

To the Eugene City Council,

Please enter this letter into the record for the City Council meeting scheduled for October 21st 2013. I would prefer to be at the meeting, since what is being decided is so extremely important, but I have pre-arranged plans to be out of town during this time period.

I am writing this letter to address my concerns regarding the current Storm Water treatment requirements, proposed by the City of Eugene Public Works Department. I am a life time Eugene resident, and have been involved in real estate sales, real estate development and new home construction in Eugene since 1975.

This current proposal has not been well thought through or adequately analyzed for the following reasons. This proposed code change, is also only the Public Works Department's interpretation, of what the DEQ's guidelines require, and this proposed code change is only directed at a small segment of Eugene's population.

I would appreciate it if you would delay your consideration of these amendments so that you can carefully consider the information that is contained in my letter and other individual's testimony, which are able to make the meeting.

You may not agree with all of the information that I have submitted, but the consequences of this code adjustment are very severe and very one sided, will have long range consequences, and really are not the best way to address what should be a "community wide concern".

First and foremost the City of Eugene has many other options for storm water treatment that are not being researched. Instead, City Officials have continually directed their requirements to a very small segment of Eugene's population, i.e. people developing new properties and people choosing to build and live in new homes. This is a community wide event and should be, if it's found to actually be needed, funded by the entire community, and should be a City Maintained facility or facilities.

Other cities have addressed DEQ's concerns in other ways, and some other cities have had discussions with DEQ about how to mitigate the costs and expenses, or even to actually re-define, what is required by the various rules.

The City of Eugene has made their own interpretation as to what needs to be done and then has gone forward with "their", single option, solution, i.e. systems development charges on new construction with the added expenses for home builders, home purchasers and developers. And now they want to remove the use of Mechanical treatment systems for entire subdivisions, require on site water filtration or infiltration, and if that cannot be done then require each lot to install and maintain their own private Mechanical storm water treatment

system. They are also removing the previous exemption of lots which were developed prior to 2006 and are going to require on site treatment either with filtration/infiltration systems or if that can't be done, then on site individual mechanical treatment systems. These requirements are not financially feasible.

The City of Eugene HAS COLLECTED MILLIONS OF DOLLARS IN SDC FEES AND STORM WATER CHARGES AND HAS NOT CREATED A SINGLE STORM WATER TREATMENT CENTER!! These fees should be used for the purpose they are being charged for "collection and treatment" of storm water! Some other possible storm water treatment options, would be to use the Amazon Canal and Amazon Canal right of way for a filtration/infiltration area, for many homes in the south hills, the various wetland areas throughout the Eugene area could be used for infiltration/filtration for large areas on the South West Hills, the property recently purchased from Rexius could be used as a natural treatment area, before the filtered water is disbursed into the Amazon Canal. The large parcel located on the east side of City View between 11th and Westmoreland School, that was preserved for wetlands, but isn't "wet" most of the time, could be used as a natural "treatment area" and at the same time create habitat for various animals. The natural drainage way through the Wayne Morse Park could be used to collect and treat water from the south hills. Currently the storm water from land to the south of the Park simply drains, in an open storm water pipe, onto and through the park, with no treatment.

Also, mechanical or other water filtration products could be placed in existing storm sewer manholes and existing catch basin to filter water before it enters the main storm water system. Also land could be purchased for infiltration/filtration locations, (the deep open pits at Delta Sand and Gravel or Wildish) or existing ponds along the Delta Highway, the Northwest Express and other similar locations, and could be used for natural infiltration/filtration. You could also use existing land owned by the City and use it for storm water treatment.

But instead on installing treatment systems in existing Storm Water manholes and catch basins, in the City, it is my understanding that the Public Works department is removing the "low profile treatment elbows" and similar treatment equipment, in many of the existing catch basins, because they don't want to deal with them. I've heard that this is true, but the Council can verify the truthfulness of this statement. Also the Public Works Department is the one wanting to end the public maintenance of privately installed and paid for, mechanical storm water treatment facilities. It does not seem right that code changes should be based on the Public Works Departments, unwillingness to maintain existing treatment systems and locations, thereby causing thousands of single lot mechanical systems that have to be maintained by private property owners. Also if the City continues to do what they have been doing in the past with private "bio-swales" and similar devices, that is hire City Staff to police these systems, then these new codes will create hundreds of thousands of dollars of added expense, to hire more

people to inspect all of these new systems. Does the City have the funds to hire all of these new employees?

All of the above these options would be much cheaper and much more effective than the current proposed regulations, would make use of existing resources and properties, would not diminish the land available for development within the Urban Services Boundary, not cause potential law suits, and not place an unfair burden on a very small segment of Eugene's, new home purchasing and home building population.

I would suggest that the City give some private engineers a chance to come up with ideas and also require the City Engineering Staff, and the Public Works Department, to come up with more viable solutions for water treatment, rather than just shoving it into the laps of individual home owners.

I thought that that the "Public Works Department" was supposed to "help the public", not impose unneeded and costly regulations on them!

These new proposed regulations are going to require treatment of water running off roofs in new homes and remodels, that is actually purer than the creeks (Amazon creek) and the ultimate water way (The Willamette River) that they drain into. This obviously also doesn't make any sense.

The current proposal by the City is even more expensive and more un-reasonable than any previous requirements, This proposal will remove the exemption for lots developed before 2006 and require home remodels and home impervious surface repairs, be required to treat water runoff from roofs and driveways, even if it requires an individual mechanical storm water treatment for each home (individual mechanical storm water treatment for a single residence costs between \$10,000 and \$15,000).

If the proposed ordinance is enacted a high percentage of the "available" lots in south, southeast and southwest Eugene will require this individual mechanical treatment, and the City will need to redo and re-analyze the amount of "available land" that can be used for residential construction, in these areas. The City will also have to re-analyze the amount of homes that can be created by developing the existing land within the Urban Services boundary, since, with the removal of the mechanical "joint treatment" option for new subdivisions, the water will have to be treated on site, in large containment ponds, or bio-swales on site, or on enlarged lots, to allow for onsite "filtration or infiltration", and these requirements will greatly reduce the amount of lots that can be created.

The City will also have to re-analyze the State “affordable” housing rule, and should also expect a probable taking and or loss of value (Dolan Case), class action law suit, and or, a Measure 37 Claim.

There also has been no “cost” analysis given to the City Planning Commission when they recommended this code amendment, nor was there a clear explanation by the City of Eugene, about what this code amendment would require and the ultimate consequences of these requirements, both in additional costs to land owners, home owners and or builders, and also to the City. Nor was there a discussion about the need to redo the recently completed, available lands analysis, within the current Urban Services Boundary, in regards to these code changes. The City also did no “lot value reduction analysis”, to determine if there was any loss in lot value to private property owners, they only got the City attorney’s opinion, who would be the one paid to fight any claims in court, and he of course said, that the code was “enforceable”.

Obviously the City has not provided adequate information or adequately researched and documented the many consequences of this proposed ordinance, the many alternative less costly and more efficient water treatment options, or the documented specific requirements from DEQ, for any elected official to make an informed decision!

If storm water treatment is going to be required for any “impervious surface” areas over 600 to 1,000 sq. feet, in the private sector, then the City needs to analyze what their added costs will be for treating the storm water on any of their public street or public building repair or improvement projects !! This would run up to \$100,000’s of dollars.

Also simply because the Public Works Department does not want to be responsible for maintenance of the Joint Mechanical Treatment Facilities that are currently required for new subdivisions, and actually do a very good job at treating all storm water from any new subdivisions, they are choosing to end all “collective water treatment facilities”, and instead want to place the cost, maintenance and upkeep of thousands of individual mechanical systems on individual private home owners. This on-going cost figure also needs to be figured into the loss of value analysis, in relation to lowering lot values.

Further as mentioned above, all of these treatment systems will have to be inspected yearly by City of Eugene employees, and this will cost the taxpayers of Eugene a very large sum of money. There was also no cost analysis done for the cost of hiring additional City Employees to monitor and inspect hundreds and thousands of these systems on a yearly basis.

This is way too big a decision to be made considering all of the above concerns without the City doing a lot more research and provide a lot more answers, to the many important questions that have not been addressed.

The Public Works Department has talked about giving some “credit” to sdc fees for storm water treatment, though they have not created any numbers. If this code is approved in its current form, which it should not be, there should be no “token credit”, given for storm water treatment, there should be full reduction of any sdc fees equal to the cost of the individual storm water treatment options.

As a real live example. Aeries Park PUD was approved and developed prior to these requirements. It is a 28 lot subdivision, in the southwest hills located off of Hawkins Lane. It is mostly undeveloped, due to the drop in the economy. The soils on this site and the slopes on this site will not allow individual infiltration/filtration systems, so each lot will require an individual mechanical storm water treatment facility. There have been 4 homes built in this subdivision, so in this subdivision alone, it will cost the remaining 24 individual property owners between \$240,000 and \$360,000 dollars to treat their storm water. This is not right!!!!

There are many other examples of this same situation, and in fact there are 100's to 1,000's of lot that will require individual mechanical storm water treatment systems, since they will be unable to comply with the filtration/infiltration requirements of this proposal. And there will be thousands of lots in new subdivisions that will not be allowed to have a central, mechanical storm water treatment system. The cost of this ordinance will be in the Millions of dollars, very quickly!!

Other information that the City Council might want to research before even thinking about making a decision of these proposed code changes. 1. Check out what other Cities have done to “comply” with DEQ's requirements, I do not believe that any other cities have required individual, single lot storm water treatment. 2. Other cities, as mentioned, have had meetings with DEQ to clarify what is required to meet their goals and guidelines, and have even negotiated what they were going to do and were willing to do. DEQ's guidelines are not cast in stone; they are open to interpretation and various ways to accomplish. 3. No one in the City has clarified what “will happen” if Eugene does not meet the goals and guidelines, nor have they clarified exactly what needs to be done. They have been so busy making their own interpretation of what they are going to require of the private sector, that there has been little to no research, as to what the “consequences” might be or even if there are actually, any “consequences” or even what constitutes “non-compliance”. 4. There is no government requirement to “stop any water contamination, only a requirement to improve what is currently being done. Ending the use of subdivision wide, Mechanical Storm water treatment systems that have been approved in the past is going backwards. There is no way that requiring individual privately owned and maintained, on site storm water treatment system will create purer storm water. That would be like saying that individual septic tanks are a better way to treat sanitary sewer. We have all learned the hard way that that is not true and that is why individual septic systems have been “outlawed” in the City and replaced with a City wide sanitary sewer treatment center. 5. Storm water treatment funds have been used for other purposes besides storm water treatment. 6. Do an analysis of how much money is collected in

“storm water fees” and SDC storm water fees each year, how much money has been collected since the program began, and what specific “treatment facilities” have been created with these funds. The private sector which currently pays these fees, and the private sector that will be building new homes, and paying very high costs to meet these new proposed guidelines, needs to have an answer to these questions. 7. Why Has the City chosen to place the burden for what they are requiring in these new codes to a very small number of people in the City of Eugene? A group of people who cannot effectively defend themselves, from these charges and won’t even know about these charges until they try to develop their land or choose to purchase a new home. 8. What are the costs to “infill housing” within the City core, that the City says is so important to meet their housing goals and limit expansion of the Urban Services Boundary. 9. How will this code affect the need to annex additional land for the City to meet their needed housing goals? 10. This code revision forces “individual storm water treatment”. There is no a cost benefit to treating 100’s and thousands of homes individually rather than jointly, if there was then the City would not run a City wide sanitary sewer treatment plant. 11. Also, a number of these home treatment programs will fail, just like many of the individual septic systems failed, due to poor soil, conditions, and what will the City do then? They required the treatment, they approved the design and ultimately the City will have the responsibility of fixing these systems. . 12. It is my understanding, in talking with Peggy Keppler, that any lots in the south hills that are on a slope greater than 10%, and or do not have pervious soils (all soils in the south hills are relatively impervious and most available lots and developable land has a grade over 10%), and as such will be required to install an onsite, individual lot, mechanical treatment system at a cost of \$10,000 to \$15,000 a home!! This will be required on all pre-existing lots no matter when they were platted and what’s even more ridiculous, is that with the previous code, an entire subdivision could be treated with a large mechanical water treatment system, and this will no longer be allowed. These full subdivision treatment systems were and are the most effective water treatment program that the City has, but now the City wants to end their use!

Boyd Iverson

1872 Willamette St.

Eugene, Oregon 97401

541-686-8275

boydiverson@hotmail.com