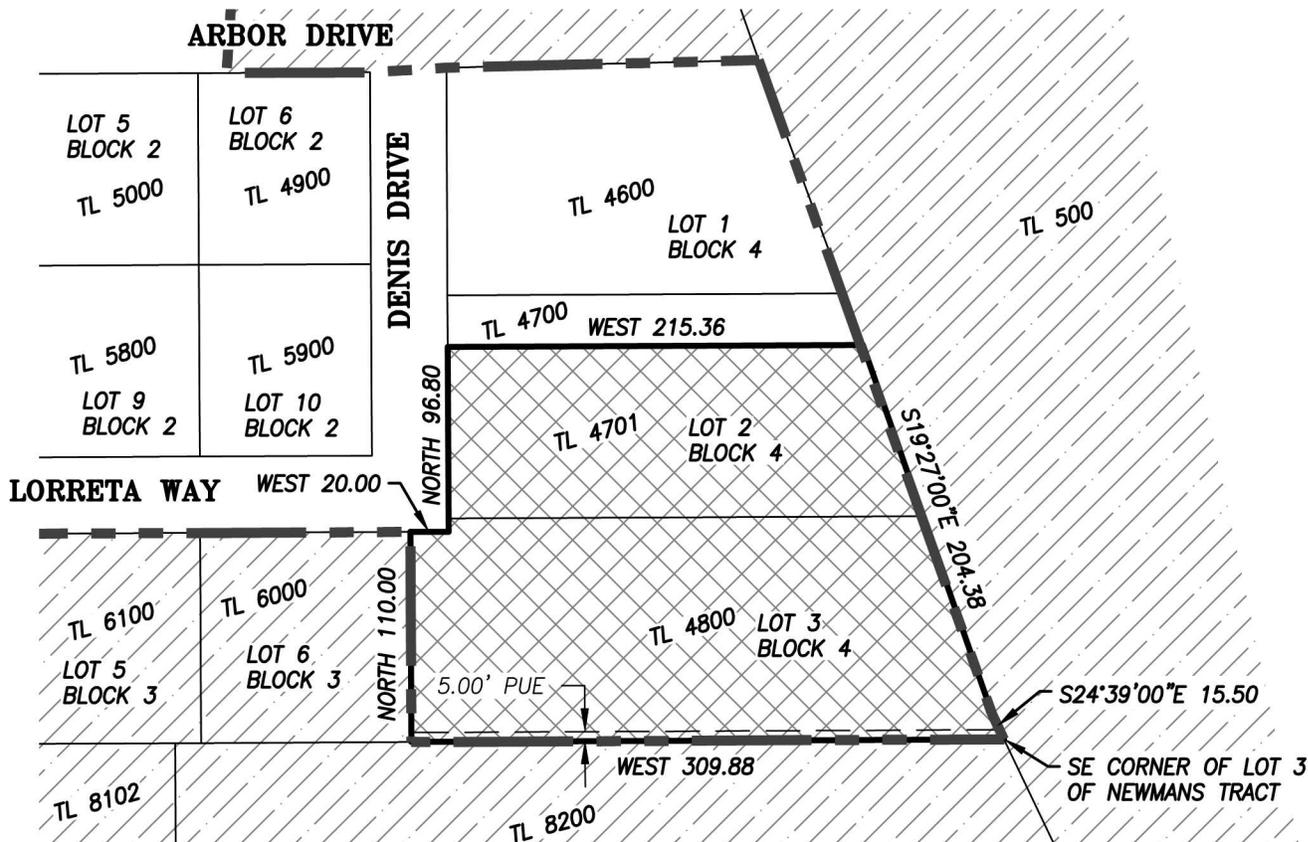
Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-21, Tax Lots 04701 and 04800, which is more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from R-1 Low-Density Residential with /UL Urbanizable Land Overlay to R-1 Low-Density Residential shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of July, 2022.

City Recorder

**LAND ANNEXATION FOR
PRITCHARD JOINT TRUST
NE 1/4, NW 1/4, SEC 24, T17S, R4W, WM
EUGENE, LANE COUNTY, OREGON**



VICINITY MAP

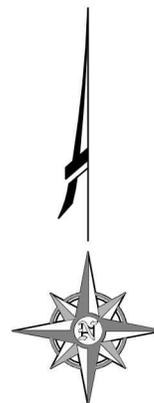
NOT TO SCALE

LEGEND

- CITY LIMITS
- LANDS TO BE ANNEXED

NOTES

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON APRIL 1, 2022.
2. NO KNOWN PRIVATE OR PUBLIC EASEMENTS EXCEPT FOR WHAT IS SHOWN ARE KNOWN TO EXIST ON SITE.



SCALE: 1"=100'

SHEET 1 OF 1



LORETTA WAY - 300 BLOCK

ANNEXATION MAP

APRIL 15, 2022

May 26, 2022

LEGAL DESCRIPTION

ANNEXATION APPLICATION

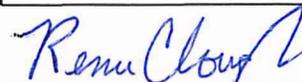
TM 17-04-24-21, Tls 4701 & 4800

Branch Engineering Inc. Project No. 22-189

ALL THOSE LANDS conveyed under Parcel 2 in that Warranty Deed from Walter H. Pritchard Jr. and Mary K. Pritchard to Walter H. Pritchard Jr and Mary K. Pritchard, Trustees of the Pritchard Joint Trust recorded on April 1, 2004 as Reception Number 2004-023562 in the Lane County Oregon Official Records, said lands being more particularly described as follows:

BEGINNING at the southeast corner of Lot 3, Block 4 of NEWMANS TRACT as platted and recorded in Book 12, Page 5 in the Lane County Oregon Plat Records; THENCE along the southerly boundary of said Lot 3 West 309.88 feet, more or less, to the centerline of the Denis Drive right-of-way, as vacated in Book 313, Page 8 in the Lane County Oregon Official Records; THENCE along said centerline North 110.00 feet, more or less, to the southerly margin of the Loretta Way right-of-way; THENCE along said southerly margin East 20.00 feet, more or less, to the easterly margin of the Denis Drive right-of-way; THENCE along said easterly margin North 96.80 feet, more or less, to a point on a line lying parallel to and 27.00 feet southerly by perpendicular measurement of the north line of Lot 2, Block 4 of the aforesaid NEWMANS TRACT; THENCE along said parallel line East 215.36 feet, more or less, to the easterly plat boundary of said NEWMANS TRACT; THENCE along said easterly plat boundary South 19°27'00" East 204.38 feet to an angle point; THENCE continuing along said easterly plat boundary South 24°39'00" East 15.50 feet, more or less, RETURNING to the POINT of BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/23



**Planning Director's Findings and Recommendation:
Annexation Request for PRITCHARD JOINT TRUST
(City File: A 22-7)**

Application Submitted: April 20, 2022
Applicant: Pritchard Joint Trust
Property Included in Annexation Request: Tax Lots 04701 & 04800 of Assessor's Map 17-04-24-21
Zoning: R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
Location: East of the intersection of Loretta Way and Denis Drive
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:	
(a) Contiguous to the city limits; or	
(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.	
Complies	Findings: The subject property is within the Urban Growth Boundary and is contiguous to City limits on its eastern, southern, and western borders, consistent with subsection (a).
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies	Findings: Several policies from the <u>Metro Plan</u> provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic text</i>):
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	<p><i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i></p> <p><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i></p>

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use, consistent with the subject property’s existing R-1 Low-Density Residential zoning. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Public wastewater is available via an 8-inch line which is located in Loretta Way. A specific plan for service to the site will be reviewed at the time of future development.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
YES	NO	

Stormwater

At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

The property is located at the intersection of Loretta Way and Denis Drive, both of which are public streets that connects to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.

Solid Waste

Collection service is provided by private firms. Regional disposal sites are operated by Lane County.

Water and Electric

Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.

Parks and Recreation

Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services

Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.

Communications

A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

The subject property is within Eugene School District 4J and is within the district boundary of River Road Elementary School, Kelly Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location

		within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.
--	--	----------------------------------------------------------------------------------------------------------------------

CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of R-1 Low-Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-24-21	4701	R1	0.48
17-04-24-21	4800	R1	0.77

Property Address: N/A

Plans for Future Development & Permit Number (if applicable): _____

Public Service Districts:

Name			
Parks:	River Road Parks and Recreation		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	City of Eugene		
Fire:	River Road WD		
Schools:	Elementary: River Road	Middle: Kelly	High: North Eugene
Other:			

Filing Fee

- A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:

- Show the date & north arrow on site plan.
- Show the Assessor's Map and Tax Lot number(s) on the site plan.
- Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- Show city limits & UGB (if applicable)
- Clearly label the affected territory and any public right of ways to be annexed.
- Show all adjacent streets, alleys, and accessways.
- Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- Show the location of all existing structures.

Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)

- Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- Notarized Consent to Annexation form.
- A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- Summary of Urban Service Provision form.
- Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 4701

Name (print): Pritchard Joint Trust

Address: 2460 Pioneer Pike Email: jkpritchard@gmail.com

City/State/Zip: Eugene, OR 97401 Phone: 541-914-3825 Fax:

Signature: *Walter H. Pritchard* Date: *4/12/2022*

PROPERTY OWNER OF TAX LOT: 4800

Name (print): Pritchard Joint Trust

Address: 2460 Pioneer Pike Email: jkpritchard@gmail.com

City/State/Zip: Eugene, OR 97401 Phone: 541-914-3825 Fax:

Signature: *Walter H. Pritchard* Date: *4/12/2022*

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

SURVEYOR:

Name (print): Renee Clough P.L.S., P.E., AICP

Company/Organization: Branch Engineering

Address: 310 5th Street

City/State/Zip: Springfield, OR 97477 Phone: 541-746-0637 Fax:

E-mail: reneec@branchengineering.com

Signature: *Renee Clough* Date: *4/12/22*

REPRESENTATIVE (If different from Surveyor):

Name (print): Andrew Strout, EIT

Attachment C

Company/Organization: Branch Engineering

Address: 310 5th Street

City/State/Zip: Springfield, OR 97477

Phone: 541-746-0637 Fax:

E-mail: andrews@branchengineering.com

Signature:  Date: 4/12/22

****Attached additional sheets if necessary.**



April 19, 2022

WRITTEN STATEMENT

ANNEXATION

TM 17-04-24-21, TLS 4701 & 4800

Branch Engineering Inc. Project No. 22-189

This application proposes an annexation for Tax Map 17-04-24-21, Tax Lots 4701 and 4800. The property is located inside the City of Eugene Urban Growth Boundary and is zoned R-1 Low-Density Residential with an Urbanizable Land Overlay. The purpose of the annexation is to increase options for future use of the property.

The following describes how the proposed annexation conforms to the Eugene Code:

9.7825 Annexation – Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application’s consistency with the following:

- (1) The land proposed to be annexed is within the city’s urban growth boundary and is:
 - (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

The property to be annexed is within the urban growth boundary and is contiguous to the city limits on the east, south, and southwest sides.

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

The property is within the Metro Plan and the River Road/Santa Clara Urban Facilities Plan (RR/SC UFP). The property is currently zoned R-1/Low-Density Residential with an Urbanizable Land Overlay. Both the Metro Plan and the RR/SC UFP designate the property for low density residential use. The /UL overlay zoning will be automatically removed upon annexation approval.

The subject property is located within the River Road/Hilliard Subarea. None of the River Road – Santa Clara Urban Facilities Plan Policies listed in EC 9.9610(6)(a-c) are directly applicable to the annexation. The “Public Facilities and Services Element” policies of the RR/SC UFP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.

As further detailed in subsection (3), the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

Several other policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section:

Policy 8: Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:

- a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner*
- b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan (page 11-C-4).*

Policy 10: Annexation to a city through normal processes shall continue to be the highest priority (page 11-C-5).

Policy 15: Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban (page 11-C-5).

- (3) *The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.*

As discussed below, public services are in place and readily available to the property proposed for annexation. Because of the proximity to the surrounding urban facilities, services can be provided in an orderly, efficient, and timely manner.

- Electrical service is provided by EWEB. Overhead wires are available for connection along Loretta Way and Denis Drive.*
- Water service is provided by EWEB. A 6-inch ductile iron water main is available for connection along Loretta Way and Denis Drive.*
- A 6" public wastewater service is available from the 8" public main on Loretta Way.*
- Stormwater will be handled via on-site retention.*
- The River Road Water District currently provides fire service to the area.*

- *TL 4701 has frontage and takes access along Denis Drive, and TL 4800 has frontage and takes access at the corner of Loretta Way and Denis Drive.*
- *The property is within the Eugene School District 4J and is within the district boundaries of River Road Elementary, Kelly Middle School and North Eugene High School.*
- *Garbage collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.*
- *Police protection can be extended to this site upon annexation consistent with service provision throughout the City.*
- *Emergency medical services are currently provided on a regional basis by the Cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.*
- *A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.*
- *Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.*
- *A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.*

* CB = Coburg CG = Cottage Grove
 CR = Creswell EU = Eugene
 FL = Florence JC = Junction City
 OA = Oakridge SP = Springfield

PETITION

Petition Signature Sheet
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
1. <i>Walter H. Pritchard</i>		Pritchard Joint Trust Walter Pritchard - Trustee		17-04-24-21-04701	✓	✓	0.48
2. <i>Walter H. Pritchard</i>		Pritchard Joint Trust Walter Pritchard - Trustee		17-04-24-21-04800	✓	✓	0.77
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, ANDREW STROUT (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
 X *Andrew Strout* (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

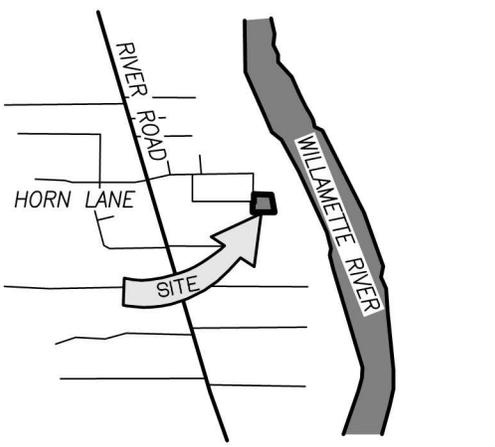
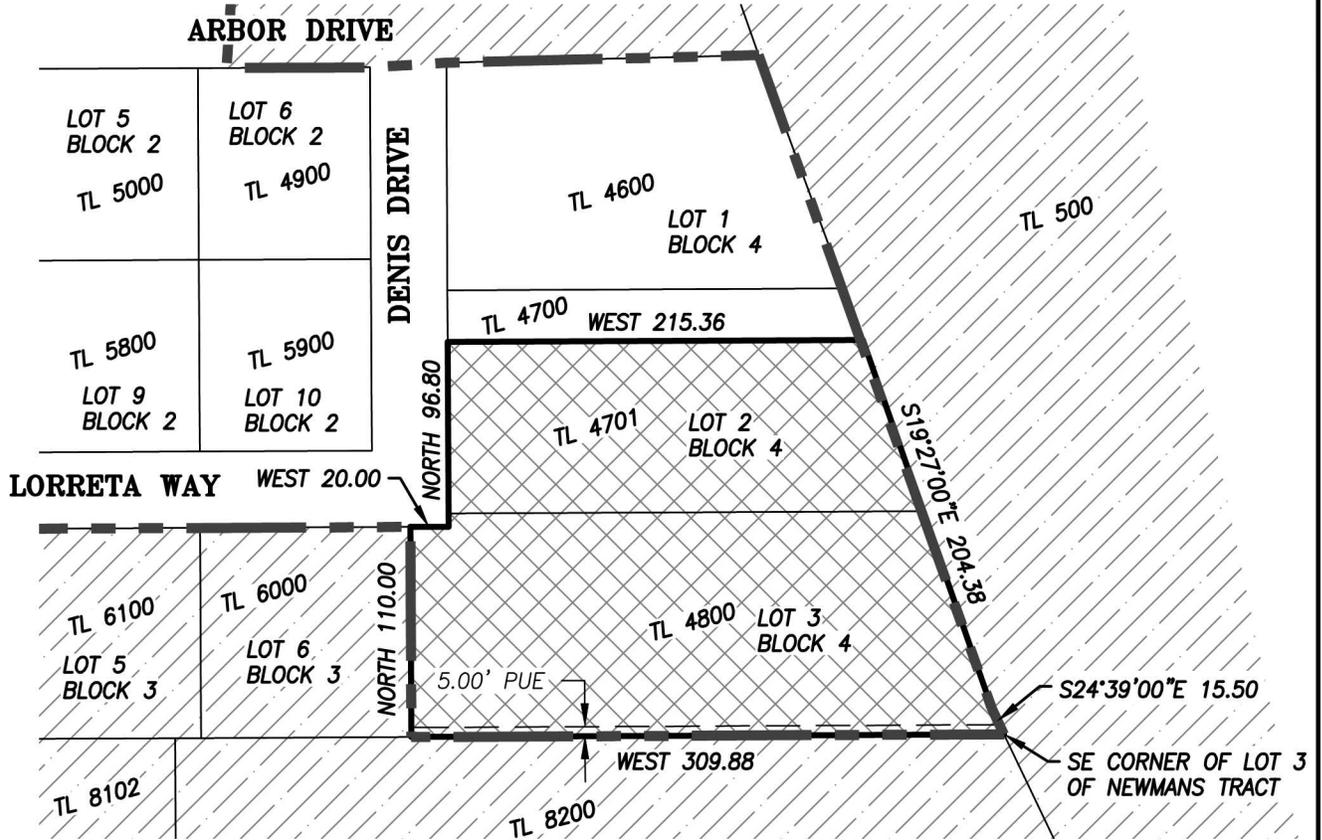
Joe Horvath
 Lane County Department of Assessment and Taxation
5/24/2022
 Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 0 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

Julia Barst
 Lane County Clerk or Deputy Signature
5/26/22
 Date Certified

**LAND ANNEXATION FOR
PRITCHARD JOINT TRUST**
NE 1/4, NW 1/4, SEC 24, T17S, R4W, WM
EUGENE, LANE COUNTY, OREGON



VICINITY MAP

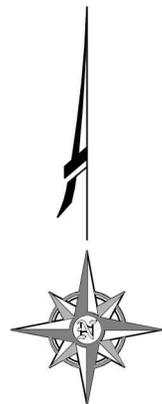
NOT TO SCALE

LEGEND

-  CITY LIMITS
-  LANDS TO BE ANNEXED

NOTES

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON APRIL 1, 2022.
2. NO KNOWN PRIVATE OR PUBLIC EASEMENTS EXCEPT FOR WHAT IS SHOWN ARE KNOWN TO EXIST ON SITE.



SCALE: 1"=100'

SHEET 1 OF 1



LORETTA WAY - 300 BLOCK

ANNEXATION MAP

APRIL 15, 2022

310 5th Street, Springfield OR 97477 | p: 541.746.0637 | www.branchengineering.com

Project No: 22-189

ASSESSOR'S MAP(S) TAX MAP 17-04-24-21, T.L. 4701 & 4800

Z:\2022\22-189 Loretta Way - Annexation\Land Use\Annexation\Drawings\Annexation Map.dwg 4/4/2022 10:02 AM ANDREWS

**LEGAL DESCRIPTION
 ANNEXATION APPLICATION
 TM 17-04-24-21, TLs 4701 & 4800
 Branch Engineering Inc. Project No. 22-189**

ALL THOSE LANDS conveyed under Parcel 2 in that Warranty Deed from Walter H. Pritchard Jr. and Mary K. Pritchard to Walter H. Pritchard Jr and Mary K. Pritchard, Trustees of the Pritchard Joint Trust recorded on April 1, 2004 as Reception Number 2004-023562 in the Lane County Oregon Official Records, said lands being more particularly described as follows:

BEGINNING at the southeast corner of Lot 3, Block 4 of NEWMANS TRACT as platted and recorded in Book 12, Page 5 in the Lane County Oregon Plat Records; THENCE along the southerly boundary of said Lot 3 West 309.88 feet, more or less, to the centerline of the Denis Drive right-of-way, as vacated in Book 313, Page 8 in the Lane County Oregon Official Records; THENCE along said centerline North 110.00 feet, more or less, to the southerly margin of the Loretta Way right-of-way; THENCE along said southerly margin East 20.00 feet, more or less, to the easterly margin of the Denis Drive right-of-way; THENCE along said easterly margin North 96.80 feet, more or less, to a point on a line lying parallel to and 27.00 feet southerly by perpendicular measurement of the north line of Lot 2, Block 4 of the aforesaid NEWMANS TRACT; THENCE along said parallel line East 215.36 feet, more or less, to the easterly plat boundary of said NEWMANS TRACT; THENCE along said easterly plat boundary South 19°27'00" East 204.38 feet to an angle point; THENCE continuing along said easterly plat boundary South 24°39'00" East 15.50 feet, more or less, RETURNING to the POINT of BEGINNING.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Renee Clough

OREGON
 NOVEMBER 30, 2007
 RENEE CLOUGH
 69162LS

RENEWAL DATE: 12/30/23

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Ordinance Extending Sunset Date of Safe Tent and Vehicle Sites

Meeting Date: July 25, 2022
Department: All
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Peter Chavannes
Contact Telephone Number: 541-682-5371

ISSUE STATEMENT

The Eugene City Council shall consider approval of an ordinance to amend Ordinance no. 20650 (temporary establishment of “safe parking” and “safe tent” sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extend its sunset date, through June 30, 2024. The Council held a public hearing to receive community input on July 18, 2022.

BACKGROUND

Lane County has seen an increase in the number of people experiencing homelessness over several years. The Lane County Homeless by Name List (HBNL) shows an unduplicated 8,492 people accessed homelessness services in 2021, with an average of 2,557 people living in Eugene accessing these services per month. Data from the HBNL in May 2022 shows 3,322 unduplicated individuals living in Eugene who have accessed homeless services in the last three months.

On April 12, 2021 staff provided council with an action plan for the Unhoused Response. The plan included creating a centralized response for critical tasks including the management of temporary urban camps, coordination of response to unsanctioned camping with a temporary stay-in-place order, reducing impacts to neighborhoods and businesses, expanding outreach to unhoused people, and significantly, developing some 200 “Safe Parking” and 300 “Safe Tent” sites in response to the need for temporary, short-term, places for people to shelter.

Following an April 26, 2021 public hearing, council approved an ordinance (Attachment A) to establish the Safe Parking and Safe Tent sites, which became known collectively as Safe Sleep sites. To make Safe Sleep sites a reality, staff commenced creating program models and site standards, identifying properties and service provider operators, and developing and opening the sites.

Safe Sleep Site Modeling and Programming

City staff convened a group of social service providers for a six-week meeting series in May 2021 to collaborate on site design, management plans, critical services, and provider capacity for the new Safe Sleep sites. The series then shifted to more focused conversations with the providers who expressed an interest in either operating Safe Sleep sites or providing services to individuals living there.

Those planning efforts, in coordination with surveys of the people staying at the temporary camps at Washington Jefferson Park and 13th Avenue, helped inform the development of site plans, management strategies and specific services for Safe Sleep sites. The detailed research and collaboration served as the template for creating site plans for Safe Sleep sites equipped with portable restrooms (including ADA accessible units), hand-washing stations, trash containers, fencing, covered warming/cooling/meeting spaces, potable water, electrical power, wi-fi, and food preparation/eating areas.

Operating entities are responsible for intake, managing the social dynamics of the sites and compliance with rules and community agreements, coordinating site infrastructure, managing relationships with and being responsive to neighbors, and coordinating with the City and other partners.

Approved Safe Sleep Sites

City Council in 2021 approved five locations as Safe Sleep sites: three are operating and two others are moving toward opening.

310 Garfield – The City of Eugene opened its first Safe Sleep site at 310 Garfield St. on October 4. The site reached capacity October 14 and 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, which has a waiting list of more than 380 names and remains full. The site has served more than 140 people to date, most from west Eugene.

410 Garfield – Indoor site for 86 tents; opened February 22. Operated by St. Vincent de Paul, including a daily meal, on-site showers, laundry vouchers, common area, case management, regular service provider visits. The site remains full, serving about 90 people at the facility at any time, with a waiting list of 275. Occupant turnover averages about five per week and the site has served 160 people since opening.

Everyone Village – Opened December 2021; operated by Everyone Church. Occupancy is more than 40, in a mix of vehicles and small shelters. About half of the occupants are from west Eugene and half from the former temporary camp at Washington Jefferson Park. Everyone Village organizers have worked with City staff on a plan to gradually increase occupancy at the site in future months. Some 55 different individuals have been served since opening, turnover has averaged fewer than three per month, and 250 people are on the waiting list. Site operators plan to accommodate more unsheltered people in the future, thanks to the City Council approving expansion of the site.

Rosa Safe Sleep site – Local service provider Carry It Forward has been identified as the operator for the Rosa Safe Sleep site at 2243 Roosevelt Blvd, which was approved by the City Council September 29, 2021. Neighborhood engagement about the pending opening of the site has been completed. A mailing with information about the site, and feedback opportunities went to nearby residents April 26. An online survey was open April 25-May 20. Public information meetings were held May 7 and 10 and had no attendees from the public. Finalization of a contract with Carry It Forward is still pending. The property has been operated by SquareOne Villages as a microsite for the last 14 months, providing six units of non-congregate shelter to people experiencing

homelessness in the community. Rosa Safe Sleep site will host up to 40 sleeping structures—a mix of Pallet Shelters, Conestoga huts, and other micro-shelters. Physical site preparation continues, with most infrastructure including water, power and graded pads already installed. An opening date is not yet specified but will be as soon as practicable.

Chase Commons Park – Local service provider Carry It Forward has been identified as the proposed site operator; contract finalization is pending. The site model is to shelter 18-20 adults in identical, 64-square foot Pallet Shelters in a half-acre fenced area in the northeast corner of the four-acre park. To help support an unmet need in the community, the Chase Commons site will prioritize 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. A community engagement plan to inform nearby neighbors is underway: staff have met with key interested parties and Eugene Chamber of Commerce representatives, conducted door-to-door outreach the week of May 23. Informational fliers went to nearby residents the week of May 30, an online survey was open May 27-June 24, and an on-site neighborhood information meeting (noted in the mailer) was held June 14.

Safe Sleep Site Funding

Funding for the safe sleep site program is split into two categories—operations, funded by the City of Eugene and service provision, financed by Lane County.

Safe sleep site operations-site management and the provision of water electricity, bathrooms, sewer, food accessibility and internet amount to approximately \$3.7 million annually at full occupancy. The City has also projected approximately \$600,000 for one-time site development charges related to the Rosa and Chase Commons locations as well as the Everyone Village expansion. Through a combination of Federal, State, and local funds, staff have determined that there are sufficient resources to support safe sleep site operations through FY24.

Lane County is providing an additional \$441,000 to safe sleep sites to support service delivery to residents therein. This funding enables case management, housing navigation, and medical and behavioral health support, all of which are critical to ensure flow through the homeless service system as people exit shelter to more robust housing options creating space for previously unsheltered individuals.

Safe Sleep Site Operational Success

Staff have observed that Safe Sleep sites are successful on several fronts:

- More than 350 people have benefited from clean, safe shelter that would not have existed otherwise.
- Each of the sites offers connections to services (medical, mental and behavioral health, skill-building, etc.), giving occupants a direct line to other resources that would be difficult or impossible to realize with people living on the street.
- Turnover of occupants at the sites has been minimal, especially compared to typical low-barrier shelters; this indicates strong and stable shelter operation and a population eager for assistance and able and willing to follow site standards.

The sites fill an important role in the shelter and service continuum among emergency shelters like St. Vincent de Paul's Dawn to Dawn program or The Eugene Mission's rescue beds, and more programmatic models like Rest Stops or The Eugene Mission's long-term programs.

Sites have been open between four and eight months, and the locations remain filled with substantial waiting lists. The successful transition of so many people who were previously camping in temporary urban camps demonstrates the importance of outreach, communication, and relationship-building to supporting people into sanctioned locations, and the relatively low turnover rates and fact that the Safe Sleep sites continue to operate at full capacity indicates they are supporting people's basic needs for safety, health, and stability.

Safe Sleep Site Services

More than just a place to shelter, Safe Sleep Sites are intended to provide a reliable location for residents to connect with case management and housing navigation services. Beginning in March 2022, Lane County has contracted with service providers to deliver case management and housing navigation and medical and behavioral health care at all locations. This has elevated the opportunities for site occupants to receive the most helpful services and to have the best chance to begin to stabilize and move toward long-term health, employment, and housing goals.

Extension of Ordinance

The Safe Sleep site program has been successful so far. The community benefits from more than 300 people being off the streets, and those site occupants stand a much better chance of staying off the street and gaining stability because of Safe Sleep sites. With operational funding available through FY24, staff recommended that Council extend the Safe Parking and Safe Tent site ordinance to July 1, 2024.

On June 22, 2022, council directed the city manager to schedule a public hearing to consider an ordinance amending Ordinance no. 20650 (temporary establishment of "safe parking" and "safe tent" sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date. The proposed, amended ordinance is included in Attachment B.

On July 18, 2022, council held a public hearing to consider an ordinance amending Ordinance no. 20650 (temporary establishment of "safe parking" and "safe tent" sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date. One resident voiced opposition to extending the ordinance sunset date.

PREVIOUS COUNCIL DIRECTION

[April 12, 2021](#): Work Session

City staff provided an overview of the current homelessness crises and the exacerbating effects of the COVID-19 pandemic and identified needs and next steps for addressing the growing number of unhoused community members and related community impacts.

[April 26, 2021](#): Work Session

Staff presented a plan to address vehicle camping in commercial/industrial and proposed code amendments for parking and storage of vehicles on streets.

[April 26, 2021](#): City Council Meeting and Public Hearing

The City Council heard public testimony on the ordinance to pilot establishment of “safe parking” and “safe tent” sites that are larger than allowed by City code.

[May 19, 2021](#): Work Session

City staff provided an update on the current homelessness crises and the work to establish “safe parking” and “safe tent” sites.

[June 14, 2021](#): Public Hearing

The City Council heard public testimony on the ordinance that would amend City code regarding parking and storage of vehicles on streets.

[June 21, 2021](#): City Council Meeting

The City Council approved an ordinance that amended City code regarding parking and storage of vehicles on streets.

[June 23, 2021](#): Work Session

City staff provided an update on the current homelessness crises and the sites that may potentially lead to “safe parking” and “safe tent” sites.

[July 21, 2021](#): Work Session

The City Council approved two Safe Sleep sites: 2nd and Garfield (310 Garfield) and Chase Commons Park. City staff also provided an update on the current homeless crises.

[September 8, 2021](#): Work Session

City staff provided updates on the current homelessness crises and the two approved Safe Sleep sites: 2nd and Garfield (310 Garfield) and Chase Commons Park.

[September 29, 2021](#): Work Session

The City Council approved three new Safe Sleep sites: 2243 Roosevelt Blvd. (Rosa Safe Sleep site), Dani Street (Everyone Village) and 410 Garfield. City staff also provide updates on the current homelessness crises and the two approved Safe Sleep sites.

[February 23, 2022](#): Work Session

City staff provided updates on the homelessness crisis, the development of approved Safe Sleep sites including the opening of 410 Garfield St., and the transition of the temporary camp at Washington Jefferson Park.

[June 22, 2022](#): Work Session

The City Council approved expansion of the Everyone Village Safe Sleep site to accommodate co-location of multiple Safe Tent groups and directed the city manager to set a public hearing to consider amending Ordinance no. 20650 (temporary establishment of “safe parking” and “safe tent” sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date.

[July 18, 2022](#): Public Hearing

The City Council held a public hearing to consider an ordinance amending Ordinance no. 20650 (temporary establishment of “safe parking” and “safe tent” sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date. One resident voiced opposition to extending the ordinance sunset date.

COUNCIL OPTIONS

- A. Approve the ordinance amending Ordinance no. 20650 (temporary establishment of “safe parking” and “safe tent” sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date.
- B. Direct staff to return with additional information.
- C. Take no action.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends Option A.

SUGGESTED MOTION

- A. Move to approve the ordinance amending Ordinance no. 20650 (temporary establishment of “safe parking” and “safe tent” sites that are larger than allowed under section 4.816 of the Eugene Code, 1971); and extending its sunset date to June 30, 2024.

ATTACHMENTS

- A. Existing Ordinance No. 20650
- B. Proposed amended Ordinance No. 20650

FOR MORE INFORMATION

Staff Contact: Peter Chavannes
Telephone: 541-682-5371
Staff E-Mail: pchavannes@eugene-or.gov



COUNCIL ORDINANCE NO. 20650

AN ORDINANCE ALLOWING FOR THE TEMPORARY ESTABLISHMENT OF “SAFE PARKING” AND “SAFE TENT” SITES THAT ARE LARGER THAN ALLOWED UNDER SECTION 4.816 OF THE EUGENE CODE, 1971; DECLARING AN EMERGENCY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

ADOPTED: April 28, 2021

SIGNED: April 30, 2021

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: April 30, 2021



ORDINANCE NO. 20650

**AN ORDINANCE ALLOWING FOR THE TEMPORARY ESTABLISHMENT OF
“SAFE PARKING” AND “SAFE TENT” SITES THAT ARE LARGER THAN
ALLOWED UNDER SECTION 4.816 OF THE EUGENE CODE, 1971;
DECLARING AN EMERGENCY; PROVIDING FOR AN IMMEDIATE EFFECTIVE
DATE; AND PROVIDING A SUNSET DATE.**

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

A. Section 4.816 of the Eugene Code, 1971 (EC) sets forth various types of overnight sleeping arrangements that are permitted throughout the City when certain conditions are met. Some of the permitted overnight sleeping arrangements are permitted outright and others require the City Council to approve the location. Whether outright permitted or approved by the City Council, the permitted overnight sleeping authorized by EC 4.816 is capped at the number of allowed vehicles (which includes RVs, tents, and Conestoga huts) ranging from 1 to 20.

B. The City is experiencing an increase in the number of individuals living in campers, trailers, cars, and tents in locations that are not intended for that purpose. This often results in unsanitary and unsafe conditions for unhoused residents and for the surrounding community, particularly the nearby businesses and residences. Additional options are needed for these individuals to lawfully park their vehicles or set up their tents.

C. The City’s car camping and rest stop programs, which limit the number of allowed vehicles/huts to six and twenty, respectively, are proven successes and are essential options for the unhoused. However, to effectively address the large number of vehicles and tents that are an immediate health and safety concern, there is a need for temporary sites that can accommodate more vehicles and tents/huts than currently allowed by EC 4.816. The need for these larger sites where people can temporarily sleep overnight in parked vehicles and erected tents, is acute and immediate.

D. Temporarily allowing for the establishment of sites that will accommodate a larger number of vehicles or tents than currently allowed by EC 4.816, should be immediately established and remain in effect until May 1, 2023.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are adopted to temporarily allow the establishment of Safe Parking sites and Safe Tent sites.

Safe Parking Sites. Notwithstanding any other provision of the Eugene Code, 1971, a group of up to 60 vehicles being used for overnight sleeping may temporarily park on property authorized by motion of the City Council for that use. For purposes of this provision, the term “vehicle” includes a car, camper, or trailer. Depending on the size of the property, the City Council may authorize the co-location of multiple groups. In addition

to any conditions imposed by the City Council at the time of site approval to address site-specific issues, all Safe Parking sites authorized and established pursuant to this Ordinance shall have adequate garbage collection, toilets, handwashing stations, and potable water, with a goal of providing renewable power at all sanctioned sites.

Safe Tent Sites. Notwithstanding any other provision of the Eugene Code, 1971, a group of up to 40 tents, or approved hut-structures, being used for overnight sleeping may be temporarily erected on property authorized by motion of the City Council for that use. Depending on the size of the property, the City Council may authorize the co-location of multiple groups. In addition to any conditions imposed by the City Council at the time of site approval to address site-specific issues, all Safe Tent sites authorized and established pursuant to this Ordinance shall have adequate garbage collection, toilets, handwashing stations, and potable water, with a goal of providing renewable power at all sanctioned sites.

Section 2. When a Safe Parking site is authorized and established pursuant to this Ordinance, those vehicles unlawfully parked on City right-of-way in West Eugene shall be prioritized for occupying spaces at the Safe Parking site. When a Safe Tent site is authorized and established pursuant to this Ordinance, those tent campers at 13th and Chambers and in Washington-Jefferson Park shall be prioritized for occupying spaces at the Safe Tent site.

Section 3. The City Manager may adopt rules pursuant to EC 2.019 to regulate the Safe Parking sites and Safe Tent sites established pursuant to this Ordinance.

Section 4. This Ordinance shall sunset and be repealed on May 1, 2023, unless extended or made permanent by future Council action.

Section 5. Due to the immediate need to address the significant increase in vehicular living and unsanctioned erection of tent camps occurring throughout the community by establishing lawful sites to park vehicles or erect tents, an emergency is declared to exist that cannot be addressed by the ordinance adoption procedures in Section 28(1) of the Eugene Charter of 2002. Prior to the adoption of this Ordinance, the City Council unanimously agreed to proceed with consideration of this Ordinance with an abbreviated notice of the public hearing date.

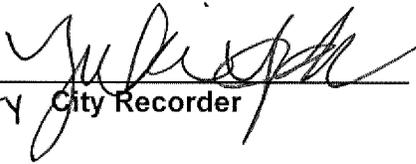
Section 6. As this matter has been declared an emergency, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the

members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Section 7. 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.

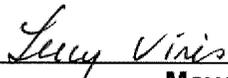
Passed by the City Council this

28th day of April, 2021


Deputy City Recorder

Approved by the Mayor this

30 day of April, 2021


Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20650 (TEMPORARY ESTABLISHMENT OF “SAFE PARKING” AND “SAFE TENT” SITES THAT ARE LARGER THAN ALLOWED UNDER SECTION 4.816 OF THE EUGENE CODE, 1971); AND EXTENDING ITS SUNSET DATE.

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

A. Pursuant to the City Council’s adoption of Ordinance No. 20650 on April 28, 2021, the City began to temporarily allow the establishment of sites that can accommodate a larger number of vehicles or tents than allowed by Section 4.816 of the Eugene Code, 1971.

B. The City now wishes to extend the sunset date that was established by Ordinance No. 20650 until June 30, 2024, and to eliminate the provisions of Ordinance No. 20650 that are no longer necessary.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORGAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. 20650 is deleted.

Section 2. The automatic sunset / repeal provision adopted in Section 4 of Ordinance No. 20650 is amended by replacing it with the following: “This Ordinance shall sunset and be repealed on June 30, 2024, unless extended or made permanent by future Council action.”

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.

Passed by the City Council this
____ day of _____, 2022

Approved by the Mayor this
____ day of _____, 2022

City Recorder

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Transient Lodging Tax Code Amendments

Meeting Date: July 25, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Twylla Miller
Contact Telephone Number: 541-682-8417

ISSUE STATEMENT

The City Council is scheduled to take action on proposed changes to Eugene City Code concerning Transient Lodging Tax Administration. Proposed amendments align City code with the language required for the Oregon Department of Revenue to collect and administer transient lodging tax for the City of Eugene; there are no other proposed changes. The City Council held a public hearing concerning the proposed ordinance on July 18, 2022, at which there was no public testimony.

BACKGROUND

Subject to certain exemptions set forth in EC 3.778, the City's Transient Lodging Tax levies a tax of 4.5% on overnight lodging within the City. In addition to managing the City's own Transient Lodging Tax collection activities, since the 1970s City staff have administered collection of transient lodging tax levied by other local jurisdictions (Springfield, Cottage Grove, Florence, and Lane County). City staff collect the Transient Lodging Tax monthly and distribute the appropriate share of revenue to each jurisdiction.

In 2017, the Legislature amended ORS 305.620 to allow the Department of Revenue to collect local Transient Lodging Tax on behalf of cities and counties. The City has the opportunity to be more cost effective and efficient by modernizing the program. City staff analyzed keeping the program in-house in comparison with updating the collection system by contracting with the Department of Revenue. Considerations included the abilities of the Department of Revenue, working with bargaining units in the City, and looking at the practices in other jurisdictions. The outcome of the analysis was that it is significantly more efficient and effective for the Department of Revenue to administer the tax and allows for financial savings to the City. Further, the Department of Revenue's administration offers more robust audit and enforcement functions. Currently, $\frac{3}{4}$ of a full-time equivalent position at the City is dedicated to Transient Lodging Tax collection and administration with minimal capacity for audit/enforcement using a system that is antiquated and needs to be replaced. By moving administration to the Department of Revenue, the cost to the City is \$40 per tax return annually, which results in an estimated savings of \$85,000. The FY23 Adopted Budget contains a budget action reducing the FTE and related costs, anticipating transition of Transient Lodging Tax administration to the Department of Revenue.

Under the 2017 amendment, the Department of Revenue is permitted to collect local Transient

Lodging Tax if a jurisdiction and the Department of Revenue enter into an intergovernmental agreement and the Department of Revenue recoups their administrative costs. The Department of Revenue and the League of Oregon Cities have worked together to draft a model ordinance for participating local jurisdictions to use providing a common approach to have consistent application for the Department of Revenue collection. This includes common definitions, remittance/return instructions, penalties & interest provisions, and administration components. This approach streamlines administration across all local jurisdictions that choose to have the Department of Revenue administer their Transient Lodging Tax programs, keeps costs much lower, and provides a consistent framework for taxpayers. The changes on the proposed ordinance, align our existing code with the Department of Revenue model ordinance to facilitate administration by the Department of Revenue. All the proposed revisions to the City's current code provisions are necessary to bring the City's current code in alignment with the Department of Revenue's model ordinance. While the revisions are substantial, most of the revisions are phrasing and/or terminology, not substantive. City staff have reviewed the proposed language to ensure that the City's existing practices are covered under the revised ordinance language and that the Department of Revenue will be able to meet all the City's requirements for Transient Lodging Tax administration. As with other taxes collected by the Department of Revenue, taxpayers will remit quarterly instead of the monthly basis on which the City currently collects Transient Lodging Tax revenues (this is one of the very few substantive changes to the City's existing Transient Lodging Tax program that will occur if the Department of Revenue assumes administration of the program).

Staff have been in contact with other jurisdictions that have transitioned collection to the Department of Revenue, and they report a smooth transition, more efficient and cost-effective administration, as well as higher than expected revenues. Anecdotally, those higher revenues are thought to be the result of capturing revenue from some taxpayers that were paying the State Transient Lodging Tax but had not been previously paying the Transient Lodging Tax for local jurisdictions.

As the current administrator for the City's Transient Lodging Tax and lodging tax levied by other Lane County jurisdictions, City staff will provide proactive outreach to affected taxpayers for each jurisdiction and will be updating our website prior to the anticipated transition date of October 1, 2022. By this date each jurisdiction will need to have adopted the model ordinance language and entered into an intergovernmental agreement with the Department of Revenue. Most of the other Lane County jurisdictions have adopted this model ordinance language already and staff at the remaining local jurisdictions plan on taking this language to their elected bodies prior to the transition date. It is important for all Lane County jurisdictions to transition at the same time, primarily to avoid confusion and increased administrative burden to taxpayers. Once the transition is made, taxpayers will pay all Transient Lodging Tax (State, County, and Local (if any)) to the Department of Revenue, rather than tax submittals to each respective taxing jurisdiction.

PREVIOUS COUNCIL DIRECTION

N/A

COUNCIL OPTIONS

1. Approve the ordinance.
2. Revise the ordinance, provided that because Department of Revenue must approve any revisions prior to beginning their administration, such revised ordinance would be returned to Council for final approval at a later date.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends the adoption of the Transient Lodging Tax ordinance as provided in Attachment A.

SUGGESTED MOTION

Move to adopt the ordinance concerning Transient Lodging Tax.

ATTACHMENTS

- A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Twylla Miller
Telephone: 541-682-8417
Staff E-Mail: tmiller@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE AMENDING TRANSIENT LODGING TAX CODE PROVISIONS IN CHAPTER 3 OF THE EUGENE CODE, 1971, TO ENABLE TAX COLLECTION BY THE OREGON DEPARTMENT OF REVENUE ON THE CITY'S BEHALF AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.770 of the Eugene Code, 1971, is amended to provide as follows:

3.770 Transient ~~Room~~ Lodging Tax – Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of sections 3.770 to ~~3.804~~3.800 of this Code.

~~(a) Hotel means any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in a mobile home or trailer park, or similar structure or portion thereof so occupied, provided the occupancy is for less than a 30-day period.~~

~~(b) Council means the city council of the City of Eugene, Oregon.~~

(a) Transient Lodging Provider means a person that furnishes transient lodging.

(b) Transient Lodging Intermediary means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

(1) Charges for occupancy of the transient lodging;

(2) Collects the consideration charged for occupancy of the transient lodging; or

(3) Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

(c) Transient Lodging Tax Collector means a transient lodging provider or transient lodging intermediary.

~~(e) Occupancy means the use or possession, or the right to use or possession, for lodging or sleeping purposes, of any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days room in a hotel, or space in a mobile home or trailer park or portion thereof.~~

~~(d) Operator means the person who is proprietor of a hotel in any capacity and, where the operator performs the operator's functions through a managing agent other than an~~

~~employee, the managing agent who shall have the same duties and liabilities as the managing agent's principal. Compliance with the provisions of sections 3.772 to 3.804 of this Code by either the principal or the managing agent shall be considered to be compliance by both.~~

- (e) Occupant means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.
- ~~(e)~~ Person means any individual, firm partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, ~~corporation,~~ estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- ~~(f) Cash accounting means a system of accounting in which the operator does not enter on the operator's records the rent due from a transient until the rent is paid.~~
- ~~(g) Accrual accounting means a system of accounting in which the operator enters on the operator's records the rent due from a transient when the rent is earned, whether or not it is paid.~~
- ~~(h)~~ Rent means the consideration paid or payable charged, whether or not received by the operator or an occupant, for the occupancy of space in transient lodging a hotel whether or not valued in money, goods, labor, credits, property, or other consideration ~~valued in money, without any deduction.~~ If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.
- ~~(i) Rent package plan means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of the transient room tax under section 3.772 of this Code shall be the same charge made for rent when not a part of a package plan.~~
- (h) Short-Term Rental means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents a guest bedroom or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.
- (i) Short-Term Rental Hosting Platform means a business or other person that facilitates the retail sale of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term rental hosting platforms are transient lodging intermediaries.
- (j) Tax administrator means the finance director of the City of Eugene or its designee, which may include the Oregon Department of Revenue. If the city utilizes the Oregon Department of Revenue as its tax administrator, it will comply with ORS 305.620 in that it will follow the rules adopted by the Department of Revenue regarding the administration, collection, enforcement and distribution of transient lodging taxes.

(k) Transient Lodging or Transient Lodging Facilities means:(1) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy;(2) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or(3) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

~~Transient means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any individual so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. A person who pays for lodging on a monthly basis, irrespective of the number of days in the month, shall not be deemed a transient.~~

(l) TLT or tax means the transient lodging tax.

~~Tax means either the tax payable by the transient, or the aggregate amount of taxes due from an operator during the period for which the operator is required to report the operator's collections.~~

Section 2. Section 3.772 of the Eugene Code, 1971, is amended to provide as follows:

3.772 Transient ~~Room~~ Lodging Tax – ~~Levy~~ Tax Imposed.

(1) Effective October 1, 2022, each occupant shall pay a TLT in the amount of four and one-half percent (4.5%) of the rent. The occupant shall pay the TLT with the rent to the transient lodging tax collector. TLT amounts shall be rounded down to the nearest cent. The transient lodging tax collector shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the transient lodging tax collector with each installment unless the occupant pays the entire amount with the first payment.

(2) Bills, receipts or invoices provided to occupants shall list the TLT separately and must accurately state the amount of tax. All amounts listed as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the city, provided that the transient lodging tax collector may withhold five percent (5%) of the net tax due as an administrative charge for the transient lodging tax collector's expense in collection and remittance of the tax.

~~For the privilege of occupancy in any hotel each transient shall pay a tax of four and one-half percent (4.5%) of the rent charged by the operator for the occupancy. The tax shall constitute a debt owed by the transient to the city and be extinguished only by payment to the operator or the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on the operator's records when the rent is collected, if the operator keeps the operator's records on the cash accounting basis, and when earned, if the~~

~~operator keeps the operator's records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that the tax be paid directly to the city. In all cases the rent paid or charged for occupancy shall exclude amounts received for the sale of goods, services or commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.~~

Section 3. Section 3.774 of the Eugene Code, 1971, is amended to provide as follows:

3.774 Transient ~~Room~~ Lodging Tax – Collection of Tax by Transient Lodging Tax Collector.

(1) Every transient lodging tax collector shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. While holding the payment in trust for the city, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector's funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained. Transient lodging tax collectors may choose to file returns and remit payment based on amounts accrued but not yet collected. The transient lodging tax collector is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

(2) Upon request of the city, transient lodging tax collectors must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.

~~(1) Every operator renting a room in this city, the occupancy of which is not exempted under the terms of section 3.778 of this Code, shall collect a tax from the occupant of the room. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city.~~

~~(2) In all cases of credit or deferred payment of rent, the payment of the tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until the credit is paid or the deferred payment is made.~~

~~(3) The tax administrator shall enforce sections 3.772 to 3.804 of this Code and may adopt rules and regulations consistent with those sections and necessary to aid in the enforcement.~~

Section 4. A new section 3.775 is added to the Eugene Code, 1971, to provide as follows:

3.775 Transient Lodging Tax – Short-Term Rental Hosting Platform Fees.

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

Section 5. Section 3.776 of the Eugene Code, 1971, is amended to provide as follows:

3.776 Transient ~~Room~~Lodging Tax – ~~Operator’s Duties~~Liability for Tax.

Transient lodging providers who receive any portion of the rent for transient lodging and transient lodging intermediaries that provide booking service are both transient lodging tax collectors and are jointly and severally liable for the tax.

~~Each operator shall collect the tax imposed by section 3.772 of this Code on a transient at the same time as the operator collects rent from the transient. The amount of the tax shall be separately stated upon the operator’s records and on any receipt for the rent rendered by the operator to the transient. No operator shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded.~~

Section 6. Section 3.778 of the Eugene Code, 1971, is amended to provide as follows:

3.778 Transient ~~Room~~Lodging Tax – Exemptions.

No ~~tax~~TLT may be imposed upon:

- (a) A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;
- (b) A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- (c) A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;
- (d) A dwelling unit, the consideration for which is funded by a government agency directly or through a voucher, and the purpose of which is to provide emergency or temporary shelter;
- (e) A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility;

(f) A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:

1. All dwelling units occupied are within the same facility; and

2. The person paying consideration for the transient lodging is the same person throughout the consecutive period.

(g) A dwelling unit is leased on a monthly basis, irrespective of the number of days in the month; or

(h) A dwelling unit whose rent is of a value less than \$2.00 per day.

~~(a) Any occupant for more than 30 successive calendar days;~~

~~(b) Any person who pays for lodging on a monthly basis, irrespective of the number of days in the month;~~

~~(c) Any occupant whose rent is of a value less than \$2.00 per day;~~

~~(d) Any person who rents all or a portion of a private home, vacation cabin or like facility from any owner who rents out the facility incidentally to the owner's own use thereof, and who does not rent out the facility on a regular or continuous basis.~~

~~(e) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for aged people.~~

~~(f) Any occupant whose rent is paid by a local agency, either directly or through a voucher, in response to a local disaster or declared emergency.~~

Section 7. Section 3.780 of the Eugene Code, 1971, is amended to provide as follows:

3.780 Transient ~~Room Lodging~~ Tax – Registration of Transient Lodging Provider; Form and Contents; Execution; Certification of Authority.

(1) Every person engaging or about to engage in business as a transient lodging provider operator of a hotel in this city shall provide a complete register registration form to with the tax administrator ~~on a form provided by the tax administrator~~ within 15 calendar days after commencing the business. ~~Nonregistration under this section shall not relieve any person from the obligation to pay the tax.~~ The registration form shall require the transient lodging provider to provide ~~set forth~~ the name of the business, any separate business addresses, and other information under which the operator transacts or intends to transact business, ~~the location of the operator's place or places of business, and such other information to facilitate the collection of the tax~~ as the tax administrator may requires to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in Eugene shall provide the address of the lodging facility. The registration form shall be signed by the transient lodging provider operator. The tax administrator shall, within 40-15 days after the registration, issue without charge a certificate of authority to ~~the registrant to collect the tax-TLT~~ from the occupants of the hotel, together with a duplicate thereof for each

~~additional place of business of the registrant. The transient lodging provider's obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If the rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking on a link to the certificate of authority at a reasonable place during the payment transaction.~~

~~(2) Such a certificate shall be non-assignable and non-transferable and shall be surrendered immediately to the tax administrator upon the cessation of when the business is sold or transferred or when a transient lodging provider ceases to operate at the location named specified in the registration form. on the certificates or upon sale or transfer of the business. Each such certificate issued to a transient lodging provider for a specific lodging facility and duplicate thereof shall state the place of business to which it is applicable and shall be prominently displayed at the lodging facility and include: so as to come to the notice readily of all occupants and persons seeking occupancy therein. The certificate shall, among other things state the following:~~

- ~~(a) The name of the operator~~transient lodging provider;
- ~~(b) The address of the hotel~~ transient lodging facility;
- ~~(c) The date when the certificate is~~was issued; and
- ~~(d) The certificate number as assigned by the tax administrator. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the transient room tax ordinance of the City of Eugene by registration with the tax administrator for the purpose of collecting from transients the city's room tax and remitting the tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit from any board, commission, department or office of the city. This certificate does not constitute a permit."~~

Section 8. Section 3.782 of the Eugene Code, 1971, is amended to provide as follows:

3.782 Transient ~~Room~~ Lodging Tax – Remittances and Returns.

~~(1) Transient lodging tax collectors must submit a completed tax return form to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected, less the optional withholding of the administration fee. The return shall be filed in such form as the tax administrator may prescribe. The tax administrator if they deem it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes on other than monthly periods.~~

~~The tax imposed by section of this Code shall be paid by the transient to the operator when the transient pays rent to the operator. All such taxes collected by any operator are due and payable to the tax administrator on the fifteenth day of the month for the preceding month and are delinquent on the last day of the month in which they are due.~~

- (2) The transient lodging tax collector is entitled to the administration fee. If a transient lodging facility has multiple owners, they are not entitled to retain additional fees.
~~On or before the fifteenth day of the month following each month of collection by an operator, he or she shall file a return for that month's tax collections with the tax administrator. The return shall be filed in such form as the tax administrator prescribes.~~
- (3) Remittances are delinquent if not made by the last day of the month in which they are due.
- (34) ~~A r~~Returns shall show the gross rents amount of tax collected, taxable rents, or otherwise due for the period for which the return is filed. The total amount of TLT rentals upon which the tax is collected and the amount of the administrative fee retained by the transient lodging tax collector. Returns shall also show the exempt and excluded rents and the basis for exemptions and exclusions.
~~or otherwise due, gross receipts of the operator for the period, and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.~~
- (45) The person required to file the return shall deliver the return, together with ~~the~~ remittance payments of the amount of the tax due, with the tax administrator, to the appropriate at the tax administrator's office, either by personal delivery, or by mail, or by electronic tax return filed through a reporting and payment portal furnished by the tax administrator, or its designee. If the return is mailed, the postmark shall be considered the date of delivery.
- (56) ~~For good cause, t~~he tax administrator may extend the time for not to exceed one month the time for making any return or payment remittance of the tax by up to 30 days. No further extension may be granted, except by the city manager or city manager designee. Any ~~operator-transient lodging collector~~ to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of ~~tax due~~remittance due, without proration for a fraction of a month. If a return is not filed, and the ~~tax~~remittance and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties ~~prescribed in section 3.784 of this Code.~~
- (6) ~~The tax administrator, if he or she deems it necessary in order to insure payment or facilitate collection by the city of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than monthly periods.~~

Section 9. Section 3.784 of the Eugene Code, 1971, is amended to provide as follows:

3.784 Transient Room Tax – Penalties and Interest.

- (1) Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment.
- (2) If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- (3) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.

(4) The tax administrator shall deposit all taxes, interest, and penalties collected under this section to the credit of the fund receiving lodging tax revenues.

- ~~(1) Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by section 3.772 of this Code prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due in addition to the amount of the tax.~~
- ~~(2) Any operator who has not been granted an extension of time for remittance of tax due, and who fails to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first becomes delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due plus the amount of the tax and the ten percent (10%) penalty first imposed.~~
- ~~(3) If the tax administrator determines that the nonpayment of any remittance due under section 3.772 of this Code is due to fraud or intent to evade the provisions thereof, a penalty of twenty five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (1) and (2) of this section.~~
- ~~(4) In addition to the penalties imposed, any operator who fails to remit any tax imposed by section 3.772 of this Code shall pay interest at the rate of one half of one percent per month or fractions thereof, without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first becomes delinquent, until paid.~~
- ~~(5) Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with, and become a part of, the tax required to be paid.~~

Section 10: Section 3.786 of the Eugene Code, 1971, is amended to provide as follows:

3.786 Transient ~~Room Lodging~~ Tax – ~~Deficiencies~~Deficiency Determination; Fraud, Evasion, Local Tax Trustee Delay.

- (1) Deficiency Determination. ~~If~~The tax administrator may review determines that a tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the transient lodging tax collector, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail. ~~required by section 3.782 of this Code is incorrect, the tax administrator may compute and determine the amount required to be paid, upon the basis of the facts contained in the return or returns or upon the basis of any information within the tax administrator's possession. One or more deficiency determinations may be made of the amount due for one or more periods, and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined shall be delinquent. Penalties on deficiencies shall be applied as set forth in section 3.784 of this Code.~~
- (a) In reviewing and adjusting tax returns, ~~making a deficiency determination~~ the tax administrator shall may offset any amount received in excess of the remittances due

~~overpayments, if any, which may have been previously made against any shortages in remittances, underpayment for a subsequent period or periods, or against penalties, and interest, on the underpayment. The interest on underpayment shall be computed in the manner set forth in section 3.784.~~

~~(b) The tax administrator shall give to the operator or occupant a written notice of the tax administrator's determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the operator at the operator's address as it appears in the records of the tax administrator. In case of service by mail of any notice required by this section, the service shall be complete at the time of deposit in the United States Post Office.~~

~~(cb) Except in the case of fraud or intent to evade the TLT, LTL, sections 3.772 to 3.804 of this Code or rules and regulations pursuant to it, notice of every deficiency determinations shall be issued made and notice thereof mailed within three years of the after the last day of the month following the close of the monthly period for which the deficiency determination is made is proposed to be determined or within three years after the return is filed, whichever period expires the later.~~

(c) The time to remit deficient payment amounts under this section shall be extended if the local tax trustee timely requests a redetermination.

~~(d) Any deficiency determination shall become due and payable immediately upon receipt of notice by the operator and shall become final within ten days after the tax administrator gives notice thereof, but the operator may petition for redemption and refund if the petition is filed before the determination becomes final.~~

- (2) Fraud – Refusal to Collect – Evasion. If any transient lodging tax collector operator fails or refuses to collect, report or remit the tax or to make, within the time as required by section 3.782 of this Code, any report and remittance of the tax or any portion thereof required by section 3.722 of this Code, or makes submits a fraudulent return, or otherwise violates or willfully attempts to violate this chapter evade section 3.772 of this Code, the tax administrator shall estimate the tax due, and calculate the amount owing from the transient lodging tax collector for tax remittance, interest and penalties and provide notice to the transient lodging tax collector of the assessment. ~~proceed in such manner as the tax administrator deems best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator determines the tax due from any operator who has failed or refused to collect the same and to report and remit said tax, the tax administrator shall proceed to determine and assess against the operator the tax, interest, and penalties provided for by sections 3.772 and 3.784 of this Code. In case such a determination is made, the tax administrator shall give a notice, in the manner prescribed by section 3.786(1) of the amount so assessed.~~ The determination and notice shall be made and mailed within three years after discovery by the tax administrator of ~~any fraud, intent to evade, or failure or refusal to collect the tax, or failure to file a required return~~ the violation. The Any deficiency determination is shall become due and payable immediately upon receipt of the notice and shall become final within 10 days after date notice was delivered if no petition for redetermination is filed. ~~the tax administrator gives notice thereof. The operator may, however, petition for redemption and refund if the petition is filed before the determination becomes final as provided in subsection (1) of this section.~~

~~(3) If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the city by section 3.772 of this Code is jeopardized by delay, or if any deficiency determination made under this section is jeopardized by delay, the tax administrator shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as provided in this section shall be immediately due and payable, and the operator shall immediately pay the determined amount to the tax administrator after service of notice thereof. The operator may petition, however, after payment is made, for redemption and refund of the determination, if the petition is filed within 10 days from the date of service of notice by the tax administrator.~~

Section 11. Section 3.788 of the Eugene Code, 1971, is amended to provide as follows:

3.788 Transient ~~Room~~ Lodging Tax – Redeterminations.

- (1) Any person ~~affected by~~ against whom a deficiency determination ~~may file a~~ is made under section 3.786 of this Code or any person directly interested in the determination may petition for ~~a~~ redetermination with the tax administrator and redemption and refund, within 10 business days of service of notice of the tax deficiency. ~~the time required in section 3.786 of this Code. If a petition for redetermination and refund is not filed within the time required in section 3.786, the~~ A ~~determination becomes~~ shall become final if a petition for redetermination is not timely filed. ~~at the expiration of the allowable time.~~
- (2) If a petition for redetermination ~~and refund~~ is filed within the allowable time period, the tax administrator shall reconsider the determination, and, ~~if the person has so requested in the person's petition, shall~~ grant ~~the person~~ an oral hearing if requested. ~~The petitioner and shall be allowed at least give the person 10~~ 20 business days to prepare for the hearing ~~notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as necessary.~~
- (3) After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing. ~~The tax administrator may decrease or increase the amount of the determination as a result of the hearing, and if an increase is determined, the increase shall be payable immediately after the hearing.~~
- (4) The ~~order or~~ decision of the tax administrator ~~upon a petition for on~~ redetermination ~~and redemption and refund shall~~ becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the city manager or the city manager's designee within that time. ~~service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the city manager within the 10 days after service of such notice.~~ The appeal shall be filed with the tax administrator. The decision of the city manager or the city manager's designee shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the decision.
- ~~(5) No petition for redetermination and redemption and refund or appeal therefrom shall be effective for any purpose unless the operator first complies with the payment provisions hereof.~~

Section 12. Section 3.790 of the Eugene Code, 1971, is amended to provide as follows:

3.790 Transient ~~Room~~ Lodging Tax – Security for Collections.

- (1) ~~The tax administrator, whenever he or she deems it necessary to insure compliance with sections 3.770 to 3.788 of this Code, may require any operator subject to the transient room tax to deposit with the tax administrator such security in the form of cash, bond, or other assets as the tax administrator determines. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's estimated average monthly liability for the period for which the operator files returns, determined in such manner as the tax administrator deems proper, or five thousand dollars (\$5,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the tax administrator subject to the limitations herein provided.~~
- (2) ~~At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination by the tax administrator under sections 3.772 to 3.804 of this Code becomes final, the tax administrator~~ The city may bring legal an action in the courts of this state, or any other state, or of the United States, in the name of the city, to collect the amount delinquent, together with penalties and interest on any amounts owed to the city under this chapter within three years after remittance is due to the city or within three years after any determination becomes final.
- (2) The city is entitled to collect reasonable attorneys' fee in any legal action brought to collect on amount owed to the city under this chapter.

Section 13. Section 3.792 of the Eugene Code, 1971, is amended to provide as follows:

3.792 Transient ~~Room~~ Lodging Tax – Liens.

The city may record a lien in the city's lien docket against any real property owned by a transient lodging provider who receives any portion of the rent from a transient lodging facility located within the city as to any delinquent remittances by the transient lodging provider.

~~The tax imposed by section 3.772 of this Code, together with the interest and penalties provided by section 3.784 and the filing fees paid to the Department of Records of Lane County, Oregon, and advertising costs which may be incurred when the tax becomes delinquent under section 3.782 shall be, and until paid remain, a lien from the date of its recording with the Department of Records of Lane County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the hotel of an operator within Eugene and may be foreclosed on and sold as necessary to discharge the lien, if the lien has been so recorded. Notice of lien may be issued by the tax administrator whenever the operator is in default in the payment of the tax, interest and penalty, and shall be recorded with the Department of Records and a copy sent to the delinquent operator. The personal property subject to the lien and seized by any deputy of the tax administrator may be sold by the tax administrator at public auction after 10 days' notice thereof published in a newspaper in the city.~~

~~Any such lien as shown on the records of the Department of Records shall, upon the payment of the taxes, penalty and interest for which the lien has been imposed, be released by the tax~~

~~administrator when their full amount has been paid to the city. The operator or person making the payment shall receive a receipt therefor stating that the full amount of the taxes, penalties, and interest have been paid and that the lien is thereby released and the record of lien satisfied.~~

Section 14. Section 3.794 of the Eugene Code, 1971, is amended to provide as follows:

3.794 Transient Room Tax – Refunds.

(1) Refunds by City to Transient Lodging Tax Collector. If the transient lodging tax collector remits more tax, penalty or interest than is due, the transient lodging tax collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall be either refunded or credited on any amount due from the transient lodging tax collector.

(2) Refunds by City to Occupant. A transient lodging tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city and the occupant was not required to pay the tax or overpaid, the city shall issue a refund to the occupant.

(3) Refunds by Transient Lodging Tax Collector to Occupant. If an occupant has paid tax to a transient lodging tax collector but stays a total of 30 or more consecutive days in the same transient lodging facility, the transient lodging tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The transient lodging tax collector shall account for the collection and refund to the tax administrator. If the transient lodging tax collector has remitted the tax prior to the refund or credit to the occupant, the transient lodging tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

(4) Burden of Proof. The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

~~Whenever the amount of any tax imposed under section 3.784 has been paid more than once or has been erroneously or illegally collected or received by the tax administrator, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the tax administrator approves the claim, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid, and the balance may be refunded to the operator, or the operator's administrators, executors or assignees. All refunds shall be charged to the fund receiving room tax revenues.~~

Section 15. Section 3.798 of the Eugene Code, 1971, is amended to provide as follows:

3.798 Transient ~~Room~~ Lodging Tax – Administration.

~~(1) The tax administrator shall deposit all money collected pursuant to section 3.772 to 3.792 of this code to the credit of the fund receiving room tax revenues.~~

- (21) Records Required from Local Tax Trustee. Every local tax trustee operator shall keep ~~guest records of each transaction involving rent and/or collection of TLT of room rentals and accounting books and records of the rentals.~~ All ~~these records the operator shall be~~ retained for at least three years and six months ~~after they come into being.~~
- (32) Examination of Records – Investigations. The tax administrator ~~or agent or any person authorized in writing by the tax administrator~~ may examine all records of a local tax trustee relating to receipt of rent and TLT and remittance of tax during normal business hours and may obtain copies of the records to audit returns~~the books, papers, and accounting records relating to room rentals of any operator liable for the tax, after notification to the operator and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid by the operator.~~
- (3) Authority of Tax Administrator. The tax administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered transient lodging providers. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the city will act consistently with the interpretation until it is withdrawn, and the city shall provide 30 days' written notice of withdrawal of an interpretation.
- (4) Confidential Character of Information Obtained – Disclosure Unlawful. The city shall maintain the confidentiality of information provided by transient lodging tax collector. Nothing in this subsection shall be construed to prevent:
~~Neither the tax administrator nor any person having an administrative or clerical duty under sections 3.776 to 3.804 of this Code may make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a transient occupancy registration certificate, or pay a transient room tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof, to be seen or examined by any person. Nothing in this subsection shall prevent, however:~~
- (a) The disclosure to, or the examination of records and equipment by another City of Eugene official, employee, or ~~tax-collecting agent~~ for collection of taxes for the ~~sole~~ purpose of administering or enforcing any provisions of this chapter or collecting city business license fee~~the tax.~~
- ~~(b) The disclosure, after the filing of a written request to that effect, to the taxpayer or the taxpayer's receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any such tax paid, any such tax unpaid or the amount of any such tax required to be collected, together with interest and penalties thereon provided the city attorney approves each such disclosure. The tax administrator may refuse to make any such disclosures referred to in this paragraph when in the tax administrator's opinion the public interest would suffer thereby.~~
- (b) Disclosure of information to the transient lodging tax collector and the transient lodging tax collector's agents.

- (c) The disclosure of the names and addresses of any persons to whom ~~transient occupancy registration~~ certificates of authority have been issued.
- (d) The disclosure of general statistics regarding taxes collected or business done in the city.
- (e) Disclosures required by ORS Chapter 192.
- (f) Disclosures required by ORS Chapter 297.

Section 16. Section 3.800 of the Eugene Code, 1971, is amended to provide as follows:

3.800 Transient ~~Room-Lodging~~ Tax – Appeals to City-Manager.

Any person aggrieved by any decision of the tax administrator may appeal to the city manager or the city manager's designee by filing ~~a notice of written~~ appeal with the tax administrator within 10 business days of the serving or mailing ~~of the notice~~ of the decision being appealed. The city manager shall schedule the hearing and provide the appellant notice of the hearing at least 10 business days before the hearing. The city manager or the city manager's designee may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city manager or the city manager's designee by filing a written appeal within 10 business days of the mailing of the notice of the regulation. ~~The tax administrator shall fix a time and place for hearing the appeal and shall give the appellant 10 days' written notice of the time and place of the hearing.~~

Section 17. Sections 3.796, 3.802, and 3.804 of the Eugene Code, 1971, are deleted in their entirety.

~~**3.796 Transient Room Tax – Collection Fee.**~~

~~Every operator liable for the collection and remittance of the tax imposed by section 3.772 of this Code may withhold five per cent (5%) of the net tax due to cover the operator's expense in the collection and remittance of the tax.~~

~~**3.802 Transient Room Tax – Appeal to Council.**~~

~~Any person aggrieved by any decision of the city manager under section 3.800 of this Code may appeal to the council by filing a notice of appeal with the tax administrator within 10 days of the serving or the mailing of the notice of the decision given by the city manager. The tax administrator shall transmit the notice together with the file of the appealed matter, to the council, who shall fix a time and place for hearing the appeal. The council shall give the appellant not less than 10 days written notice of the time and place of hearing of the appeal.~~

~~3.804~~ Transient Room Tax – Violations.

~~No operator or other person required to do so may fail or refuse to register as required by section 3.780 of this Code or to furnish any return required to be made under section 3.782 or to furnish a supplemental return or other data required by the tax administrator. No person may render a false or fraudulent return under section 3.782. No person required to make, render, sign, or verify any report regarding the transient room tax may make any false or fraudulent report.~~

Section 18. Section 2.170 of the Eugene Code, 1971, is amended to provide as follows:

2.170 Transient Room Tax – Expenditure.

Net proceeds from the transient ~~room~~ lodging tax may be expended only for the acquisition, construction, operation, and maintenance of recreational, cultural, convention and tourist related facilities and for recreational, cultural, convention and tourist related services.

Section 19. Subsection (2) of Section 3.350 of the Eugene Code, 1971, is amended to provide as follows:

3.350 Short-Term Rental.

(2) *Transient ~~Room~~ Lodging Tax.* Transient ~~room~~ lodging tax shall be collected and remitted to the city for each short-term rental, in coordination with transient lodging intermediary if utilized, as set forth in EC 3.770 through EC ~~3.804~~ 3.800.

Section 20. The definition of “Person” in subsection (1) of Section 3.810 of the Eugene Code, 1971, is amended to provide as follows:

3.810 Patron User Fee.

(1) For purposes of sections 3.810 and 3.812, the following words and phrases mean:

Person. As defined in subsection (e) of section 3.770 of this chapter.

Section 21. Section 3.997 of the Eugene Code, 1971, is amended to provide as follows:

3.997 Transient ~~Room~~ Lodging Tax – Penalties.

Any person willfully violating any provision of sections 3.772 to ~~3.804~~ 3.800 of this Code shall be guilty of a misdemeanor and be punishable therefor by a fine of not more than \$500.00 or by

imprisonment for not more than six months or by both such fine and imprisonment.

Section 22. 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 23. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this ordinance shall become effective on October 1, 2022, or 30 days from the date of passage by the Eugene City Council and approval by the Mayor, whichever is later.

Passed by the City Council this

___ day of _____, 2022

City Recorder

Approved by the Mayor this

___ day of _____, 2022

Mayor

CITY COUNCIL AGENDA ITEM SUMMARY



Action: Initiation of Land Use Code Amendment for 5th Street Market Expansion

Meeting Date: July 25, 2022
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 8
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

Obie Companies is planning an expansion of the 5th Street Market District. Staff provided a project update on July 18, 2022. At this meeting, City Council will have the opportunity to consider initiating changes to Eugene's Land Use Code to enable the 5th Street Market District expansion as proposed.

Next Steps

Any updates to the City's Land Use Code require City Council to initiate the process, which does not infer support for any proposed changes.

The formal adoption process for an amendment to the land use code includes notice to the Oregon Department of Land Conservation and Development and interested parties, a public hearing before the Planning Commission who provides a recommendation to City Council, a public hearing before the City Council, and action by the City Council. This process typically takes at least 3-4 months for an amendment of this nature.

PREVIOUS COUNCIL DIRECTION

[July 23, 2018 meeting](#)

Council deliberated on actions related to the previous expansion of the 5th Street Market District. Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5192, an Ordinance Concerning the Skinner Butte Height Limitation Area. The motion passed 8:0. Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5193, an Uncodified Ordinance Concerning the Gordon Hotel Sign. The motion passed 8:0. Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5194, an ordinance vacating the portion of E. 5th Alley, and a portion of Pearl Alley, and providing for an effective date. The motion passed 8:0.

[April 9, 2018 meeting](#)

Council deliberated on the initiation of Land Use Code changes related to the 5th Street Market expansion project. Councilor Clark, seconded by Councilor Taylor, moved to initiate a code amendment creating a tiered height limit in the Skinner Butte Height Limitation Area and moved to initiate an uncodified ordinance waiving height requirements for roof signs on the proposed Gordon Hotel site. The motion passed 8:0.

July 25, 2022 Meeting – Item 8

COUNCIL OPTIONS

1. Initiate a land use code amendment creating a parcel-specific height limit in the Skinner Butte Height Limitation Area.
2. Decline to initiate a land use code amendment creating a parcel-specific height limit in the Skinner Butte Height Limitation Area.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that City Council initiate a land use code amendment, leading to a Planning Commission public hearing and recommendation and Council public hearing before further Council deliberation.

SUGGESTED MOTION

Move to initiate a land use code amendment creating a parcel specific height limit in the Skinner Butte Height Limitation Area.

ATTACHMENTS

- A. Agenda Item Summary from July 18, 2022 work session

FOR MORE INFORMATION

Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: WDowdy@eugene-or.gov

CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: 5th Street Market District Expansion Project Update

Meeting Date: July 18, 2022
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
 Staff Contact: Will Dowdy
 Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

Obie Companies is planning an expansion of the 5th Street Market District. At this work session, staff will provide a project update and identify expected future decisions for City Council. No action is proposed; this item is for information only.

BACKGROUND

The 2004 Downtown Plan identified the “County Elections block” (between 5th and 6th Avenues, Oak and Pearl Streets) and the “Train depot area” (between the railroad tracks and 5th Avenue, at the terminus of Oak Street) as first and second on a list of Development Opportunity Areas.

In 2018, Obie Companies, in partnership with Homes for Good and Lane County, expanded the 5th Street Market District to the west side of Oak Street, adding new housing units, retail, hotel rooms, and office space to downtown Eugene. At that time, City Council enabled the project to be developed as envisioned by approving land use code amendments for building height and roof sign standards, approving a Multi-Unit Property Tax Exemption (MUPTE), and approving an alley vacation.

Obie Companies has a new proposal to expand the 5th Street Market District in the County Elections block and Train depot area. The project has the potential to achieve the following objectives from the 2004 Downtown Plan:

- Redevelop two identified Development Opportunity Areas
- Expand the 5th Avenue Area (a *Special Place* and a *Great Street* in the Downtown Plan)
- Stimulate multi-unit housing in the downtown core and on the edges of downtown.

Project Status

Obie Companies is in the planning and design stage of future expansion of the 5th Street Market District, which will provide more retail, restaurants, and housing along the 5th Avenue corridor in downtown. The first phase of the new expansion is planned for the parking lot immediately east of the Oregon Electric Station building, at the north terminus of Oak Street. The second phase of the expansion is the half block on the south side of 5th Avenue, adjacent to the new Gordon Lofts and Gordon Hotel. (See Attachment A.) Obie Companies has envisioned these buildings as 7-story

structures, like the Gordon Lofts, with ground-floor retail and a combined residential count of approximately 325 new units.

The Skinner Butte Height Limitation Area (EC 9.6715) applies to properties between the Willamette River, 6th Avenue, Washington Street, and Coburg Road. It restricts buildings and accessory roof structures and architectural features to a specified height (either 500 feet above sea level or 40 feet tall, whichever is greater; except for those properties within a half block of 6th Ave., which may extend up to 530 feet above sea level). The subject properties that Obie Companies proposes to develop have an existing ground elevation of approximately 430 feet above sea level, creating an effective height limit of approximately 70 feet (including rooftop equipment and architectural features). The current design for the Market District expansion is dependent on an amendment to the Land Use Code to allow 7-story buildings in these locations. Obie Companies has indicated that the envisioned height of these buildings allows for increased density (additional housing units) beyond what would otherwise be allowed by the code, and this additional density is what makes the project economically feasible.

The properties are currently zoned I-2 (Light-Medium Industrial), which has no height limit when not subject to the Skinner Butte Height Limitation. Other properties in downtown Eugene have height limits of 120 ft. for properties in the C-2 (Community Commercial) zone and 150 ft. for properties in the C-3 (Major Commercial) zone, with roof structures and architectural features allowed an additional 18 feet of height. The current design is contingent on rezoning of the property from I-2 to C-2, for which Obie Companies has submitted a zone change application.

Additionally, Obie Companies has indicated interest in the Multi-Unit Property Tax Exemption (MUPTE) program, which requires approval by Council. At this time, they have not submitted a MUPTE application.

Connection to the Housing Implementation Pipeline (HIP)

The Overall Housing Supply category of the HIP has 5-year goals that include 1) issuing permits for the construction of 6,000 housing units city-wide, and 2) increasing the amount of housing downtown by 50% from 2021. The proposed Market District expansion projects would account for 5% and 25% progress, respectively towards these goals.

Next Steps

Any updates to the City's Land Use Code require City Council to initiate the process, which does not infer support for any proposed changes. Council will have an opportunity to initiate the Code Amendment at the July 25 Council meeting.

The formal adoption process for an amendment to the land use code includes notice to the Oregon Department of Land Conservation and Development and interested parties, a public hearing before the Planning Commission who provides a recommendation to City Council, a public hearing before the City Council, and action by the City Council. This process typically takes at least 3-4 months for an amendment of this nature.

PREVIOUS COUNCIL DIRECTION

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COUNCIL OPTIONS

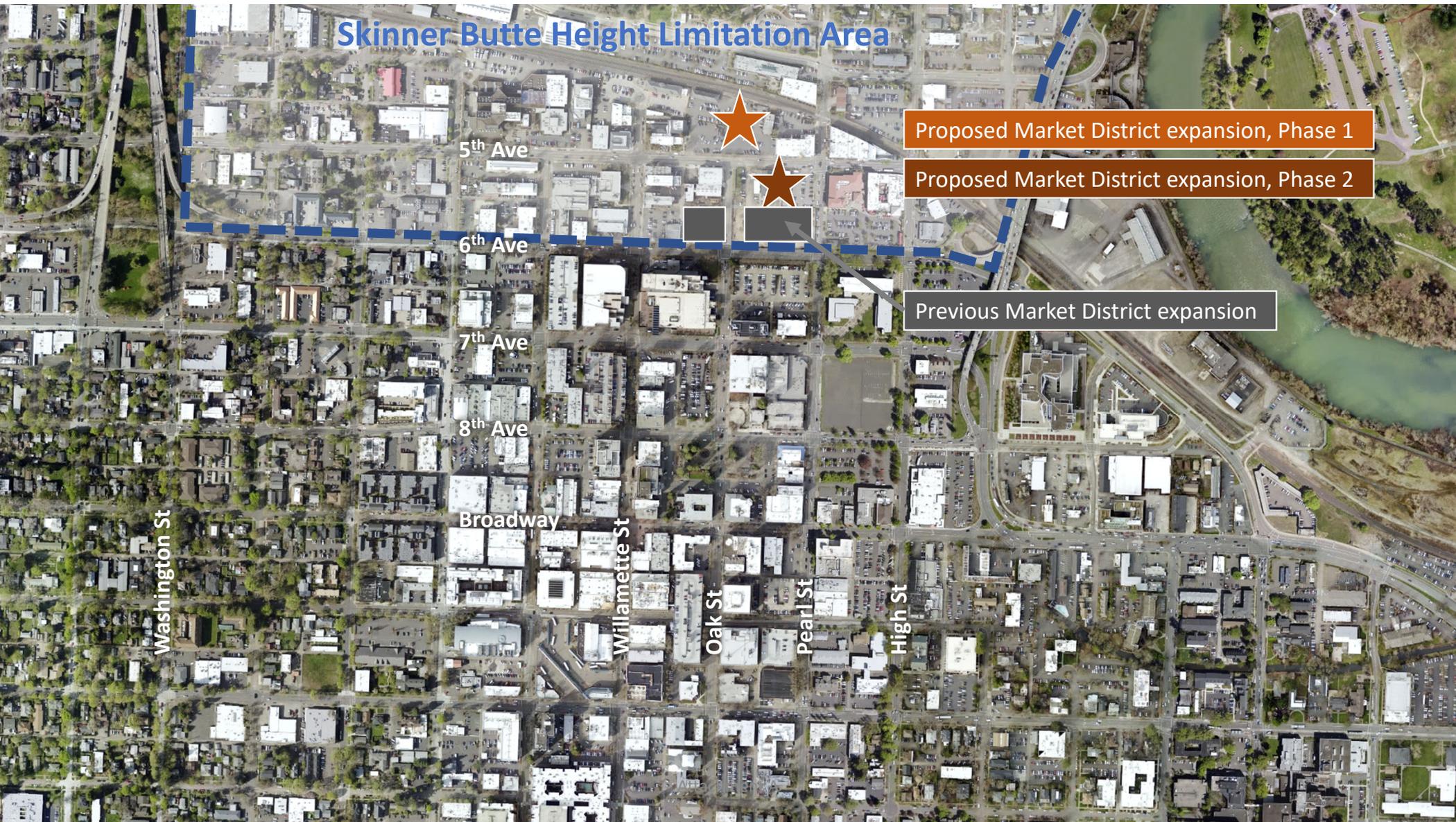
No action; information only.

ATTACHMENTS

Context Map of project site within Skinner Butte Height Limitation Area

FOR MORE INFORMATION

Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: WDowdy@eugene-or.gov



Skinner Butte Height Limitation Area

Proposed Market District expansion, Phase 1

Proposed Market District expansion, Phase 2

Previous Market District expansion