



**Eugene City Council**

125 E. 8th Ave., 2nd Floor  
Eugene, OR 97401-2793  
541-682-5010 • 541-682-5414 Fax  
www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

October 28, 2013

**5:30 p.m. CITY COUNCIL WORK SESSION**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

**7:30 p.m. CITY COUNCIL MEETING**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

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**Meeting of October 28, 2013;  
Her Honor Mayor Kitty Piercy Presiding**

**Councilors**

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

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**CITY COUNCIL MEETING**

**Harris Hall**

- 1. PUBLIC FORUM**
- 2. CONSENT CALENDAR**

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

- A. **Approval of City Council Minutes**
  - B. **Approval of Tentative Working Agenda**
  - C. **Adoption of a Resolution Annexing Land to the City of Eugene (Future B Homes - A 13-6)**
  - D. **Adoption of a Resolution Annexing Land to the City of Eugene (Dade, Debra - A 13-9)**
  - E. **Adoption of a Resolution Annexing Land to the City of Eugene (Castro, Gilbert and Danielle - A 13-8)**
3. **ACTION:  
Ordinance Removing Substance and Updating Tracking Instructions for Toxics Program**
4. **ACTION:  
Homeless Rest Stop Site Recommendation**
5. **WORK SESSION:  
Fence Regulations**

*\*time approximate*

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The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or 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.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page ([www.eugene-or.gov](http://www.eugene-or.gov)).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un intérprete avisando con 48 horas de anticipación. También se provee el servicio de intérpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo están grabadas en vivo en Metro Television, canal 21 de Comcast y después en la semana se pasan de nuevo.

**For more information, contact the Council Coordinator at 541-682-5010,**

**[ccordinator@eugene-or.gov](mailto:ccordinator@eugene-or.gov) or visit us online at [www.eugene-or.gov](http://www.eugene-or.gov)**

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Public Forum

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Meeting Date: October 28, 2013  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **ISSUE STATEMENT**

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

#### **SUGGESTED MOTION**

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

#### **FOR MORE INFORMATION**

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



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of City Council Minutes

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Meeting Date: October 28, 2013  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2A  
Staff Contact: Kris Bloch  
Contact Telephone Number: 541-682-8497

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council minutes.

#### **SUGGESTED MOTION**

Move to approve the minutes of the October 9, 2013, Meeting and Work Session, October 14, 2013, Work Session, October 16, 2013, Work Session, and October 21, 2013, Work Session and Public Hearing.

#### **ATTACHMENTS**

- A. October 9, 2013, Meeting and Work Session
- B. October 14, 2013, Work Session
- C. October 16, 2013, Work Session
- D. October 21, 2013, Work Session and Public Hearing

#### **FOR MORE INFORMATION**

Staff Contact: Kris Bloch  
Telephone: 541-682-8497  
Staff E-Mail: [kris.d.bloch@ci.eugene.or.us](mailto:kris.d.bloch@ci.eugene.or.us)



## ATTACHMENT A

## M I N U T E S

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**October 9, 2013  
12:00 p.m.**

**Councilors Present:** George Brown, Betty Taylor, Alan Zelenka, George Poling (via phone), Mike Clark, Greg Evans, Chris Pryor

**Councilors Absent:** Claire Syrett

Mayor Kitty Piercy opened the October 9, 2013, City Council work session.

**A. Work Session: City Hall Rebuild Update**

Facilities Design and Construction Section Manager Mike Penwell and representatives of Rowell Brokaw, The Miller Hull Partnership, and McKenzie Commercial gave a presentation on the City Hall Rebuild project.

**Council Discussion/Questions:**

- City Hall needs to matter to all people; it's not just a place for bureaucrats.
- More information about where the money will come from is desired.
- Funding should be integral part of discussion.
- This is a challenging project with diverse stakeholders.
- It is important to consider constructive and cultural relevance.
- We can build up and out; design is important for future needs.
- City Hall project should be a model of what can be done in challenging circumstances.
- Operating costs need to be considered, not just capital costs.
- Developer capital should be an option for financing.
- It is important that design reflects efforts to live within our means.
- Is it possible to sell the Atrium and move those affected back to City Hall?
- At what point can we apply for grants for historic preservation?

**B. Work Session: Human Rights Commission Work Plan and 2012/2013 Annual Report**

Equity and Human Rights Manager Mike Kinnison and Human Right Commissioners Andrew Thompson and Chris Nunes gave a presentation on the HRC 2012/2013 Annual Report

**Council Discussion/Questions:**

- The Human Rights Commission has been very busy.
- Communication from the HRC about what the council can do to help when bias reports are received would be appreciated.
- Need to identify and apply metrics to measure achievements of HRC.
- It is a goal to create an atmosphere where unacceptable behavior and hate speech are addressed.
- Still a lot of work to do in the community to address racism and hate activity.
- Liaison work with other commissions is very important.
- Continuing work on the social equity component of the TBL is important.

**MOTION:** Councilor Poling, seconded by Councilor Pryor, moved to approve the Human Rights Commission FY2014 work plan. **PASSED 7:0.**

The meeting adjourned at 1:27 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder



## ATTACHMENT B

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**October 14, 2013  
7:30 p.m.**

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

Mayor Kitty Piercy opened the October 14, 2013, City Council Meeting.

### 1. PUBLIC FORUM

1. *Charliene Toler*, requested a legal place to sleep and places for Conestoga huts.
2. *Jai Veda*, requested viable location, facilities, and decriminalization of the poor.
3. *Ronnie Aurena*, asked the council to help homeless and collaborate with EPD.
4. *Leslie Robnett*, said the City Budget needs to consider homelessness issues.
5. *Julia Olson*, encouraged consideration of a climate recovery ordinance.
6. *Tayo Olson*, asked the council to support a bike sharing system and climate protection.
7. *Aima*, asked the council to look at climate change and emissions issues.
8. *Kyra Gunther*, talked about the consequences of climate change.
9. *Esteban Camacho Steffensen*, talked about a public mural painting on climate change.
10. *Elizabeth Brown*, brought up climate change issues and supported an ordinance.
11. *Gordon Levitt*, brought up climate change issues and supported an ordinance.
12. *James Beason*, thanked the council for allowing Whoville and helping homeless.
13. *Charles Hibberd*, asked the council to help the homeless find jobs.
14. *John Simpson*, shared highlights and updates on the EWEB Board's activities.
15. *Erik de Buhr*, asked the council to consider his proposal for sites for Conestoga huts.
16. *Wayne Martin*, asked the council to consider a motion on sites for homeless.
17. *Joe Tyndall*, brought up issues and safety concerns with Conestoga huts and heating.
18. *Todd Hurlburt*, asked the council to approve the homeless proposal.

### 2. Consent Calendar

**MOTION and VOTE:** Councilor Poling, seconded by Councilor Pryor, moved to approve the items on the Consent Calendar. **PASSED 8:0**

### 3. WORK SESSION: Downtown Parking

Parking Services Manager Jeff Petry gave a presentation on the downtown parking

program.

**Council Discussion/Questions:**

- In FY10 the City lost \$210k of revenue from the removal of parking meters.
- Parking fund does transfer and can transfer money to the general fund.
- Customers like it, business don't see any real big benefit.
- New businesses downtown have created greater need for parking.
- Need to encourage use of alternate modes to access downtown, decrease reliance on parking.
- Downtown is getting better; it's not one thing, it's many, including free parking.
- All of downtown should offer free parking; expand parking time limit from two hours to three hours.
- Free parking has welcoming effect.
- Meters make it easier to go somewhere else besides downtown.
- How much did we spend on meters, monitors and repairs?
- We are making progress in encouraging use of parking garages with updates and added art.
- What is the potential seismic vulnerability of the parking garages?

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

**ATTACHMENT C****MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**October 16, 2013  
12:00 p.m.**

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

Mayor Kitty Piercy opened the October 16, 2013, City Council work session.

**A. Committee Reports and Items of Interest**

The Mayor and councilors reported on events and meetings including recognition of Eugene as #8 on the top 100 places to live, LCOG budget in the black, ODOT presentations on financing for streets, LRAPA director's performance review, panel on homelessness, new members on the Sustainability Commission, Beltline redesign, neighborhood meetings, McKenzie Watershed Council retreat, new director search for Lane Workforce Partnership, new members on the Human Rights Commission, Bud Clarke Commons Homeless Shelter visit, upcoming FIT and Budget Committee meetings.

**B. Work Session: Civic Stadium**

City of Eugene Assistant City Manager Sarah Medary gave an update on Civic Stadium.

**Council Discussion/Questions:**

- Important to examine all options and involve the community.
- City can't afford to maintain, renovate or buy the property; risk further alienating voters.
- City needs to look into grants to preserve the historic property.
- City needs to submit an offer to purchase property with park bonds.
- Tremendous desire and will within the city to preserve the facility as a sports venue.
- Saving Civic Stadium relates to Envision Eugene pillar #5.
- Difficult to support purchase when future fundraising, ownership, use questions are still unknown.
- Consider a bond measure to finance purchase.
- Continue working with, not against, the YMCA and its plans to expand.
- Don't interfere with 4J, either we do the RFP or we don't.
- It's a low risk strategy.

- Consider option of a land trade with 4J.
- Biggest risk is losing an irreplaceable community asset.
- The Civic Stadium site is a prime piece of land whose value will only go up over time.
- Property should be tested for possible contamination.

**MOTION:** Councilor Brown, seconded by Councilor Taylor, moved for the City Manager to bring back a plan to submit a bid in the 4J process to acquire the Civic Stadium property with Park Bond funds, and a process to determine how, after acquisition, we might, with community participation and support, renovate the stadium and property for use as a regional sports park and community sports facility with broad public access at minimal cost to the City.

**MOTION AND VOTE:** Councilor Clark, seconded by Councilor Syrett, moved to table the item. **PASSED** 5:3, councilors Evans, Poling, and Pryor opposed.

The meeting adjourned at 1:23 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

**ATTACHMENT D****MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**October 21, 2013  
5:30 p.m.**

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

Mayor Kitty Piercy opened the October 21, 2013, City Council work session.

**A. Work Session: Bethel Community Park/YMCA Project Update**

City of Eugene's Emily Proudfoot and Neil Björklund gave an update on the Bethel Community Park.

**Council Discussion/Questions:**

- Bethel is a fast-growing area that needs additional services.
- Who will pay for the construction and ongoing maintenance of a new facility?
- Current budget issues threaten services at both branch libraries.
- Would the YMCA pay to lease the land from the City?
- Transportation issues; Avalon and Legacy streets are not built for heavy traffic.
- Important to engage LTD in discussion about service provision to area.
- Goal should be to encourage use of alternate modes to access facility.
- Will parking be provided for general park use, as well as for YMCA patrons?
- Will a traffic impact analysis be required?
- If only YMCA members can use the facility, then it is not a community center.
- What is the cost for a 10,000 sq. foot facility to a 65,000 sq. foot facility with a pool?
- What are the land use restrictions around the wetlands?

**B. Work Session: Sustainability Commission Work Plan and Annual Report**

Sustainability Liaison Babe O'Sullivan and Sustainability Commission members Kathi Jaworski and Steve Newcomb gave an update on the commission's work plan and annual report.

**Council Discussion/Questions:**

- Very thoughtful and focused group; new members to the commission are a great addition.
- Good work plan but could be too ambitious.
- Would like to discuss Environmental Justice items, including the issue of emissions in vulnerable communities.
- There are some concerns and skepticism about the effectiveness of the TBL tool.
- It's important to engage neighbors in discussion about 20-minute neighborhoods.
- Inform Budget Committee about work the commission is doing and its value.
- Analysis of issues using the TBL will be incorporated into Agenda Item Summaries.
- Is regulation of pesticides and herbicides within the commission's scope of work?
- Would like to see issues related to bee population investigated by commission.

**MOTION:** Councilor Poling seconded by Councilor Pryor, moved to approve the Sustainably Commission FY14 work plan.

A motion by Councilor Clark to accept rather than approve the work plan died for lack of a second.

**VOTE: PASSED** 7:1, Councilor Clark opposed.

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

**MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**October 21, 2013  
7:30 p.m.**

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

Her Honor, Mayor Piercy opened the October 21, 2013, City Council Public Hearing.

**1. PUBLIC HEARING: Ordinance Adopting Amended Hazardous Substance Tracking Instructions for Reports Due Beginning April 1, 2014, and Removing One Hazardous Substance from the List of Reportable Chemicals**

No one testified on the matter.

**Council Discussion/Questions:**

- More information on the hazardous substance being removed from the list of reportable chemicals was requested.

The meeting adjourned at 7:34 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder





# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of Tentative Working Agenda

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Meeting Date: October 28, 2013  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **ISSUE STATEMENT**

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

#### **BACKGROUND**

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

#### **RELATED CITY POLICIES**

There are no policy issues related to this item.

#### **COUNCIL OPTIONS**

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

#### **CITY MANAGER'S RECOMMENDATION**

Staff has no recommendation on this item.

#### **SUGGESTED MOTION**

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

<b>OCTOBER 28</b>	<b>MONDAY</b>		
<b>5:30 p.m.</b>	<b>Budget Committee Meeting</b>		
<b>Harris Hall</b>	<b>Expected Absences:</b>		
A. WS: Budget Committee			90 mins – CS/Silvers
<b>7:30 p.m.</b>	<b>Council Meeting</b>		
<b>Harris Hall</b>	<b>Expected Absences:</b>		
1. Public Forum			CS/Forrest
2. Consent Calendar			CS/Forrest
a. Approval of City Council Minutes			PDD/Taylor
b. Approval of Tentative Working Agenda			PDD/Taylor
c. Approval of Annexation – Future B Homes (A 13-6)			PDD/Taylor
d. Approval of Annexation - Dade/Vermeys (A 13-7)			PDD/Taylor
e. Approval of Annexation – Gilbert Castro (A 13-8)			Fire EMS/Eppli
3. Action: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Program			PDD/Wisth
4. Action: Approval of Rest Stop Site			PDD/McKerrow
5. WS: Fence Regulations			
<b>OCTOBER 30</b>	<b>WEDNESDAY</b>		
<b>Noon</b>	<b>Council Work Session</b>		
<b>Harris Hall</b>	<b>Expected Absences:</b>		
A. WS: Envision Eugene - Single-Family Code Amendments			45 mins – PDD/Burke
B. WS: Chapter IV Amendments to Metro Plan			45 mins – PDD/Burke
<b>NOVEMBER 4</b>	<b>MONDAY</b>	<b>** NOTE: JEO MEETING ADDED **</b>	
<b>6:00 p.m.</b>	<b>Joint Elected Officials</b>		
<b>Springfield City Hall</b>	<b>Expected Absences: Taylor</b>		
A. WS: Chapter IV Amendments to the Metro Plan			60 mins
<b>7:00 p.m.</b>	<b>Council Public Hearing</b>		
<b>Springfield City Hall</b>	<b>Expected Absences: Taylor</b>		
1. PH: Chapter IV Amendments to the Metro Plan			
<b>NOVEMBER 12</b>	<b>TUESDAY</b>	<b>** NOTE: LOCATION CHANGE **</b>	
<b>5:30 p.m.</b>	<b>Budget Committee Meeting</b>		
<b>B/T Room - Library</b>	<b>Expected Absences: Taylor</b>		
A. WS: Budget Committee			90 mins – CS/Silvers
<b>7:30 p.m.</b>	<b>Council Meeting</b>		
<b>B/T Room - Library</b>	<b>Expected Absences: Taylor</b>		
1. Pledge of Allegiance to the Flag (Veterans Day)			
2. Public Forum			
3. Consent Calendar			
a. Approval of City Council Minutes			CS/Forrest
b. Approval of Tentative Working Agenda			CS/Forrest
4. WS: Bethel Community Park Lease			PW/Björklund
<b>NOVEMBER 13</b>	<b>WEDNESDAY</b>		
<b>Noon</b>	<b>Council Work Session</b>		
<b>Harris Hall</b>	<b>Expected Absences: Taylor</b>		
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC			15 mins
B. WS: Update on Plastic Bag Ban Ordinance			35 mins – PDD/Nelson
C. WS: Human Rights Code/Transgender Amendments			40 mins – CS/Kinnison

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

<b>NOVEMBER 14</b>	<b>THURSDAY</b>
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**7:30 a.m. – 11:30 a.m. Economic Summit**  
**Location TBA Expected Absences: Taylor**  
 Focus: Business clusters and strategies to optimize opportunities

<b>NOVEMBER 15</b>	<b>FRIDAY</b>
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**8:30 a.m. – 12:30 p.m. Economic Summit**  
**Ford Alumni Center Expected Absences: Taylor**  
 Focus: Federal officials, representatives and community leaders discuss local economic opportunities

<b>NOVEMBER 18</b>	<b>MONDAY</b>	<b>** NOTE: 5:30 WORK SESSION ADDED **</b>
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**5:30 p.m. City Council Work Session**  
**Springfield Hilton Expected Absences:**  
 A. WS: MUPTE Program Revisions 90 mins – PDD/Braud

**7:30 p.m. Council Public Hearing and Work Session**  
**Harris Hall Expected Absences:**  
 1. PH: Envision Eugene Implementation Ordinance - Single-Family Code Amendments PDD/Burke  
 2. WS and Possible Action: Chapter IV Amendments to the Metro Plan PDD/Hansen

<b>NOVEMBER 20</b>	<b>WEDNESDAY</b>
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**Noon Council Work Session**  
**Harris Hall Expected Absences:**  
 A. WS: Envision Eugene 45 mins – PDD/Burke  
 B. WS: Stormwater Development Standards 45 mins – PW/Keppler

<b>NOVEMBER 25</b>	<b>MONDAY</b>
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**5:30 p.m. Budget Committee Meeting**  
**Harris Hall Expected Absences:**  
 A. WS: Budget Committee 90 mins – CS/Silvers

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**  
 1. Public Forum  
 2. Consent Calendar  
     a. Approval of City Council Minutes CS/Forrest  
     b. Approval of Tentative Working Agenda CS/Forrest  
 3. WS: South Willamette Street PW/Henry

<b>NOVEMBER 27</b>	<b>WEDNESDAY</b>
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**Noon Council Work Session**  
**Harris Hall Expected Absences:**  
 A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager 30 mins  
 B. WS: Envision Eugene Implementation Ordinance: Single-Family Code Amendments 60 mins – PDD/Burke

<b>DECEMBER 9</b>	<b>MONDAY</b>
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**5:30 p.m. Budget Committee Meeting**  
**Harris Hall Expected Absences:**  
 A. WS: Budget Committee 90 mins – CS/Silvers

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**  
 1. Public Forum  
 2. Consent Calendar

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

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|--|------------|
| a. Approval of City Council Minutes  | CS/Forrest |
| b. Approval of Tentative Working Agenda  | CS/Forrest |
| 3. PH and Action: City of Eugene FY14 Supplemental Budget #1                       | CS/Silvers |
| 4. PH and Action: Urban Renewal Agency FY14 Supplemental Budget #1                 | CS/Silvers |
| 5. PH: Stormwater Development Standards  | PW/Keppler |
| 6. Action: Envision Eugene Implementation Ordinance: Single-Family Code Amendments | PDD/Burke  |
| 7. WS: MUPTC Program Revisions ( <i>if needed for direction</i> )                  | PDD/Braud  |

<b>DECEMBER 11</b>	<b>WEDNESDAY</b>
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|---|-----------------------------|----------------------|
| <b>Noon</b>   | <b>Council Work Session</b> |                      |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                      |
| A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed |                             |                      |
| B. WS: River Road Santa Clara Follow-Up   |                             | 60 mins – CS/Gardner |

COUNCIL BREAK: December 12, 2013 – January 8, 2014

<b>JANUARY 8</b>	<b>WEDNESDAY</b>
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- |                      |                                  |
|----------------------|----------------------------------|
| <b>5:30 p.m.</b>     | <b>State of the City Address</b> |
| <b>Hult Center</b>   | <b>Expected Absences:</b>        |
| A. State of the City |                                  |

<b>JANUARY 13</b>	<b>MONDAY</b>
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- |  |                             |                      |
|--|-----------------------------|----------------------|
| <b>5:30 p.m.</b>   | <b>Council Work Session</b> |                      |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>   |                      |
| A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC |                             | 30 mins              |
| B. WS: Joint Meeting with Police Commission                    |                             | 60 mins – EPD/Hawley |

- |   |                           |            |
|---|---------------------------|------------|
| <b>7:30 p.m.</b>                            | <b>Council Meeting</b>    |            |
| <b>Harris Hall</b>                          | <b>Expected Absences:</b> |            |
| 1. Public Forum                             |                           |            |
| 2. Consent Calendar                         |                           |            |
| a. Approval of City Council Minutes         |                           | CS/Forrest |
| b. Approval of Tentative Working Agenda     |                           | CS/Forrest |
| 3. Action: Stormwater Development Standards |                           | PW/Keppler |

<b>JANUARY 15</b>	<b>WEDNESDAY</b>
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- |   |                             |                         |
|---|-----------------------------|-------------------------|
| <b>Noon</b>   | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>                                      | <b>Expected Absences:</b>   |                         |
| A. WS: Climate Action Planning                          |                             | 60 mins – CS/O'Sullivan |
| B. WS: Envision Eugene: Employment Zone Code Amendments |                             | 30 mins – PDD/Burke     |

<b>JANUARY 21</b>	<b>TUESDAY</b>
-------------------	----------------

- |   |                               |           |
|---|-------------------------------|-----------|
| <b>7:30 p.m.</b>  | <b>Council Public Hearing</b> |           |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>     |           |
| 1. PH: Ordinance on MUPTC Revisions   |                               | PDD/Braud |
| 2. PH: Ordinance on Envision Eugene Implementation Ordinance: Employment Zone Code Amendments |                               | PDD/Burke |
| 3. PH: Ordinance on South Willamette Street   |                               | PW/       |
| 4. PH and Possible Action: Stormwater System Development Charge Methodology Modification      |                               | PW/McVey  |

<b>JANUARY 22</b>	<b>WEDNESDAY</b>
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- |   |                             |                     |
|---|-----------------------------|---------------------|
| <b>Noon</b>   | <b>Council Work Session</b> |                     |
| <b>Harris Hall</b>                                  | <b>Expected Absences:</b>   |                     |
| A. WS: Envision Eugene - Residential Redesignations |                             | 90 mins – PDD/Burke |

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

<b>JANUARY 27</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences: Zelenka</b>	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS: Fireworks		45 mins - Fire EMS/
C. WS: Pesticide Use as a Last Alternative		45 mins – PW/Finney

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences: Zelenka</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
3. Action: Stormwater System Development Charge Methodology Modification (if needed)		PW/McVey

<b>JANUARY 29</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: City Hall		90 mins – CS/Penwell

<b>FEBRUARY 10</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC		30 mins
B. WS and Possible Action: MUPTE Revisions		PDD/Braud

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

<b>FEBRUARY 12</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Envision Eugene Implementation Ordinance: Employment Zone Code Amendments		90 mins – PDD/Burke

<b>FEBRUARY 18</b>	<b>TUESDAY</b>
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<b>7:30 p.m.</b>	<b>Council Public Hearing</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. PH: Envision Eugene Implementation Ordinance: Residential Redesignations		PDD/Burke

<b>FEBRUARY 19</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS:		
B. WS:		

<b>FEBRUARY 24</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Envision Eugene Implementation Ordinance: Employment Zone Code Amendments	PDD/Burke

<b>FEBRUARY 26</b>	<b>WEDNESDAY</b>
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**Noon Council Work Session**  
**Harris Hall Expected Absences:**

A. WS: Envision Eugene Implementation Ordinance: Residential Redesignations	45 mins – PDD/Burke
B. WS:	

<b>MARCH 10</b>	<b>MONDAY</b>
-----------------	---------------

**5:30 p.m. Council Work Session**  
**Harris Hall Expected Absences:**

A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed	
B. WS:	

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Envision Eugene Implementation Ordinance: Residential Redesignations	PDD/Burke

<b>MARCH 12</b>	<b>WEDNESDAY</b>
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**Noon Council Work Session**  
**Harris Hall Expected Absences:**

A. WS:	
B. WS:	

COUNCIL BREAK: March 13, 2014 – April 9, 2014

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 23, 2013

## ON THE RADAR

### Work Session Polls/Council Requests

**Status**

1. Evans – Urban forestry policy.....approved, agenda date TBD



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Adoption of a Resolution Annexing Land to the City of Eugene (Future B Homes - A 13-6)

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Meeting Date: October 28, 2013  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541-682-5437

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#### **ISSUE STATEMENT**

This item is a request by the property owner to annex 3.37 acres located at the south terminus of Gardenia Way, south of Wedgewood Drive and east of River Road. The subject property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. Upon annexation, the /UL overlay will automatically be removed. The applicant intends to file a zone change application, following annexation, to change the zoning from AG to R-1 Low-Density Residential, consistent with the plan designation.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (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. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. 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 and lack of testimony received, 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 10<sup>th</sup> Avenue.

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The River Road Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **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 draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

### **SUGGESTED MOTION**

Move to adopt Resolution 5095, which approves the proposed annexation request consistent with the applicable approval criteria.

### **ATTACHMENTS**

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

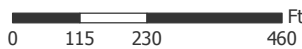
### **FOR MORE INFORMATION**

Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541-682-5437  
Email: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)

# Attachment A: Vicinity Map



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



September 13, 2013





**ATTACHMENT B****RESOLUTION NO. \_\_\_\_\_****A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-11 TAX LOT  
4100 AND ASSESSOR'S MAP 17-04-11-12 TAX LOT 5600).****The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Michael Butler, Future B Homes, on August 19, 2013, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-11-11 Tax Lot 4100 and Assessor's Map 17-04-11-12 Tax Lot 5600.

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

**D.** On September 27, 2013, a notice containing the assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 28, 2013.

**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 Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-11-11 Tax Lot 4100 and Assessor's Map 17-04-11-12 Tax Lot 5600 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

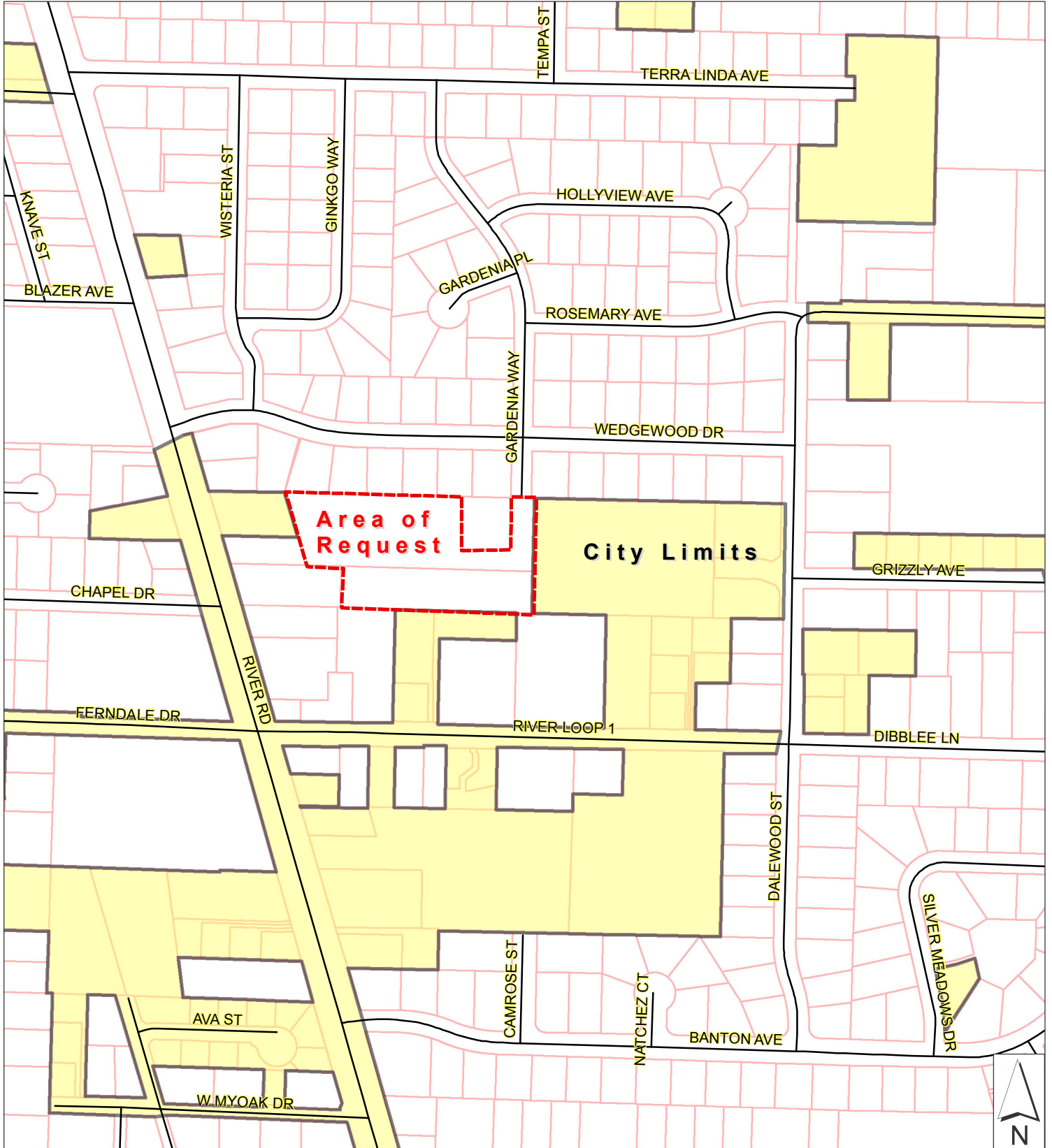
**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the \_\_\_\_ day of October, 2013.**

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**City Recorder**

# Exhibit A: Vicinity Map



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



September 13, 2013





**TAX MAP 17-04-11-11, TAX LOT 4100**

**SITUATED** in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

**BEING** all those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; said lands being more or less described as follows:

**BEGINNING** at the Southeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°40'04" West, 467.67 feet (West, 584.66 feet on the tax map); **THENCE** North 00°14'15" East, 100.05 feet; **THENCE** South 89°47'44" East, 467.63 feet (East, 584.66 feet on the tax map); **THENCE** South 00°12'39" West, 101.09 feet (South 99.0 feet on the tax map) to the **POINT OF BEGINNING**.

**TAX MAP 17-04-11-12, TAX LOT 5600**

**SITUATED** in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

**BEING** all those lands conveyed in that Statutory Warranty Deed recorded on March 24, 2006 as Reception Number 2006-020457 in the Lane County Oregon Official Records; said lands being more or less described as follows:

**BEGINNING** at the Northeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°47'44" West, 560.82 feet; **THENCE** North 17°17'44" West, 188.35 feet (North 17°19'30" West, 188.27 feet on the tax map); **THENCE** South 89°47'44" East, 439.76 feet (South 89°49'30" East on the tax map); **THENCE** South 00°12'16" West, 129.52 feet (South 00°10'30" West, 129.52 feet on the tax map); **THENCE** South 89°47'44" East, 120.00 feet (120.0 feet on the tax map); **THENCE** North 00°12'16" East, 129.52 feet (North 00°10'30" East, 129.52 feet on the tax map); **THENCE** South 89°50'26" East, 57.72 feet; **THENCE** South 00°12'39" West, 179.68 feet to the **POINT OF BEGINNING**.





**Planning Director’s Recommendations and Findings:  
Future B Homes (A 13-6)**

<b>Application Submitted:</b> August 19, 2013	
<b>Applicant:</b> Michael Butler, Future B Homes	
<b>Map/Lot(s):</b> 17-04-11-12: 5600 and 17-04-11-11: 4100	
<b>Zoning:</b> AG/UL Agricultural with Urbanizable Land Overlay	
<b>Location:</b> South terminus of Gardenia Way, east of River Road	
<b>Representative:</b> Renee Clough, Branch Engineering	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:</b> <b>(a) Contiguous to the city limits; or</b> <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<b>Complies</b>	<b>Findings:</b> The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). Abutting lands to the east, south, and west are in City limits.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<b>Complies</b>	<b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:  <b>C. Growth Management, Goals, Findings and Policies:</b> <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> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and</i>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	

		<p><i>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-4)</i></p> <p><i>Policy 16. 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 <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>River Road/Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. The subject property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. Upon annexation, the /UL overlay will automatically be removed. The applicant intends to file a zone change application, following annexation, to change the zoning from AG to R-1 Low-Density Residential, consistent with the plan designation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a subarea; of the general “Residential Land Use Policies” at Section 2.2, none 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 the properties 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>
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**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.**

<b>Complies</b>		<p><b>Findings:</b> 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><b>Wastewater</b> Public wastewater is provided by the existing 8-inch mainline located that is stubbed to the subject property from the abutting street, Gardenia Way.</p>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

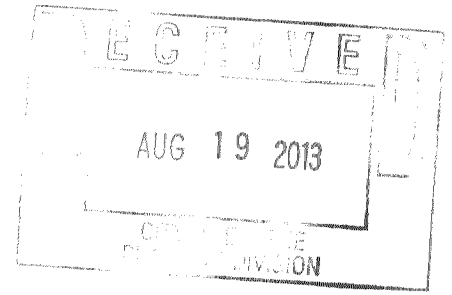
Exhibit C  
Page 3 of 4

	<p><b>Stormwater</b> Public stormwater facilities are not available. The applicant indicates that stormwater runoff from future development of the subject property will be managed on-site. Compliance with the applicable stormwater development standards will be ensured at the time of development.</p> <p><b>Streets</b> Gardenia Way is stubbed to the subject property. Street extensions and upgrades will be evaluated during the subsequent development review process.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, provided the development complies with applicable policies and procedures. EWEB staff notes that the six-inch water main located within Gardenia Way may need to be upgraded at the time of development.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. 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.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area by the city as prescribed in the <u>Metro Plan</u>. Terra Linda Park is located approximately 1,500 feet to the northeast and Ferndale Park is located approximately 1,700 feet to the southwest.</p> <p><b>Planning and Development Services</b> 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.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Eugene 4J School district and is served by Awbrey Park Elementary School, Madison Middle School and North Eugene High School.</p>
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**CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

**WRITTEN STATEMENT  
ANNEXATION  
AUGUST 8, 2013**



This application proposes an annexation for Tax Map 17-04-11-11 Tax Lot 4100, and Tax Map 17-04-11-12 Tax Lot 5600. Both properties are located inside the Metro Plan boundary and River Road Santa Clara Urban Facilities Plan and are zoned AG Agriculture, with a /UL Urbanizable Land Overlay Zone. The subject sites are currently adjacent to City of Eugene incorporated land (Tax Map 17-04-11-11 Tax Lot 4003 and Tax Map 17-04-11-12 Tax Lot 5602). The purpose of the annexation is to allow submittal of a subdivision application of Tax Lots 4100, 4003 and 5600. 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.

*Both properties to be annexed are within the urban growth boundary.*

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

*The properties are within the Metro Plan and the River Road Santa Clara Urban Facilities Plan. Both plans require key urban facilities and services to be available.*

- *Electrical service is provided by EWEB. Overhead wires are available for connection along the north side of TL 5600.*
- *Water is provided by the Santa Clara Water District, which currently contracts all functions of water distribution with EWEB. A 6” water main is located along Gardenia Way, adjacent to Tax Lot 5600.*
- *The City of Eugene currently has an 8” wastewater main located along Gardenia Way.*
- *The Santa Clara Fire protection services are currently provided to the subject properties; however upon annexation, these properties will be automatically withdrawn from the Santa Clara RFPD, and fire protection will be provided by the City of Eugene Fire & EMS Department.*
- *The city stormwater system is not directly available to the site for stormwater discharge. An onsite stormwater system will be addressed as part of the subdivision design and permitting process.*

- (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 mentioned, public services are in place and readily available to the parcels proposed for annexation. Because of the proximity to the surrounding urban facilities, services can be provided in an orderly, efficient, and timely manner.*





\* 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): Eugene

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)
<i>Tony Butler</i>	8/19/13	Future B Inc., dba Future B Homes	n/a	17-04-11-12-5600	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2.03
<i>David Butler</i>	8/19/13	Future B Inc., dba Future B Homes	n/a	17-04-11-11-4100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.34

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.)

1, Michael A Butler (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X Michael A. Butler (signature of circulator)

*Devin Thomas*

Lane County Department of Assessment and Taxation

8-19-13

Date Certified

*Cynthia Plummer*  
 Lane County Clerk or Deputy Signature

8-19-13

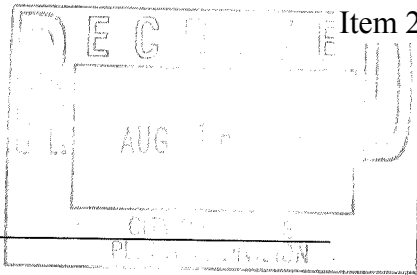
Date Certified

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (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.

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 0 (qty). I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.



### Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-11-11-4100, 17-04-11-12-5600 Address: n/a

Legal Description:

see attached exhibit

In the corporate limits of said city, which is owned by the undersigned

DATED this 16<sup>th</sup> day of August, 2013.

Future B Inc., dba Future B Homes  
Michael Butler Director

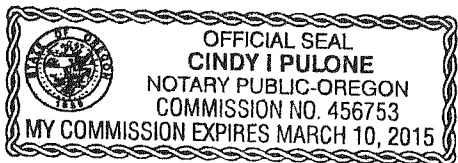
STATE OF OREGON )

County of LANE )ss )

On this 16 day of AUGUST, 2013, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, MICHAEL BUTLER

who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Cindy Pulone  
Notary Public for Oregon  
My Commission Expires MARCH 10, 2015.

**TAX MAP 17-04-11-11, TAX LOT 4100**

**SITUATED** in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

**BEING** all those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; said lands being more or less described as follows:

**BEGINNING** at the Southeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°40'04" West, 467.67 feet (West, 584.66 feet on the tax map); **THENCE** North 00°14'15" East, 100.05 feet; **THENCE** South 89°47'44" East, 467.63 feet (East, 584.66 feet on the tax map); **THENCE** South 00°12'39" West, 101.09 feet (South 99.0 feet on the tax map) to the **POINT OF BEGINNING**.

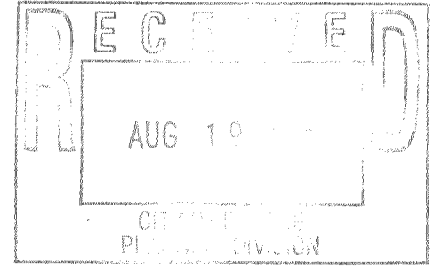
**TAX MAP 17-04-11-12, TAX LOT 5600**

**SITUATED** in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:


**BEING** all those lands conveyed in that Statutory Warranty Deed recorded on March 24, 2006 as Reception Number 2006-020457 in the Lane County Oregon Official Records; said lands being more or less described as follows:

**BEGINNING** at the Northeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°47'44" West, 560.82 feet; **THENCE** North 17°17'44" West, 188.35 feet (North 17°19'30" West, 188.27 feet on the tax map); **THENCE** South 89°47'44" East, 439.76 feet (South 89°49'30" East on the tax map); **THENCE** South 00°12'16" West, 129.52 feet (South 00°10'30" West, 129.52 feet on the tax map); **THENCE** South 89°47'44" East, 120.00 feet (120.0 feet on the tax map); **THENCE** North 00°12'16" East, 129.52 feet (North 00°10'30" East, 129.52 feet on the tax map); **THENCE** South 89°50'26" East, 57.72 feet; **THENCE** South 00°12'39" West, 179.68 feet to the **POINT OF BEGINNING**.

### Certification of Description



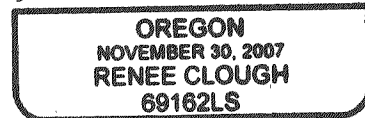
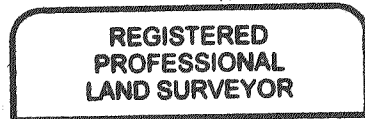
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

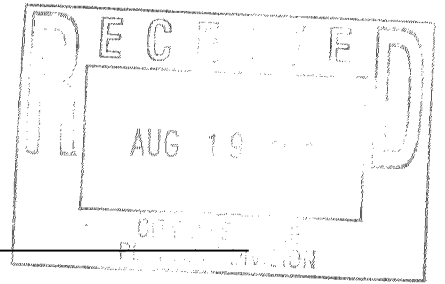
Signature:   
 Registered Land Surveyor

Print Name: Renee Clough

Date: 8/15/13

Seal:





## Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:  
Future B Inc., dba Future B Homes

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation  
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-11-11-4100

17-04-11-12-5600

**Wastewater** -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" wastewater main located along Gardenia Way

will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

\_\_\_\_\_

**Stormwater** -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

No

If yes,  
location? \_\_\_\_\_

If no, how will stormwater be handled after development? -

Onsite stormwater system will be addressed after annexation and

after a proposed Tentative Subdivision application has been submitted

**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline

**Highway.** Access to this site is available from River Road via Wedgewood Drive to Gardenia Way

Will dedication for additional street right-of-way be required upon further development of this site?

Yes

No

Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

Yes

No

Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

**Parks, Recreation, and Cultural Services**

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

The property is near Terra Linda Park and the to-be-developed Ferndale Park.

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

**Public Safety**

**Police services** - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

**For River Road/Santa Clara area-**

*Police services* - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

*Fire and emergency services* (Please indicate which fire district serves subject property.)

Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

**Emergency medical transport (i.e., ambulance) services** are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

**Planning and Development Services** -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

**EWEB** (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

**Electric Service** – Which electric company will serve this site?

EWEB

**Water Service** -- Please provide the size and location of the water main closest to your property. \_\_\_\_\_.

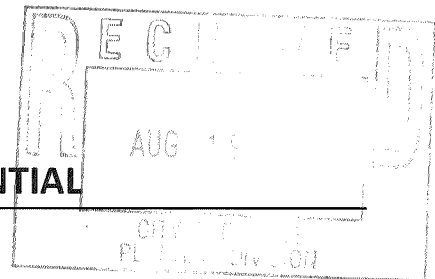
Santa Clara Water District / EWEB

**Solid Waste** -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.



Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.



**Census Information Sheet – CONFIDENTIAL**

Please complete the attached survey and return it with your annexation application. It is not necessary to include the names of all individuals. Addresses and number of people living at each address is essential and sex and age information is helpful. If you have any questions, please contact the Planning Department at 541-682-5377.

City of Eugene Address: n/a

*- Vacant Land -  
M. A. B. L. H.*

**HOUSING TYPE**

**TENURE**

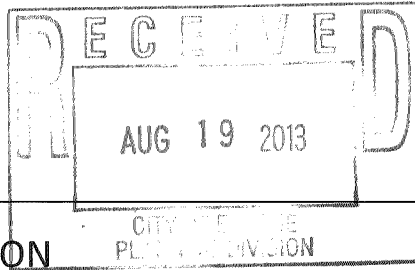
- Single Unit Structure
- Multiple Unit Structure
- Trailer or Mobile Home
- Seasonal

- Owner-Occupied
- Renter-Occupied
- Vacant

**RESIDENTS**

Respondent	Last Name	First Name	Sex	Age
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

Portland State University School of Urban and Public Affairs  
Center for Population Research and Census (503) 725-3922



**Planning & Development Planning**

City of Eugene  
 99 West 10<sup>th</sup> Avenue  
 Eugene, Oregon 97401  
 (541) 682-5377  
 (541) 682-5572 Fax  
 www.eugene-or.gov

**ANNEXATION APPLICATION**

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 10<sup>th</sup> 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
17-04-11-11	4100	AG, UL	1.34
17-04-11-12	5600	AG, UL	2.03

Property Address: n/a

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

Public Service Districts:

Name			
<b>Parks:</b>	Terra Linda		
<b>Electric:</b>	EWEB		
<b>Water:</b>	Santa Clara Water District / EWEB		
<b>Sanitary Sewer:</b>	City of Eugene		
<b>Fire:</b>	Santa Clara Rural Fire Protection District		
<b>Schools:</b>	<b>Elementary:</b> Awbrey	<b>Middle:</b> Madison	<b>High:</b> North Eugene
<b>Other:</b>			

**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](http://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 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" 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 5 copies 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.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- 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: 5600

Name (print): Future B Inc. dba Future B Homes

Address: P.O. Box 7425

Email: \_\_\_\_\_

City/State/Zip: Springfield, OR 97475

Phone: 744-2660 Fax: 744-0116

Signature: \_\_\_\_\_

*Trig Butler*  
President

Date: \_\_\_\_\_

8/19/13

PROPERTY OWNER OF TAX LOT: 4100

Name (print): Future B Inc. dba Future B Homes

Address: P.O. Box 7425

Email: \_\_\_\_\_

City/State/Zip: Springfield, OR 97475

Phone: 744-2660 Fax: 744-0116

Signature: \_\_\_\_\_

*Trig Butler*  
President

Date: \_\_\_\_\_

8/19/13

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SURVEYOR:**

Name (print): Renee Clough, PLS, PE, AICP

Company/Organization: Branch Engineering, Inc.

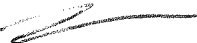
Address: 310 5th St.

Item 2.C.

City/State/Zip: Springfield, OR 97477

Phone: 746-0637 Fax: 746-0389

E-mail: renee@branchengineering.com

Signature: 

Date: 8/15/13

REPRESENTATIVE (If different from Surveyor):

Name (print): Renee Clough, PLS, PE, AICP


Company/Organization: Branch Engineering, Inc.

Address: 310 5th St.

City/State/Zip: Springfield, OR 97477

Phone: 746-0637 Fax: 746-0389

E-mail: renee@branchengineering.com

Signature: 

Date: 8/15/13

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

17041112  
EUGENE

14469 - 2012-04-25 16:30

N.W.1/4 N.E. 1/4 SEC. 11 T.17S. R.4W. W.M.  
Lane County  
1" = 100'

FOR ASSESSMENT AND  
POSITION ONLY



EUGENE  
17041112

**Planning  
Receipt**



Planning & Development  
Planning Division  
99 West 10th Avenue  
Eugene, OR 97401  
(541) 682-5377

Date: 8/19/13

Received From Address  
FUTURE B HOMES

Method of Payment:  
 Cash  
 Check  
 Visa/MC

Amount Received \$ 5155.70 Phone ( )  
Project 17-04-11-11 - 04100

Enter amount: 17-04-11-12 - 05600

Annexation	\$ 4730.00	Subdivision, Tentative	\$
Appeal	\$	Subdivision, Final	\$
Conditional Use Permit	\$	Traffic Impact Analysis	\$
Legal Lot Verification	\$	Vacations (all)	\$
Lot Validation	\$	Williamette Greenway Permit	\$
Partition, Tentative	\$	Zone Change	\$
Partition, Final	\$	Other	\$
Property Line Adjustment	\$	Fire Review Fee	\$
PUD Tentative	\$	Subtotal	\$ 4730.00
PUD Final	\$	Administrative Fee (except appeals)	\$ 425.70
Site Review	\$	TOTAL	\$ 5155.70

Staff Initials CBW

Updated: Feb 2013  
\\eestr\4021\Planning\Admin\Forms\_Templates\PlanningReceipt\2012.xlsx

DUPLICATE RECEIPT DUPLICATE RECEIPT

CITY OF EUGENE  
BUILDING & PERMIT SERVICE  
99 WEST 10TH AVE 682-5086  
REG-RECEIPT:3-0007166 Aug 19 2013  
CASHIER: KJV

Annexation Fee \$4,730.00  
Admin Fee-Auto Calc \$425.70

TOTAL DUE: \$5,155.70  
RECEIVED FROM:  
FUTURE B HOMES

Check: \$5,155.70  
Total tendered: \$5,155.70  
Change due: \$.00

www.eugene-or.gov/bldgpermitttracking  
Please take our customer survey at:  
www.surveymonkey.com/s/COEPermittSurvey  
DUPLICATE RECEIPT DUPLICATE RECEIPT



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Adoption of a Resolution Annexing Land to the City of Eugene (Dade, Debra - A 13-9)

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Meeting Date: October 28, 2013  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2D  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541-682-5437

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#### **ISSUE STATEMENT**

This item is a request by the property owner to annex 3.35 acres located on the east side of River Loop 1, north of Grizzly Avenue. The property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. The /UL overlay will be automatically dropped from the zoning following approval of the annexation. The property is designated as low-density residential. The applicant intends to file a zone change application for low-density residential, following annexation approval. The property currently has one single-family dwelling, addressed as 350 River Loop 1.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (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. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. 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 and lack of testimony received, 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 10<sup>th</sup> Avenue.

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The River Road Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **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 draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

### **SUGGESTED MOTION**

Move to adopt Resolution 5096, which approves the proposed annexation request consistent with the applicable approval criteria.

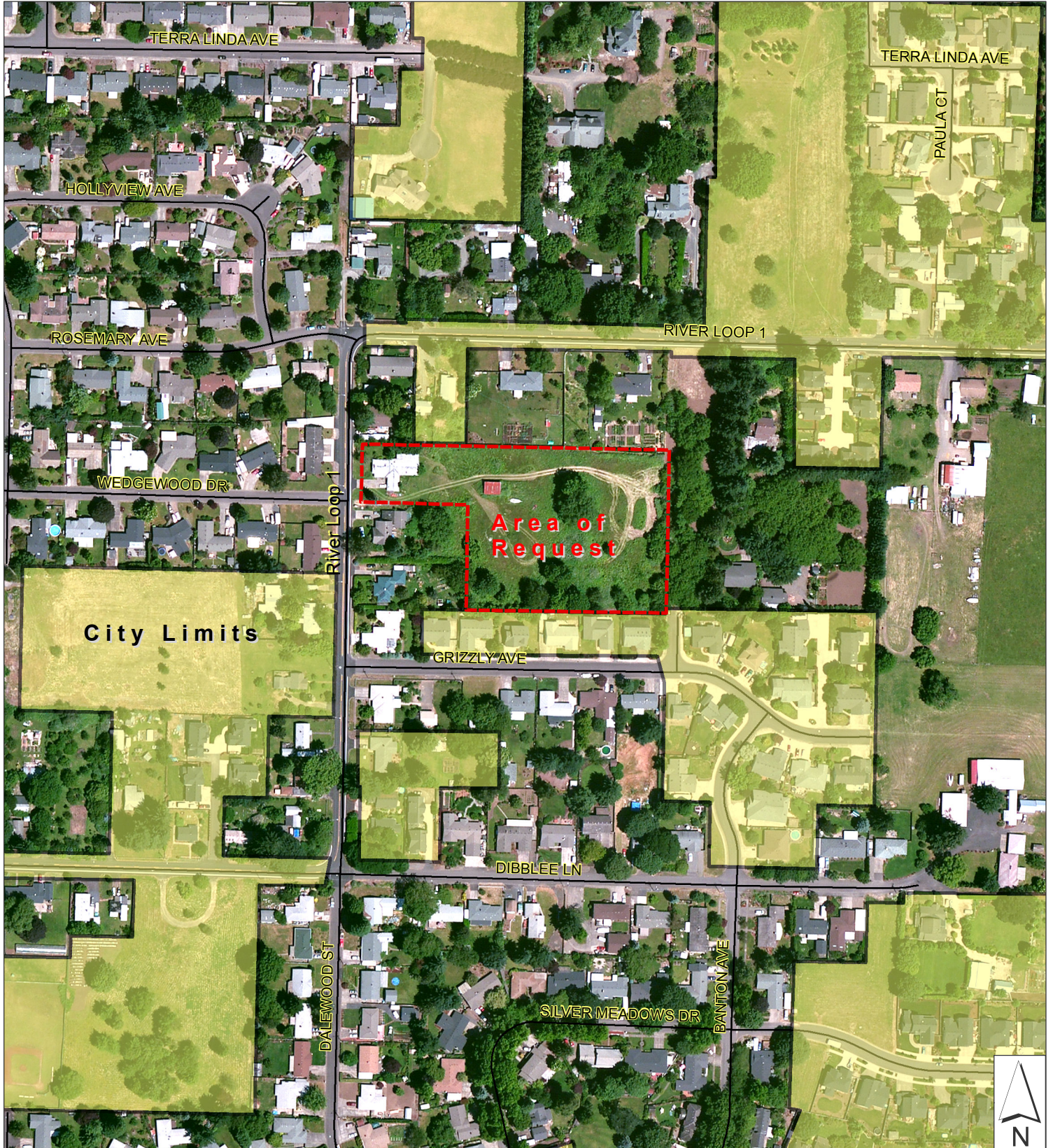
### **ATTACHMENTS**

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

### **FOR MORE INFORMATION**

Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541/682-5437  
Email: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)

# Attachment A: Vicinity Map



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

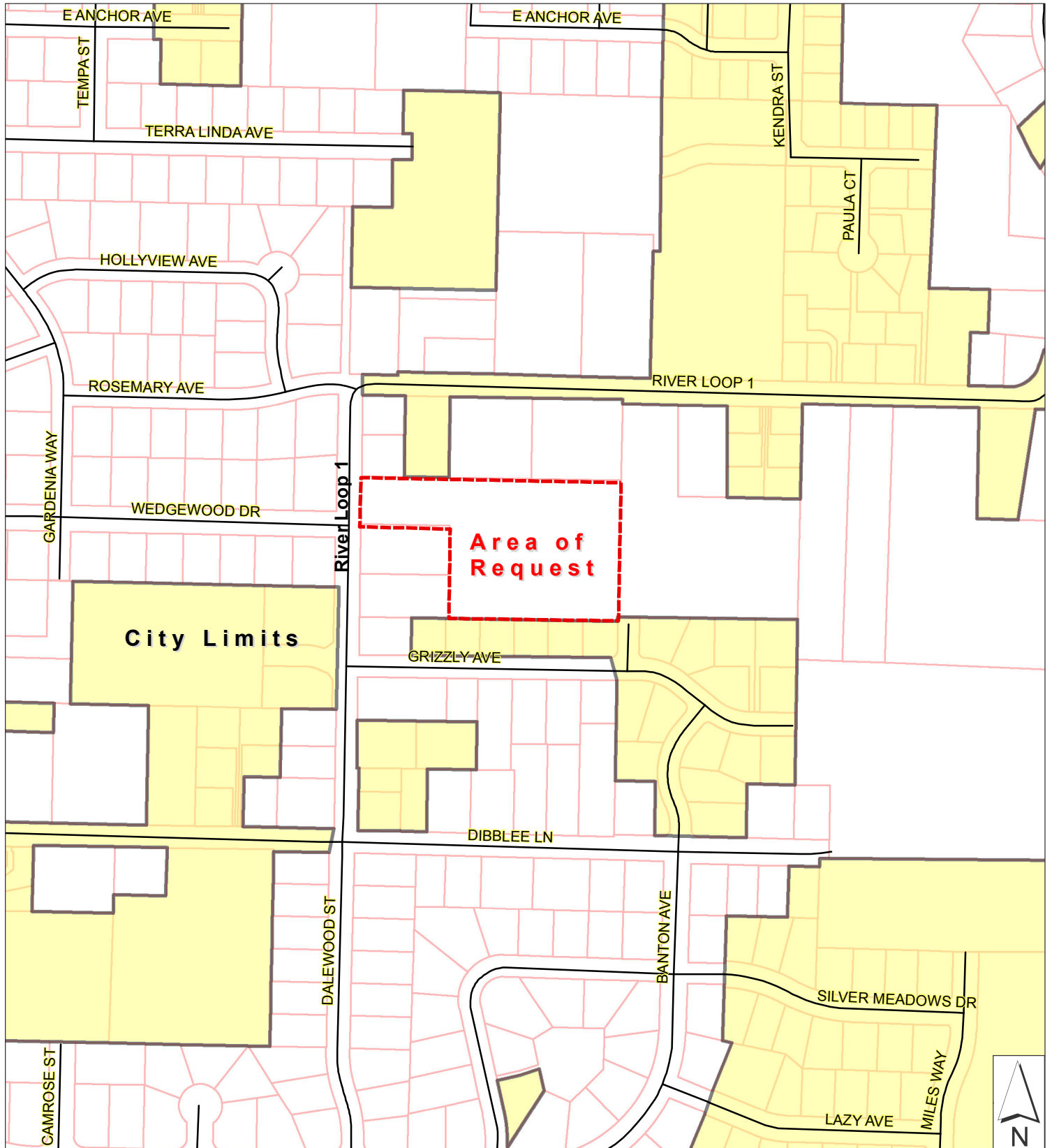


0 90 180 360 Ft

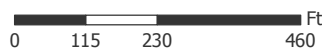
October 15, 2013



# Exhibit A: Vicinity Map



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

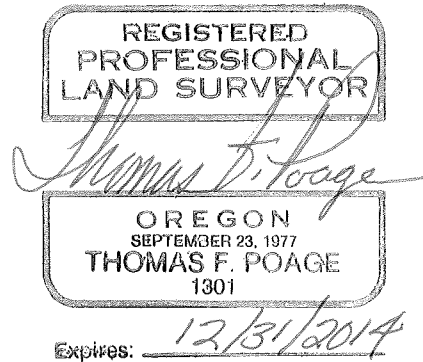


October 15, 2013



**Legal Description**  
**Map 17-04-12-20, Tax Lot 1500**

Beginning at a point 212.52 feet South 0° 30' East of a stone set for the beginning point of County Road No. 18, said stone according to County Survey being 42.56 chains South 89° 50' West of a point 20.10 chains South of the Northeast corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West; running thence South 0° 30' East 110.0 feet; thence South 89° 50' East 245.0 feet; thence South 0° 30' East 214.0 feet; thence North 89° 45' East 374.74 feet; thence North 0° 30' West 324.88 feet to a point which is North 89° 50' East from the point of beginning; thence South 89° 50' West 619.74 feet to the place of beginning, in Lane County, Oregon.









**Planning Director’s Recommendations and Findings:  
Dade, Debra and the Estate of Diana P. Vermeys (A 13-7)**

<b>Application Submitted:</b> August 26, 2013	
<b>Applicant:</b> Dade, Debra and the Estate of Diana P. Vermeys	
<b>Map/Lot(s):</b> 17-04-12-20: 1500	
<b>Zoning:</b> AG/UL Agricultural with Urbanizable Land Overlay	
<b>Location:</b> East side of River Loop 1, north of Grizzly Avenue	
<b>Representative:</b> Bill Randall, Arbor South Architecture	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:</b> <b>(a) Contiguous to the city limits; or</b> <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<b>Complies</b>	<b>Findings:</b> The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). Abutting lands to the north and south are in City limits.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<b>Complies</b>	<b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:  <b>C. Growth Management, Goals, Findings and Policies:</b> <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> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and</i>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	

		<p><i>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-4)</i></p> <p><i>Policy 16. 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 <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>River Road/Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. The property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval. The applicant plans to file a zone change application to low-density residential, following approval of the annexation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a subarea; of the general “Residential Land Use Policies” at Section 2.2, none 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 the properties 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>
--	--	--

**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.**

<b>Complies</b>		<p><b>Findings:</b> 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><b>Wastewater</b> Public wastewater is provided by the existing 8-inch mainlines located within River Loop 1 and Banton Avenue, abutting the subject property to the west and south, respectively.</p>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

	<p><b>Stormwater</b> Public stormwater facilities are available from a 10-inch mainline located within the abutting segment of Banton Avenue. Additional stormwater runoff from future development of the property may require on-site detention and/or retention. Compliance with applicable stormwater development standards will be ensured during the development permit process.</p> <p><b>Streets</b> The portion of River Loop 1 abutting the west boundary of the subject property is under Lane County’s jurisdiction. Grizzly Avenue is a City street that is partially stubbed to the southeast corner of the subject property. Street extensions through the property will be evaluated at the time of development.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, provided future development of the subject property complies with applicable policies and procedures. EWEB staff notes that the existing six-inch water mains located within the abutting segments of River Loop 1 and Grizzly Avenue need to be connected through the subject property, with potential system upgrades required, at the time of development.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. 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.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area by the city as prescribed in the <u>Metro Plan</u>. Terra Linda Park is located approximately 250 feet to the northeast.</p> <p><b>Planning and Development Services</b> 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.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
--	--

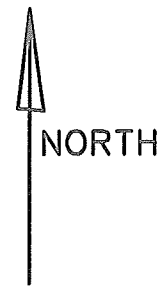
		<p><b>Public Schools</b> The subject property is within the Eugene 4J School district and is served by Awbrey Park Elementary School, Madison Middle School and North Eugene High School.</p>
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**CONCLUSION:**

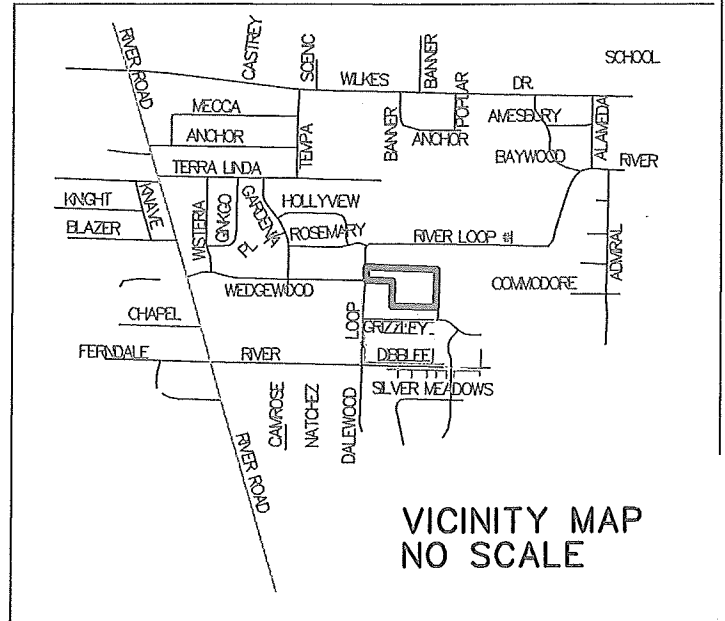
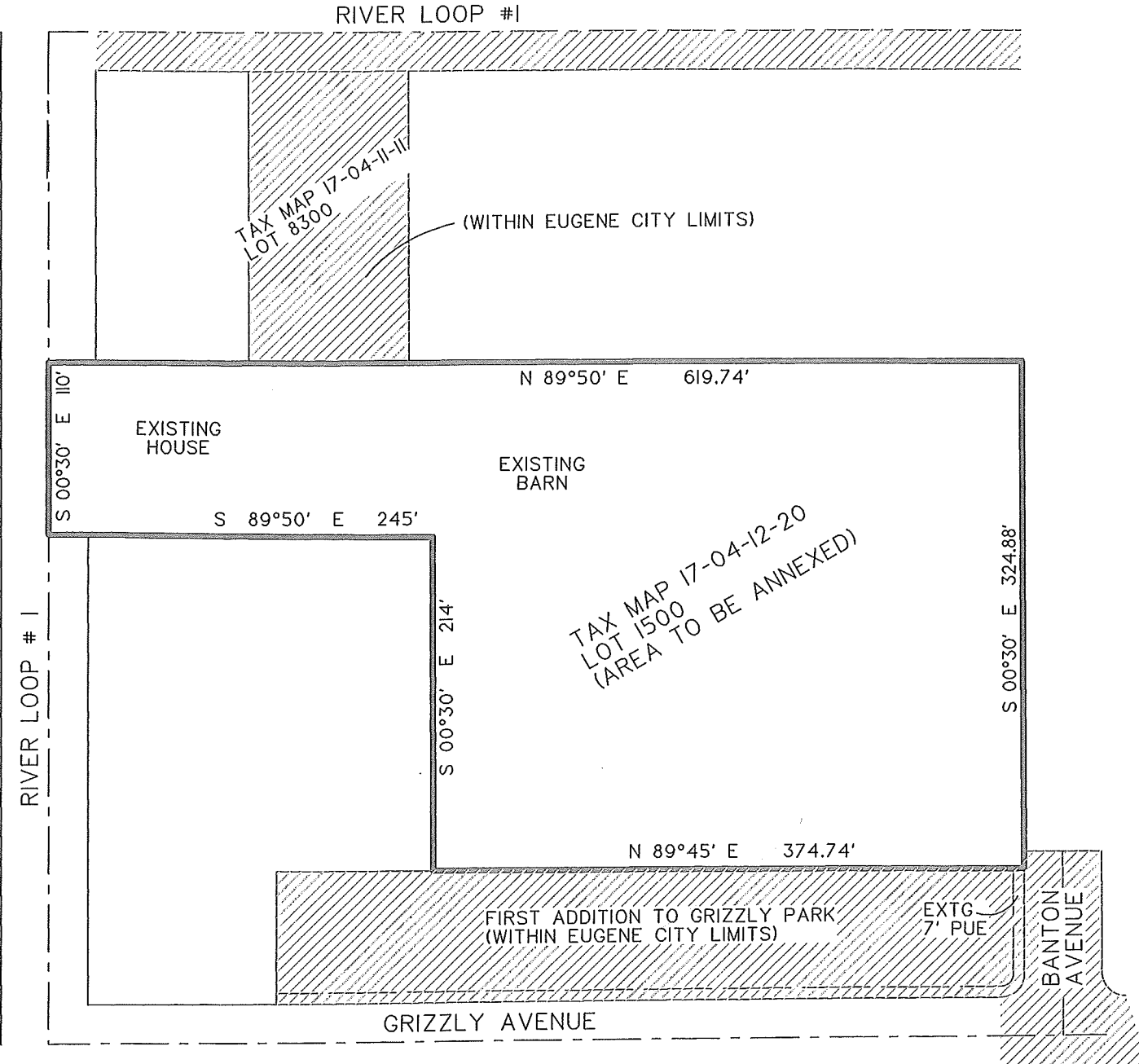
Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

ANNEXATION SITE PLAN FOR  
TAX MAP 17-04-12-20; TAX LOT 1500

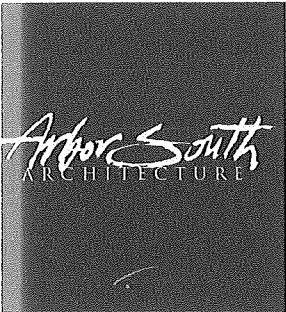
SCALE: 1" = 100'



-69-



Item 2.D.



## ANNEXATION WRITTEN NARRATIVE

Consistency with approval criteria set out at EC 9.7825.

EC 9.7825 Annexation -- Approval Criteria. The City 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.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (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.

Regarding EC 9.7825(1)(a), the property is contiguous to the south with lots that are within the city limits (Lots 9, 10, 11, 12, 13, 14 along Grizzly Avenue). As such, EC 9.7825(1)(b) does not apply.

Regarding EC 9.7825(2), Metro Plan Policy 1 "The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB."

This property currently is within the Eugene UGB. By submitting for annexation, given the adjacent properties that are already annexed, sequential development is achieved and compact urban growth is also maintained.

Policy 8 states "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."

Key urban facilities already exist. Wastewater (MH49477) at River Loop I has an 8" stub to the property. Stormwater will be kept completely on-site. The property is already served by River Loop I for access. Awbrey Park, Arrowhead City Park and Whitely Landing County Park all serve and are near the site. Santa Clara RFPD currently serves the property and will be withdrawn upon annexation; City of Eugene Fire & EMS will be provided upon annexation. Electric service is already on site (EWEB) as well as 8" water service is currently at River Loop I as well as Grizzly at 70' southeast corner of the property.

*Policy 10 states "Annexation to a city through normal processes shall continue to be the highest priority."*

With the owner-initiated annexation request, the normal process is maintained.

*Policy 16 states "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."*

Since this land is already within the UGB, and the required minimum level of service is provided, the land is transitioning from urbanizable to urban.

*Policy 18 states "As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts."*

The site is not part of a special service district.

*Policy 20 states "Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:*

- a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program);*
- b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.*

*Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs."*

For this property, key urban facilities are already adjacent to the property and affected property owners have signed a consent to annex agreement.

*Policy 22 states "Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required."*

For this property, key urban facilities are already adjacent to the property and affected property owners have signed a consent to annex agreement.

### Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-12-02-01500 Address: 350 River Loop 1, Eugene, OR 97404

Legal Description: Beginning at a point 212.52 feet South 0° 30' East of a stone set for the beginning point of County Road No. 18, said stone according to County Survey being 42.56 chains South 89° 50' West of a point 20.10 chains South of the Northeast corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West; running thence South 0° 30' East 110.0 feet; thence South 89° 50' East 245.0 feet; thence South 0° 30' East 214.0 feet; thence North 89° 45' East 374.74 feet; thence North 0° 30' West 328.12 feet to a point which is North 89° 50' East from the point of beginning; thence South 89° 50' West 619.74 feet to the place of beginning, in Lane County, Oregon.

In the corporate limits of said city, which is owned by the undersigned

DATED this 21<sup>ST</sup> day of August, 2013.

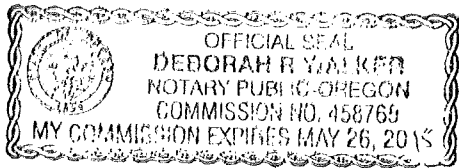
Debra Dade

STATE OF OREGON )

County of Lane )ss

On this 21<sup>ST</sup> day of August, 2013, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, DEBRA DADE, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Deborah Walker  
Notary Public for Oregon  
My Commission Expires 5-26-15



17041220  
EUGENE

Revised - 2012-07-12 14:58

EUGENE  
17041220

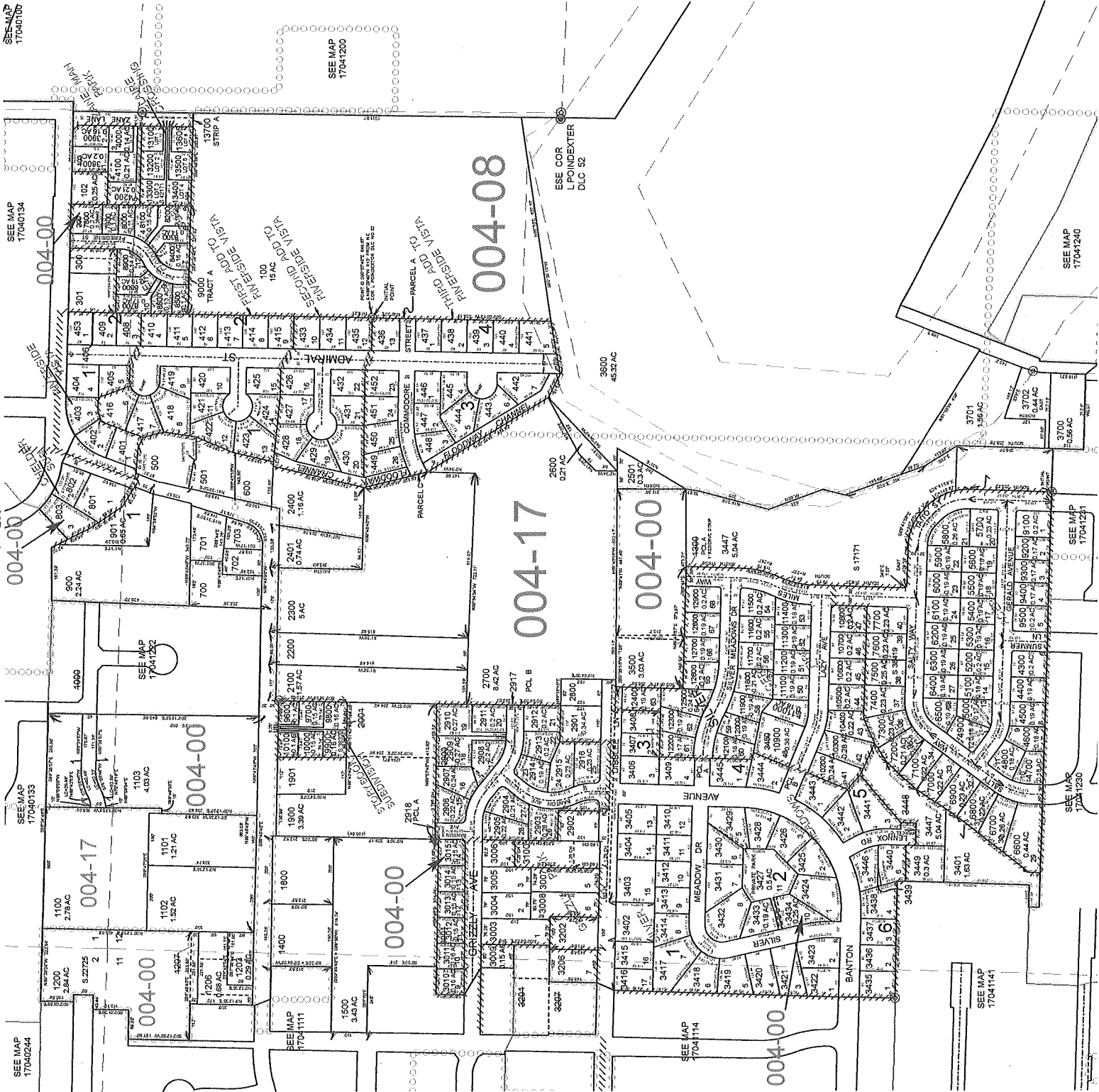
- CANCELLED
- 101
  - 104
  - 106
  - 107
  - 1207
  - 13000
  - 200
  - 2001
  - 2900
  - 3001
  - 3201
  - 3207
  - 3448
  - 3450

REVISIONS  
DATE/USER: CARTIN - CONVERT MAP TO GIS

N.W. 1/4 SEC. 12 T.17S. R.4W. W.M.  
Lane County

1" = 200'

FOR ASSESSMENT AND  
TAXATION ONLY



## Summary of Urban Service Provision

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This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

TERRA DADE & THE ESTATE OF DIANA VERMEYS c/o SHERYL HULSEY

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation  
(For example: Map 17-03-19-31, Tax Lot 100)

17.04.12.02.01500

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**Wastewater** -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

UNK 494-77 AT RIVER LOOP 1 HAS 8" STUB TO PROPERTY

\_\_\_\_\_ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

\_\_\_\_\_

---

**Stormwater** -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

NO

If yes,  
location? \_\_\_\_\_

---

If no, how will stormwater be handled after development? -

WILL BE CONTAINED WITH ON-SITE STORM CANALS / SYSTEM

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway.

RIVER LOOP 1

Will dedication for additional street right-of-way be required upon further development of this site?

Yes  No  Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

Yes  No  Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004).)

**Parks, Recreation, and Cultural Services**

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

AUBREY PARK (NORTH), AIRHEAD CITY PARK (WEST),  
WHITELY LANDING CANYON PARK (EAST)

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

**Public Safety**

**Police services** - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

**For River Road/Santa Clara area-**

*Police services* - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

*Fire and emergency services (Please indicate which fire district serves subject property.)*

  X   Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District. Upon annexation, this property will be automatically withdrawn from the Santa Clara RFPD, and fire protection will be provided by the City of Eugene Fire & EMS Department.

       River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

**Emergency medical transport (i.e., ambulance) services** are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

**Planning and Development Services** -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

**EWEB** (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

**Electric Service** – Which electric company will serve this site?

  EWEB  

**Water Service** -- Please provide the size and location of the water main closest to your property.

  8" AT WEST IN RIVER LOOP | 4 8" AT S.E. CORNER AT GRIZZLY  

**Solid Waste** -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

**Natural Gas** -- Northwest Natural Gas can extend service to new development in this area.

**Communications** -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

### Certification of Description

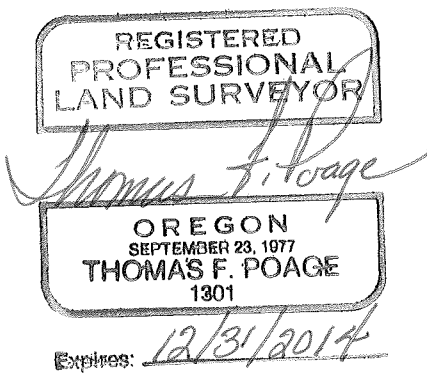
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: Thomas F. Poage  
Registered Land Surveyor

Print Name: Thomas F. Poage

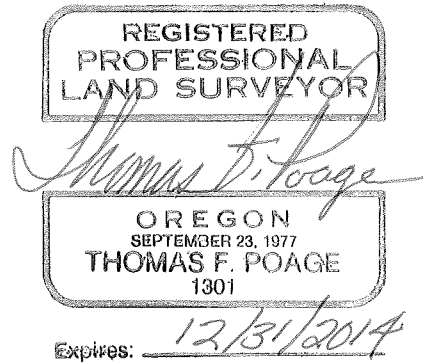
Date: 8/22/2013

Seal:



**Legal Description**  
**Map 17-04-12-20, Tax Lot 1500**

Beginning at a point 212.52 feet South 0° 30' East of a stone set for the beginning point of County Road No. 18, said stone according to County Survey being 42.56 chains South 89° 50' West of a point 20.10 chains South of the Northeast corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West; running thence South 0° 30' East 110.0 feet; thence South 89° 50' East 245.0 feet; thence South 0° 30' East 214.0 feet; thence North 89° 45' East 374.74 feet; thence North 0° 30' West 324.88 feet to a point which is North 89° 50' East from the point of beginning; thence South 89° 50' West 619.74 feet to the place of beginning, in Lane County, Oregon.



Pg 1 of 2

Application #: C \* 2008 - \_\_\_\_\_

For City Use Only

**PETITION**

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

**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): Eugene*

	Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-02-0900700)	Land Owner	Reg Voter	Acres (qty)
1.		8/21/13	Debra Dade	350 River Loop 1 Eugene, OR 97404	17-04-12-02-01500 <i>20</i> <i>RAM</i>	X		3.35
2.			The Estate of Diana P. Vermeys % Sheryl Hulsey	213 Eucalyptus Drive Redlands, CA 92373	17-04-12-02-01500 <i>20</i> <i>RAM</i>	X		3.35
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, T. Sanchez *(printed name of circulator)*, hereby certify that every person who signed this sheet did so in my presence.  
 X  *(signature of circulator)*  
*Notary for Sheryl Hulsey*

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (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.*

Lane County Department of Assessment and Taxation  
8-23-13  
 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 00 (%) of the total active registered voters that are registered in the proposed annexation.

Lane County Clerk or Deputy Signature  
8-23-13  
 Date Certified

Page 2 of 2

\* 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): Eugene

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00200100)	Land Owner	Reg Voter	Acres (qty)
<i>Debra Dade</i>	8/21/13	Debra Dade	350 River Loop 1 Eugene, OR 97404	17-04-12-02-01500 <i>20 8/14/13</i>	X		3.35
		The Estate of Diana P. Vermeys % Sheryl Hulsey	213 Eucalyptus Drive Redlands, CA 92373	17-04-12-02-01500	X		3.35

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.)

1, Gary F. Martin (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X *[Signature]* (signature of circulator)

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (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.

*[Signature]*  
 Lane County Department of Assessment and Taxation  
 Date Certified 8-23-13

**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 00 (%) of the total active registered voters that are registered in the proposed annexation.

*[Signature]*  
 Lane County Clerk or Deputy Signature  
 Date Certified 8-23-13



Address: 990 Obie Street

Company/Organization: POAGE ENGINEERING & SURVEYING

Name (print): Don Mogstad

**SURVEYOR:**

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_  
Email: \_\_\_\_\_

Name (print): \_\_\_\_\_

**PROPERTY OWNER OF TAX LOT: \_\_\_\_\_**

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

City/State/Zip: Redlands, CA 92373  
Phone: 541-868-6725 Fax: \_\_\_\_\_

Address: 213 Eucalyptus Drive  
Email: shulsey@fnf.com

Name (print): The Estate of Diana P. Vermey, % Sheryl Hulsey

**PROPERTY OWNER OF TAX LOT: 01500**

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

City/State/Zip: Eugene, OR 97404  
Phone: 541-461-1161 Fax: \_\_\_\_\_

Address: 350 River Loop 1  
Email: \_\_\_\_\_

Name (print): Debra Dade

**PROPERTY OWNER OF TAX LOT: 01500**

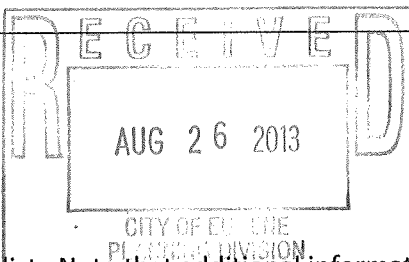
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application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



**Planning & Development Planning**

City of Eugene  
 99 West 10<sup>th</sup> Avenue  
 Eugene, Oregon 97401  
 (541) 682-5377  
 (541) 682-5572 Fax  
 www.eugene-or.gov

**ANNEXATION APPLICATION**



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 10<sup>th</sup> 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
17-04-12-02 20	01500	AG/UL	3.35

Property Address: 350 River Loop 1, Eugene, Oregon

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

Public Service Districts:

Name			
<b>Parks:</b>	River Road/Santa Clara Parks		
<b>Electric:</b>	EWEB		
<b>Water:</b>	EWEB		
<b>Sanitary Sewer:</b>	EWEB		
<b>Fire:</b>	Santa Clara RFPD		
<b>Schools:</b>	Elementary: Awbrey Park	Middle: Madison	High: North Eugene
<b>Other:</b>			

**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](http://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 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" 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 5 copies 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.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- 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.**

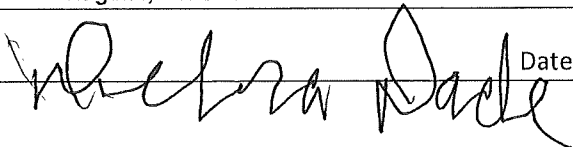
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application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

PROPERTY OWNER OF TAX LOT: 01500

Name (print): Debra Dade

Address: 350 River Loop 1 Email: \_\_\_\_\_

City/State/Zip: Eugene, OR 97404 Phone: 541-461-1161 Fax: \_\_\_\_\_

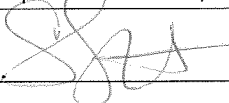
Signature:  Date: 8/21/13

PROPERTY OWNER OF TAX LOT: 01500

Name (print): The Estate of Diana P. Vermeys, % Sheryl Hulsey

Address: 213 Eucalyptus Drive Email: shulsey@fnf.com

City/State/Zip: Redlands, CA 92373 Phone: 541-868-6725 Fax: \_\_\_\_\_

Signature:  Date: 8/7/13

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SURVEYOR:**

Name (print): Don Mogstad

Company/Organization: POAGE ENGINEERING & SURVEYING

Address: 990 Obie Street

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: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

**SURVEYOR:**

Name (print): Thomas F. Poage

Company/Organization: Poage Engineering & Surveying, Inc.

Address: P.O. Box 2527 (990 Obie Street)

City/State/Zip: Eugene, OR 97402 Phone: 541/485-4505 Fax: 541/485-5624

E-mail: poage@poage.net

Signature: 

**REPRESENTATIVE** (If different from Surveyor):

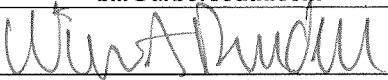
Name (print): WILLIAM A RANDALL

Company/Organization: ARBOR SOUTH ARCHITECTURE, PC

Address: P. O. BOX 11350

City/State/Zip: EUGENE, OREGON 97440 Phone: 541-344-3332 Fax: \_\_\_\_\_

E-mail: bill@arborsouth.com

Signature: 

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

**Planning  
Receipt**



Planning & Development  
Planning Division  
99 West 10th Avenue  
Eugene, OR 97401  
(541) 682-5377

Date: 8/26/13 Received From: LAND WHISPERERS  
Address: \_\_\_\_\_  
Method of Payment:  
 Cash  
 Check  
 Visa/MC  
Amount Received: \$ 5155.70 Phone: ( ) \_\_\_\_\_  
Project: 17-04-12-02-01500

=====

CITY OF EUGENE  
BUILDING & PERMIT SERVICE  
99 WEST 10TH AVE 682-5086  
REG-RECEIPT:3-0007408 Aug 26 2013  
CASHIER: MEB

=====

Annexation Fee \$4,730.00  
Admin Fee-Auto Calc \$425.70

TOTAL DUE: \$5,155.70

RECEIVED FROM:  
LAND WHISPERERS

Check: \$5,155.70

Total tendered: \$5,155.70

Change due: \$ .00

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[www.eugene-or.gov/bldgpermtracking](http://www.eugene-or.gov/bldgpermtracking)

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Please take our customer survey at:  
[www.surveymonkey.com/s/COEPermitSurvey](http://www.surveymonkey.com/s/COEPermitSurvey)

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Annexation	\$ 4730.00	Subdivision, Tentative	\$
Appeal	\$	Subdivision, Final	\$
Conditional Use Permit	\$	Traffic Impact Analysis	\$
Legal Lot Verification	\$	Vacations (all)	\$
Lot Validation	\$	Willamette Greenway Permit	\$
Partition, Tentative	\$	Zone Change	\$
Partition, Final	\$	Other	\$
Property Line Adjustment	\$	Fire Review Fee	\$
PUD Tentative	\$	<b>Subtotal</b>	\$ 4730.00
PUD Final	\$	<b>Administrative Fee (except appeals)</b>	\$ 425.70
Site Review	\$	<b>TOTAL</b>	\$ 5155.70

Staff Initials KEW  
Updated: Feb 2013





ATTACHMENT B

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-12-20 TAX LOT  
1500).****The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Debra Dade and the Estate of Diana P. Vermeys, on August 26, 2013, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-12-20 Tax Lot 1500.

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

**D.** On September 27, 2013, a notice containing the assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 28, 2013.

**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 Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-12-20 Tax Lot 1500 on the map attached as Exhibit A, and 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 automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the \_\_\_\_ day of October, 2013.**

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**City Recorder**

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Adoption of a Resolution Annexing Land to the City of Eugene (Castro, Gilbert and Danielle - A 13-8)

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Meeting Date: October 28, 2013  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2E  
 Staff Contact: Becky Taylor  
 Contact Telephone Number: 541-682-5437

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#### **ISSUE STATEMENT**

This item is a request by the property owner to annex a 0.97-acre property located at the northeast corner of Coburg Road and Hillview Lane 1. The subject property is currently zoned R-1/UL Low Density Residential with Urbanizable Land Overlay and is currently developed with a single-family dwelling, addressed as 3325 Coburg Road. Upon annexation, the /UL overlay will automatically be removed.

#### **BACKGROUND**

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (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. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. 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 and lack of testimony received, 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 10<sup>th</sup> Avenue.

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. The Willakenzie Area Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **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 draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

### **SUGGESTED MOTION**

Move to adopt Resolution 5097, which approves the proposed annexation request consistent with the applicable approval criteria.

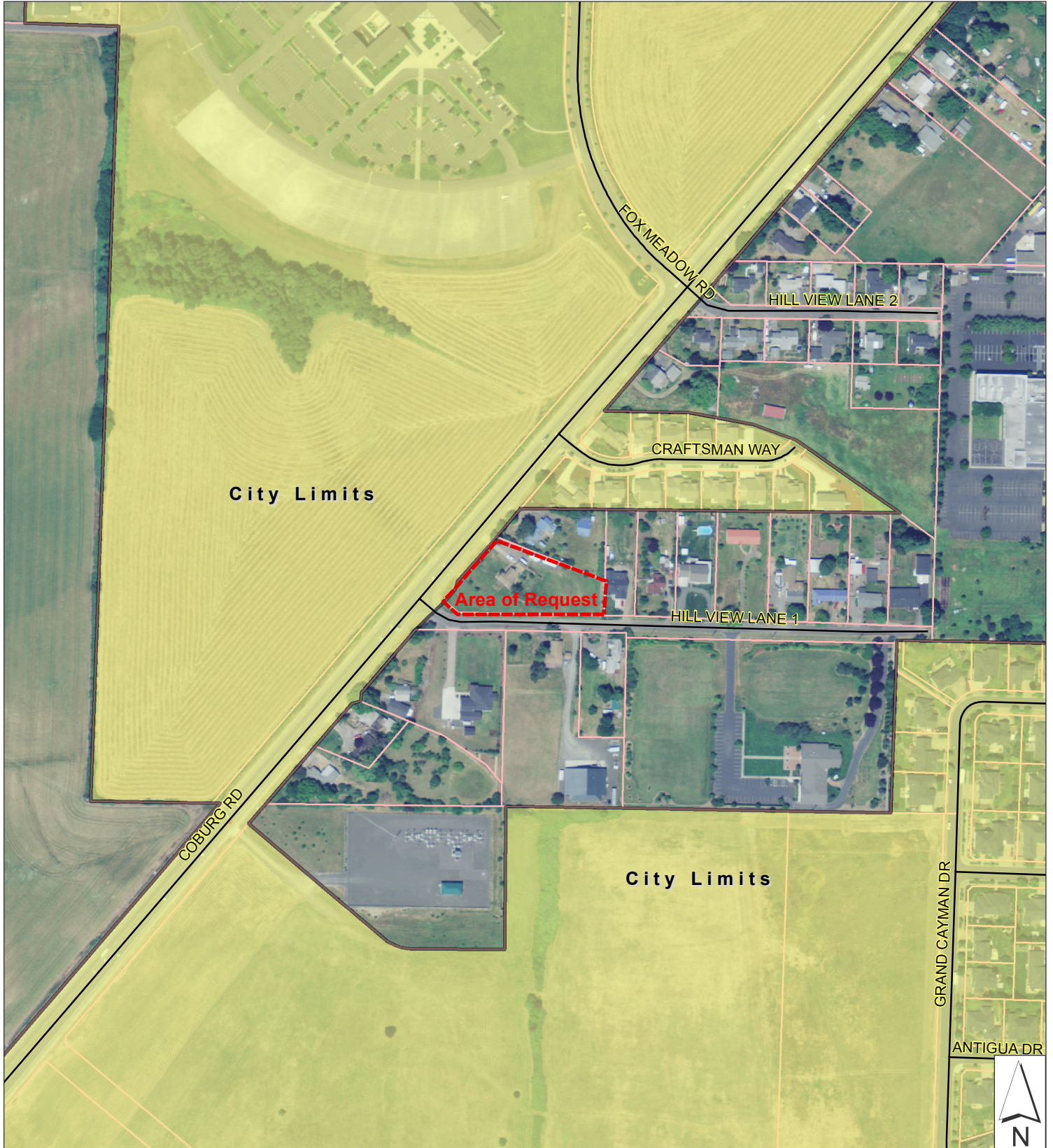
### **ATTACHMENTS**

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

### **FOR MORE INFORMATION**

Staff Contact: Becky Taylor, Associate Planner  
Telephone: 541-682-5437  
Staff Email: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)

# Attachment A: Vicinity Map



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

September 13, 2013





## ATTACHMENT B

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-09-34 TAX LOT  
3400).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Gilbert and Danielle Castro, on August 30, 2013, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-09-34 Tax Lot 3400.

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

**D.** On September 27, 2013, a notice containing the assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 28, 2013.

**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 Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-09-34 Tax Lot 3400 on the map attached as Exhibit A, and 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 automatic rezoning of the land from R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

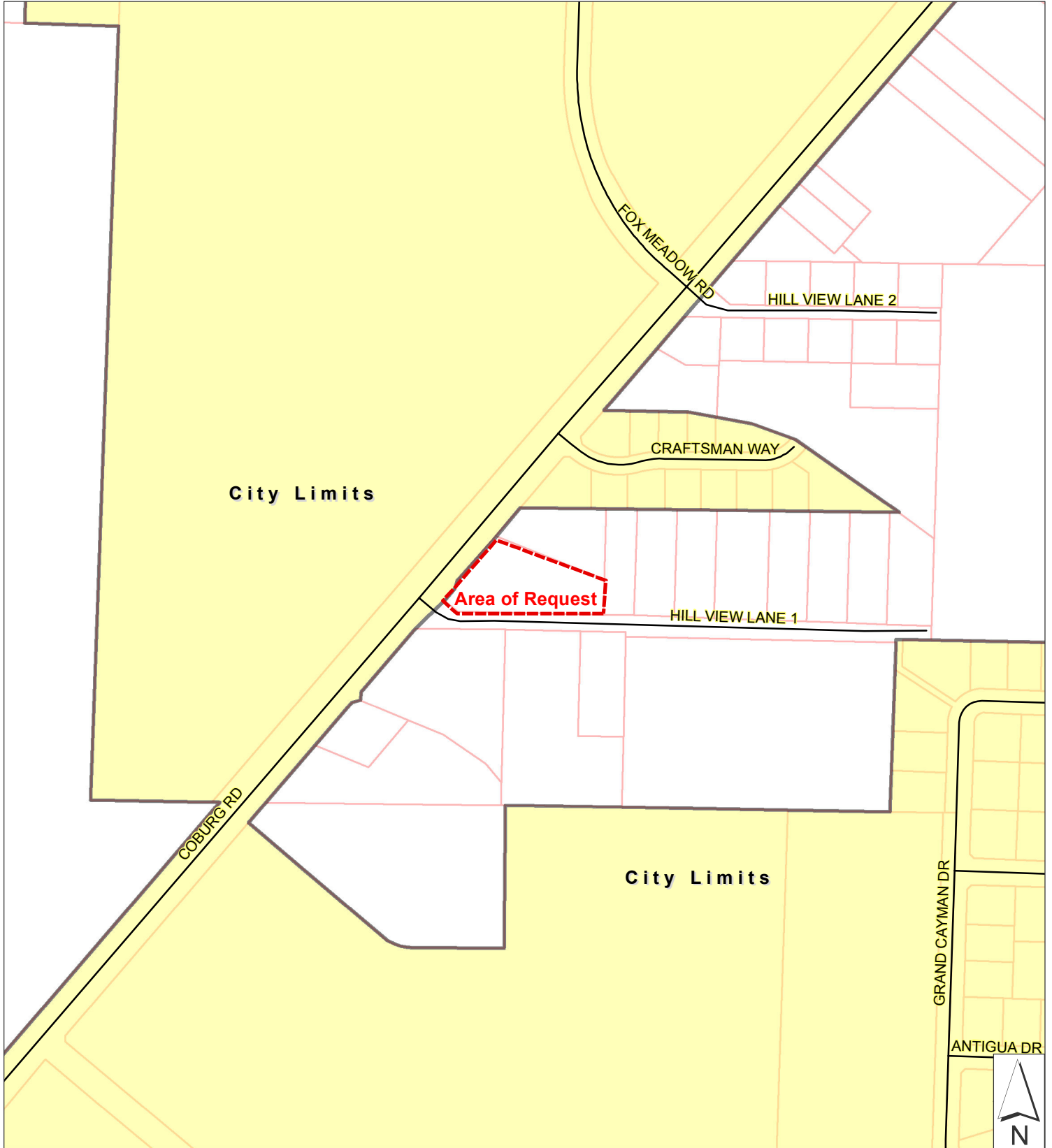
**The foregoing Resolution adopted the \_\_\_\_ day of October, 2013.**

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**City Recorder**



# Exhibit A: Vicinity Map



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

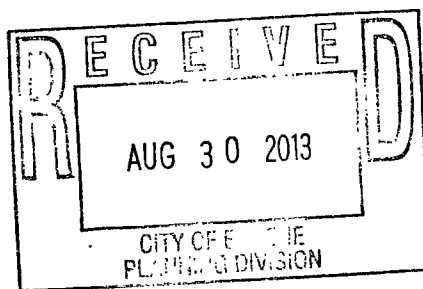


September 13, 2013



LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 OF CRAFTSMAN SUBDIVISION, RECORDED AUGUST 5, 2004, AS DOCUMENT NO. 2004061784, RECORDED IN LANE COUNTY DEEDS AND RECORDS; THENCE SOUTH ALONG THE EASTERLY RIGHT OF WAY OF COBURG ROAD S 38°55'02" W 84.65 FEET TO THE TRUE POINT OF BEGINNING, THENCE S 69°57'48" E 265.54 FEET, THENCE S 00°17'27" E 77.22 FEET TO THE NORTHERLY RIGHT OF WAY OF HILLVIEW LANE 1, THENCE S 89°56'19" W 336.03 FEET, THENCE N 51°04'58" W 31.44 FEET, THENCE N 38°55'02" E 36.09 FEET, THENCE N 14°37'56" E 18.00 FEET TO THE EASTERLY RIGHT OF WAY OF COBURG ROAD, THENCE N 38°55'02" E 132.78 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.







**Planning Director’s Recommendations and Findings:  
Castro, Gilbert and Danielle (A 13-8)**

<b>Application Submitted:</b> August 30, 2013	
<b>Applicant:</b> Gilbert and Danielle Castro	
<b>Map/Lot(s):</b> 17-03-09-34: 3400	
<b>Zoning:</b> R-1/UL Low-Density Residential with Urbanizable Land Overlay	
<b>Location:</b> Northeast corner of Coburg Road and Hillview Lane 1	
<b>Representative:</b> Tony Favreau, The Favreau Group	
<b>Lead City Staff:</b>	Becky Taylor, Associate Planner, (541) 682-5437

**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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:</b> <b>(a) Contiguous to the city limits; or</b> <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). The abutting segment of Coburg Road is in City limits, as are properties to the northwest (First Baptist Church site) and to the south (owned by 4J School District).</p>
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p> <p><b>C. Growth Management, Goals, Findings and Policies:</b> <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 style="padding-left: 40px;"><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-4)</i></p> <p><i>Policy 16. 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 <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>Willakenzie Area Plan (WAP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned R-1, and the /UL overlay will be automatically removed from the annexation area. With regard to applicable policies of the <u>WAP</u>, the subject property is within the Unincorporated Subarea; none of the policies appear to be directly applicable to the subject request.</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>
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**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.**

<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> 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><b>Wastewater</b> Public wastewater can be provided to the subject property by an extension of the system within Coburg Road. The applicant confirms that the property owner will extend public wastewater as part of a future subdivision of the subject property. A development located approximately 1,500 feet to the south (Spectrum Housing) has approved public improvement plans for the extension of public wastewater within Coburg Road.</p> <p><b>Stormwater</b> Public stormwater facilities are not available. There appears to be a roadside ditch along the abutting segment of Hillview Lane 1, which flows through a culvert under the abutting segment of Coburg Road, to an open system to the northwest. On-site</p>
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	<p>detention and/or retention of stormwater runoff from future development of the site may be required. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><b>Streets</b> The segment of Coburg Road abutting the subject property has been annexed to the City of Eugene, but still needs to be transferred from Lane County’s operational jurisdiction. Referral comments from Lane County Transportation Planning staff has provided informational items regarding future development of the site about building setbacks from the abutting roadways, but states no particular concern with the requested annexation. The abutting segment of Hillview Lane 1 is not within City limits.</p> <p><b>Solid Waste</b> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><b>Water &amp; Electric</b> Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, assuming future development of the property complies with EWEB policies and procedures. EWEB staff confirms that there is a two-inch water main within the abutting segment of Coburg Road and a six-inch water main within the abutting segment of Hillview Lane 1. EWEB staff notes that system upgrades may be necessary, depending on future development of the subject property.</p> <p><b>Public Safety</b> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. 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.</p> <p><b>Parks and Recreation</b> A minimum level of park service can be provided to the proposal area by the city as prescribed in the <u>Metro Plan</u>. City parkland (Striker Field) is located approximately 600 feet to the southeast.</p> <p><b>Planning and Development Services</b> 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.</p> <p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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		<b>Public Schools</b> The subject property is within the Eugene 4J School district and is served by Gilham Elementary School, Cal Young Middle School and Sheldon High School.
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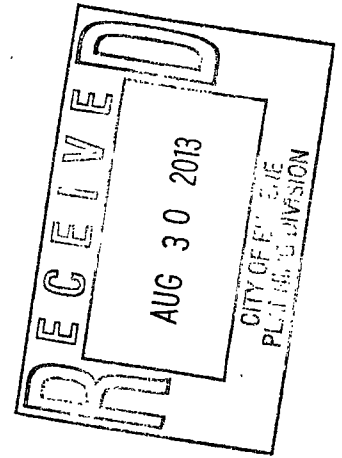
**CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.



ANNEXATION NARRATIVE

**APPLICANT:** Gilbert Castro **PHONE:** (541) 953-2518  
**SURVEYOR:** Roberts Surveying Inc. **PHONE:** (541) 345-1112  
**CIVIL ENGINEER:** The Favreau Group **PHONE:** (541) 683-7048  
**DATE:** August 29, 2013  
**MAP:** 17-03-09-34, Tax Lot 3400  
**SITE ADDRESS:** 3325 Coburg Road, Eugene, Oregon



**Present Request:**

The present request is for approval to annex the subject property into the City of Eugene.

**Approval Criteria:**

The following findings demonstrate that the proposed tentative partition plan will comply with all applicable approval criteria and related standards as set forth in EC 9.7825. The approval criteria and related standards are listed below, with findings addressing each in **Bold**.

EC 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 proposed property is contiguous to the city limits along the west boundary line.**

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

**The proposed property is designated as low density residential zoned land within the Metro Plan and the Willakenzie Plan. The proposal complies with the site's low density residential designation on the Metro Plan Diagram and the Willakenzie Plan Land Use Diagram. In this instance, there are no specific codified policies from the Metro Plan or Willakenzie Plan beginning at EC 9.9560 which serve as mandatory approval criteria or would generate any additional requirements for the proposed subdivision.**

**The Willakenzie Plan is the applicable adopted plan for the area of the requested subdivision. The land use diagram of the Willakenzie Plan designates the subject property for residential use, which is consistent with the proposed subdivision.**

**The subject property is also located within the Unincorporated Subarea, as identified within the Willakenzie Plan. The Willakenzie Plan policies and proposed actions specific to the Unincorporated Subarea are primarily focused on future residential development in the area. They do not identify any requirement relevant to the proposed residential zone.**

- (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.

**The proposed annexation boundary extends the current city limits line that is on the west boundary to the east. All key urban facilities and services are available to the property and surrounding areas at this time.**

Willakenzie Plan Goals.

Provide for compatibility between existing and new development.

- Provide a balanced land use arrangement that promotes compatibility between residential and nonresidential uses while fostering environmental enhancement through the application of improved landscaping maintenance standards.
- Protect and improve the existing residential quality of the Willakenzie area.
- Ensure that new development is in scale and harmony with the exiting neighborhood character
- Provide for a range of housing choices.
- Provide opportunities for commercial and industrial development in a manner that is compatible with residential uses and natural values.
- Encourage the application of site development standards that result in reductions in noise, litter, and light pollution from nonresidential uses.
- Provide for the protection and enhancement of land designated park and open space in the Metro Plan and the Park and Recreation Plan as well as significant natural resources in the Willakenzie area, including, but not limited to, wildlife habitat areas, waterways, view sheds, and significant vegetation.
- Preserve important landmarks and historic resources.
- Provide for a transition from urban to rural uses near the edge of the urban growth boundary in a manner that protects the viability of existing rural and agricultural uses.

**The subject property is boarded by urban residential on the east and south and rural residential on the west. Therefore there are no compatibility issues. The proposed residential development will add housing choices in the existing neighborhood that will enhance the character of the area. There are no important landmarks or historic resources. The adjoining rural uses are similar to the proposed use of the subject property and therefore not pose any conflicts.**

Develop a transportation network that: a) facilitates safe and convenient vehicular access; b) minimizes through traffic on residential streets; c) minimizes traffic impacts on existing and future land uses; and d) encourages alternative modes of transportation.

- Minimize the adverse impacts of high volumes of traffic on residential land uses abutting major streets.
- Encourage street tree planting and landscaping along public rights-of-way.
- Provide for the installation of sidewalks where appropriate to ensure pedestrian safety, enhance pedestrian mobility, and encourage pedestrian linkages to transit facilities.
- Reduce reliance on the single-occupant vehicle by providing facilities and services that promote alternate modes of travel.

**The subject property currently takes access to Coburg Road. Future access will be limited to one access point on Coburg Road and any additional access points will be on Hillview Drive. The site can provide for street trees, landscaping and sidewalk. Transit facilities exist on Coburg Road.**

Provide the people of the Willakenzie area with quality, essential public safety services equal to those provided to other area of the city. Subscribe and conform to the highest professional standards in an effort to protect the constitutional rights, lives, and property of the citizens consistent with community goals and policies.

Provide for public facilities, services, and utilities in a manner that accommodates orderly, compact, and sequential growth.

**The development of subject property will provide the community with development that will enhance the area**

**The applicant is proposing annexation of tax lot 3400, of tax map 17-03-09-34. Based on this written narrative and the supporting documents, the applicant has demonstrated that this application is consistent both the criteria and intention of the Eugene City Code as set forth in EC 9.7825.**

THE FAVREAU GROUP  
 CIVIL ENGINEERING  
 3712 MORRICH AVE  
 EUGENE, OR 97403 (541) 683-7048

DATE	BY	DESCRIPTION

REVISIONS  
 DESCRIPTION  
 DATE  
 APP  
 DESIGNED  
 DRAWN  
 CHECKED  
 DATE  
 TAX MAP 17-09-09-34  
 TAX LOT 3400  
 CITY OF EUGENE

ANNEXATION AREA  
 FOR  
 TAX LOT 17-03-09-34-3400

LINE	LENGTH	BEARING
L1	31.44	N51°04'58"W
L2	36.09	N38°55'02"E
L3	18.00	N14°37'56"E

5800  
 LOT 13  
 CRAFTSMAN SUBDIVISION  
 DOCUMENT NO. 2004061784  
 5700  
 5600

POINT OF BEGINNING  
 CITY LIMITS

3300

3600  
 3500

PROPOSED  
 ANNEXATION AREA  
 TAX MAP 17-03-09-34  
 TAX LOT 3400

4300

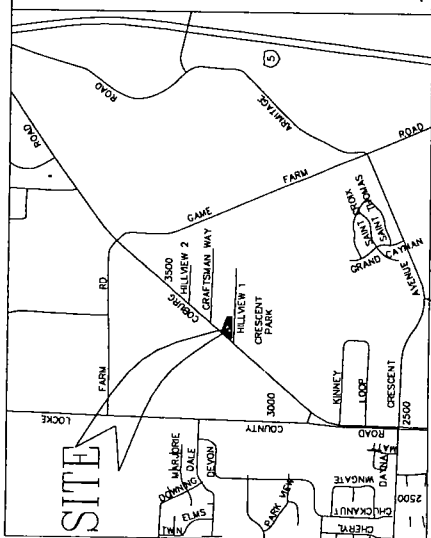
4400

4500

HILLVIEW LANE 1

200  
 CITY LIMITS

RECEIVED  
 AUG 30 2013  
 CITY OF EUGENE  
 PLANNING DIVISION



VICINITY MAP  
 NO SCALE

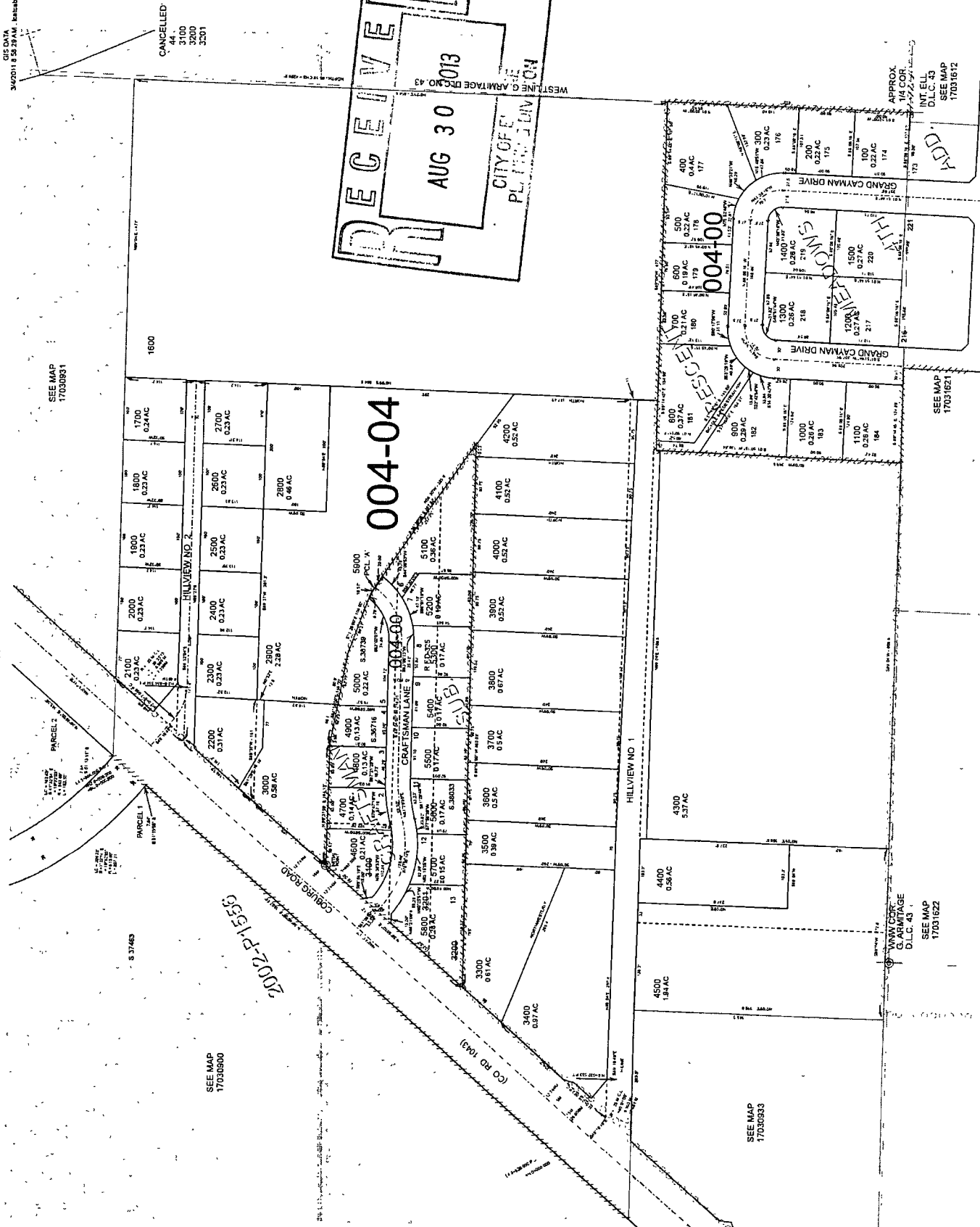


17030934  
EUGENE

BY ORDER OF THE CITY OF EUGENE  
PLANNING DIVISION

S.E. 1/4 S.W. 1/4 SEC. 9 T. 17S. R. 3W. W.M.  
Lane County  
1" = 100'

FOR ASSESSMENT AND  
TAXATION ONLY



SEE MAP  
17030931

SEE MAP  
17030900

SEE MAP  
17030933

SEE MAP  
17031622

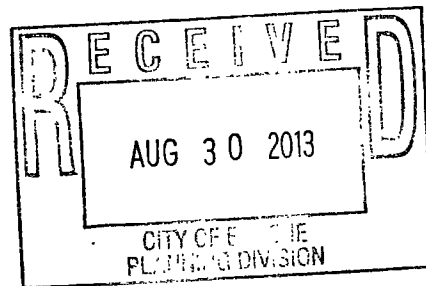
SEE MAP  
17031621

RECEIVED  
AUG 30  
CITY OF EUGENE  
PLANNING DIVISION

EUGENE  
17030934

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 OF CRAFTSMAN SUBDIVISION, RECORDED AUGUST 5, 2004, AS DOCUMENT NO. 2004061784, RECORDED IN LANE COUNTY DEEDS AND RECORDS; THENCE SOUTH ALONG THE EASTERLY RIGHT OF WAY OF COBURG ROAD S 38°55'02" W 84.65 FEET TO THE TRUE POINT OF BEGINNING, THENCE S 69°57'48" E 265.54 FEET, THENCE S 00°17'27" E 77.22 FEET TO THE NORTHERLY RIGHT OF WAY OF HILLVIEW LANE 1, THENCE S 89°56'19" W 336.03 FEET, THENCE N 51°04'58" W 31.44 FEET, THENCE N 38°55'02" E 36.09 FEET, THENCE N 14°37'56" E 18.00 FEET TO THE EASTERLY RIGHT OF WAY OF COBURG ROAD, THENCE N 38°55'02" E 132.78 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.






Application #: C \* 2008 - \_\_\_\_\_  
 For City Use Only

\* 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): EUGENE


	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.		8/29/13	GRIEBER CASTRO	2230 COMSTOCK AVE EUGENE 97408	17-03-09-34 - 3400	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0.98 (1.00)
2.								
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, Eric Favreau (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X  (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.

  
 Lane County Department of Assessment and Taxation  
9/3/13  
 Date Certified

**CERTIFICATION OF ELECTORS**

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

\_\_\_\_\_  
 Lane County Clerk or Deputy Signature  
 \_\_\_\_\_  
 Date Certified

### Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

GILBERT A. CASTRO & DANIELLE C. CASTRO

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation  
(For example: Map 17-03-19-31, Tax Lot 100)

MAP 17-03-09-34, TAX LOT 3A00

**Wastewater** -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

\_\_\_\_\_ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

X will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

CORVUS RD.

THE PROPERTY OWNER WILL EXTEND DURING PROPOSED SUBDIVISION CONSTRUCTION

**Stormwater** -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

YES



If yes,  
location? COBURG RD.

If no, how will stormwater be handled after development? -  
\_\_\_\_\_

**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. COBURG RD.

Will dedication for additional street right-of-way be required upon further development of this site?

\_\_\_\_\_ Yes                      X No                      \_\_\_\_\_ Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

\_\_\_\_\_ Yes                      X No                      \_\_\_\_\_ Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

**Parks, Recreation, and Cultural Services**

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

GILHAM PARK, ARMITAGE PARK

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

**Public Safety**

**Police services** - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

**For River Road/Santa Clara area-**

*Police services* - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

*Fire and emergency services* (Please indicate which fire district serves subject property.)

\_\_\_\_\_ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

\_\_\_\_\_ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

**Emergency medical transport (i.e., ambulance) services** are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

**Planning and Development Services** -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

**EWEB** (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

**Electric Service** – Which electric company will serve this site?

EWEB

**Water Service** -- Please provide the size and location of the water main closest to your

property, 12"

COBURG RD.

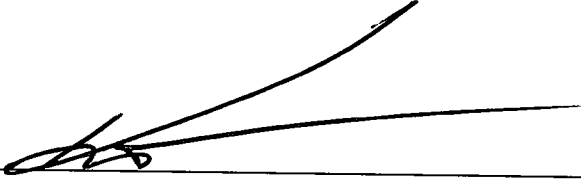
**Solid Waste** -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

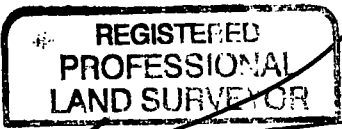
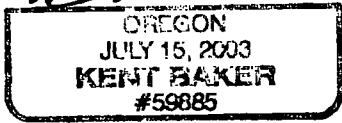
### Certification of Description

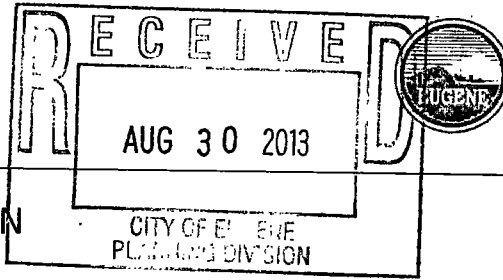
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:   
Registered Land Surveyor

Print Name: KENT BAKER

Date: 8/28/13

Seal:   
  
Expires 12-31-2013



**Planning & Development Planning**

City of Eugene  
 99 West 10<sup>th</sup> Avenue  
 Eugene, Oregon 97401  
 (541) 682-5377  
 (541) 682-5572 Fax  
 www.eugene-or.gov

**ANNEXATION APPLICATION**

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 10<sup>th</sup> 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
17-03-09-34	3400	R-1	0.98

Property Address: 3325 CABURG RD

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

Public Service Districts:

Name			
Parks:	ARMITAGE		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	CITY OF EUGENE		
Fire:			
Schools:	Elementary: GILHAM	Middle: CAL YOUNG	High: SHELDON
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](http://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 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" 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 5 copies 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.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- 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: 3400

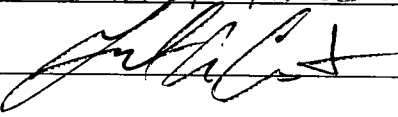
Name (print): GILBERT CASTRO

Address: 2230 COMSTOCK AVE

Email: CASTROCONSTRUCTION@COMCAST.NET

City/State/Zip: EUGENE/OR/97408

Phone: 541-953-2518 Fax:

Signature: 

Date: 8-29-13

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

SURVEYOR:

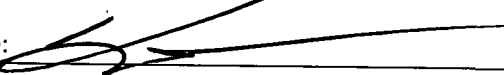
Name (print): KENT BAKER

Company/Organization: ROBERTS SURVEYING, INC.

Address: 2811 LYDICK WAY

City/State/Zip: EUGENE, OR, 97401 Phone: 541-345-1112 Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature:  Date: 8/28/13

**REPRESENTATIVE** (If different from Surveyor):

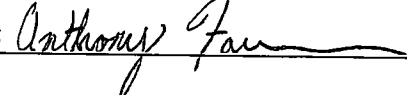
Name (print): ANTHONY FAVREAU

Company/Organization: THE FAVREAU GROUP

Address: 3750 NORWICH AVE.

City/State/Zip: EUGENE / OR / 97408 Phone: 541-688-7018 Fax: \_\_\_\_\_

E-mail: FAVREAUGROUP@MSN.COM

Signature:  Date: \_\_\_\_\_

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



# Planning Receipt



Planning & Development  
 Planning Division  
 99 West 10th Avenue  
 Eugene, OR 97401  
 (541) 682-5377

Item 2.E.

Date: 8/30/13

Received  
 From  
 Address

Gilbert Castro  
2230 Comstock Ave  
Eugene, OR 97408

Method of Payment:

- Cash  
 Check # 1523  
 Visa/MC

Contact: Tony Favreau

Amount Received

Phone

(541) 683-7048

\$ 5155.70

Project

3325 Coburg Rd

Enter amount:

Annexation	\$ <u>4730.00</u>	Subdivision, Tentative	\$
Appeal	\$	Subdivision, Final	\$
Conditional Use Permit	\$	Traffic Impact Analysis	\$
Legal Lot Verification	\$	Vacations (all)	\$
Lot Validation	\$	Willamette Greenway Permit	\$
Partition, Tentative	\$	Zone Change	\$
Partition, Final	\$	Other	\$
Property Line Adjustment	\$	Fire Review Fee	\$
PUD Tentative	\$	Subtotal	\$
PUD Final	\$	Administrative Fee (except appeals)	\$ <u>425.70</u>
Site Review	\$	TOTAL	\$ <u>5155.70</u>

Staff Initials CRZ

=====  
CITY OF EUGENE  
BUILDING & PERMIT SERVICE  
99 WEST 10TH AVE 682-5086  
REG-RECEIPT:3-0007556 Aug 30 2013  
CASHIER: NLR  
=====

Annexation Fee \$4,730.00  
3325 Coburg Rd  
Admin Fee-Auto Calc \$425.70  
-----

TOTAL DUE: \$5,155.70

RECEIVED FROM:  
GILBERT CASTRO

Check: \$5,155.70  
-----

Total tendered: \$5,155.70  
-----

Change due: \$0.00

=====  
[www.eugene-or.gov/bldgpermittracking](http://www.eugene-or.gov/bldgpermittracking)  
=====

Please take our customer survey at:  
[www.surveymonkey.com/s/COEPermitSurvey](http://www.surveymonkey.com/s/COEPermitSurvey)  
=====

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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**Action: An Ordinance Adopting Amended Hazardous Substance Tracking Instructions for Reports Due beginning April 1, 2014, and Removing a Hazardous Substance from the List of Reportable Chemicals**

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Meeting Date: October 28, 2013  
 Department: Fire  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
 Staff Contact: Jo Eppli  
 Contact Telephone Number: 541-682-7118

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### ISSUE STATEMENT

The Toxics Board recommends adoption of an ordinance amending the *Hazardous Substance Tracking Instructions* for reports due beginning April 1, 2014, and removing a hazardous substance from the List of Reportable Chemicals for the Eugene Toxics Right-to-Know Program.

### BACKGROUND

The Eugene Toxics Right-to-Know Program was created in 1996, by an amendment to the Eugene Charter that requires certain manufacturers to provide information to the public concerning the use and disposition of federally-listed hazardous substances. The Charter Amendment provides in part that hazardous substance users in Eugene shall file an annual materials balance report that lists inputs and outputs of all hazardous substances obtained, used or generated. As part of the annual reporting process, the Toxics Board issues guidance to businesses required to report with a handbook entitled *Hazardous Substance Tracking Instructions*, and maintains a corresponding List of Reportable Chemicals. The *Hazardous Substance Tracking Instructions* include text of the Charter Amendment, and detailed instructions for tracking and reporting chemicals.

Beginning in 1998, the City Council has adopted the *Hazardous Substance Tracking Instructions* via ordinance. In 2001, the City Council adopted an ordinance for the Hazardous Substance Tracking Instructions that included a provision making council adoption effective for subsequent years, until and unless City Council adopts further revisions. The City Council last adopted the *Hazardous Substance Tracking Instructions* by Ordinance No. 20499 on November 26, 2012.

Pursuant to Section 54, Article III, Section 3 of the Eugene Charter, the Eugene Toxics Right-to-Know Program requires reporting of chemicals that are federally listed in Sections 302 and 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); the Clean Air Act (CAA); the Clean Water Act (CWA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the Resource Conservation and Recovery Act (RCRA). Chemicals meeting federal definitions of hazardous waste for the characteristics of toxicity, reactivity, corrosivity, or

ignitability are also reportable, even if they are not being disposed of as hazardous waste. Due to the 1999 Oregon Court of Appeals ruling, the chemicals listed under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and those chemicals defined as pesticides under ORS 634.006(8) are no longer reportable, while pesticide ingredients listed as hazardous substances on the other federal regulatory lists cited in Section 54, Article III, Section 3 of the Eugene Charter are reportable.

The List of Reportable Chemicals currently includes one hazardous substance that is regulated only by FIFRA: HAE (CAS # 034375-28-5). In order to comply with the 1999 Oregon Court of Appeals Ruling, this hazardous substance should be removed from the List of Reportable Chemicals.

The Toxics Board has reviewed the *Hazardous Substance Tracking Instructions* and the List of Reportable Chemicals, and recommends that the City Council adopt an ordinance to accomplish the following:

1. Revise the *Hazardous Substance Tracking Instructions* to clarify the exclusion of reporting substances used only for research and development purposes.
2. Change the reference to the List of Reportable Chemicals in the *Hazardous Substance Tracking Instructions* to reflect that the two previously separate static and searchable chemical lists have been merged.
3. Change the reference of Material Safety Data Sheets (MSDSs) to Safety Data Sheets (SDSs) in the *Hazardous Substance Tracking Instructions* to reflect the Hazardous Communication Standard change to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) – a global initiative classifying, defining and communicating hazards.
4. Remove from the List of Reportable Chemicals the following additional chemical that is now regulated only by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA):
  - HAE (CAS # 034375-28-5)

#### **RELATED CITY POLICIES**

The Eugene Toxics Right-to-Know Program relates to the following Eugene City Council Goals and Outcomes: Safe Community; Sustainable Development; and Effective, Accountable Municipal Government.

The Toxics Board provides policy direction on the Eugene Toxics Right-to-Know Program, and serves as an advisory board to the City Council, working under the Eugene City Charter Section 54 (Amendment IV).

Section 54, Article X of the Charter Amendment provides in part as follows:

The City Council shall, upon recommendation of the Toxics Board and without unreasonable delay, enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Amendment.

Ordinance No. 20499: An ordinance adopting amended *Hazardous Substance Tracking Instructions* for reports due April 1, 2013, and removing three hazardous substances from the List of Reportable Chemicals.

**COUNCIL OPTIONS**

1. Act on the ordinance.
2. Postpone action on the ordinance.
3. Provide other direction.

**CITY MANAGER'S RECOMMENDATION**

The City Manager and the Toxics Board recommend adoption of the ordinance.

**SUGGESTED MOTION**

Move to adopt Council Bill 5100, an ordinance amending the *Hazardous Substance Tracking Instructions* for reports due beginning April 1, 2014, and removing a hazardous substance from the List of Reportable Chemicals.

**ATTACHMENTS**

- A. Proposed Ordinance, with Exhibit A, Hazardous Substance Tracking Instructions (amendments to the Hazardous Substance Tracking Instructions shown in track changes.)

**FOR MORE INFORMATION**

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



**ATTACHMENT A**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING AMENDED HAZARDOUS SUBSTANCE TRACKING INSTRUCTIONS FOR REPORTS DUE BEGINNING APRIL 1, 2014, AND REMOVING A HAZARDOUS SUBSTANCE FROM THE LIST OF REPORTABLE CHEMICALS.**

**The City Council of the City of Eugene finds that:**

**A.** Amendment IV to the Eugene Charter of 2002 was adopted at the general election on November 5, 1996 (the “Amendment”). The Amendment provides in part that hazardous substance users in Eugene shall file an annual materials balance report that lists inputs and outputs of all hazardous substances obtained, used or generated.

**B.** On April 6, 1998, the City Council passed Ordinance No. 20112 adopting the 1998 Hazardous Substance Reporting Forms and Instructions (“Instructions”). The Instructions have subsequently been amended, most recently by Ordinance No. 20499, passed on November 26, 2012.

**C.** The Toxics Board has reviewed the previous Instructions and developed amended Instructions for reports due beginning April 1, 2014. Revisions to the Instructions are necessary to (1) clarify the exclusion of reporting substances used only for research and development purposes; (2) change the reference to the List of Reportable Chemicals in the Hazardous Substance Tracking Instructions to reflect that the two previously separate static and searchable chemical lists have been merged; and (3) change the reference of Material Safety Data Sheets (MSDSs) to Safety Data Sheets (SDSs) in the Hazardous Substance Tracking Instructions to reflect the Hazardous Communication Standard change to the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) – a global initiative classifying, defining and communicating hazards.

**D.** Like the Instructions for prior years, the amended Instructions include numerous provisions that describe provisions of the Amendment, give interpretations of the Amendment, and include provisions that are necessary to implement the Amendment in a practicable manner but which are not expressly contained in the Amendment. The Toxics Board has recommended that the Council adopt the amended Instructions.

**E.** The Council approves the amended Instructions as being consistent with the terms and intent of the Amendment and ORS 453.370. The Council intends by this ordinance to adopt the amended Instructions as binding on those persons covered by its terms.

**F.** The Council adopts this ordinance pursuant to its authority under both section 4 of the Eugene Charter of 2002 and Article X of Amendment IV to the Charter.

**G.** In addition to amending the Instructions, the Toxics Board has also recommended removing the hazardous substance HAE (CAS # 034375-28-5) from the list of reportable chemicals. This recommendation is based on a prior Court ruling that chemicals listed pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, and those chemicals defined as pesticides under ORS 634.006(8), are not reportable under the Eugene Toxics Right-to-Know Program.

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The amended Hazardous Substance Tracking Instructions, prepared by the Toxics Board, a copy of which is attached to this Ordinance as Exhibit A, are hereby adopted by the Council for reports due beginning April 1, 2014. The amended Instructions shall continue in effect for reports due in subsequent years until the Council adopts revisions to the Instructions.

**Section 2.** The hazardous substance HAE (CAS # 034375-28-5) is removed from the list of reportable chemicals.

**Adopted by the City Council this**

\_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**Mayor**

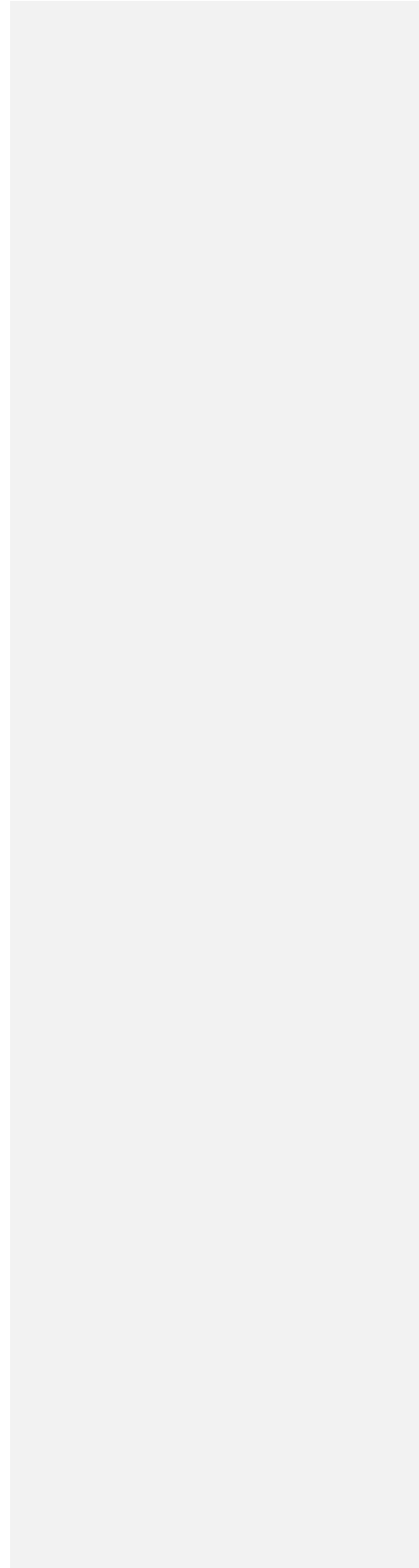




# Hazardous Substance Tracking Instructions

City of Eugene  
Toxics Right-to-Know Program

FOR BUSINESSES REQUIRED TO REPORT IN ACCORDANCE WITH  
EUGENE CITY CHARTER AMENDMENT IV



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## **Introduction**

This handbook was approved on ~~November 26, 2012~~ and officially adopted by the Eugene City Council with ~~Ordinance No. 20499~~ for Hazardous Materials Balance Reports due April 1, 201~~3~~<sup>4</sup> and subsequent years, unless and until the City Council adopts further revisions. The Toxics Board will review this handbook every five years, or upon reasonable demand by a member of the general public or a participating industrial representative. Reporting companies will be notified in writing of any changes to these instructions, and changes will be applicable only to reporting years subsequent to such notification.

The Eugene Toxics Right-to-Know Program is governed by a seven-member Toxics Board appointed by the City Council. The Toxics Board's role is to: a) supply forms and instructions; b) recommend fees necessary to implement the program; c) direct the Toxics Program staff to investigate reports of non-compliance; and d) publish the names of non-complying entities in a local daily newspaper. The Toxics Board is also responsible for determining whether there has been non-compliance in particular cases, and assessing appropriate penalties, if any, when non-compliance is found. The Toxics Board has other duties as well.

The primary role of Toxics Program staff is to: a) receive and maintain reports; b) investigate reports of non-compliance and report findings to the Toxics Board; and c) audit each reporting entity on a random basis at least once every three years. Toxics Program staff and the City's Fire Marshal have additional duties under the charter amendment (Appendix A).

### **Compliance Schedule:**

1. On January 1 of the reporting year, begin tracking your business's use of any hazardous substances listed by the City at [https://ceapps.eugene-or.gov/toxics/chem\\_reportable\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chem_reportable_list.aspx), as well as any meeting the definitions in Appendix D of this handbook. Track inputs and outputs of the types specified in these instructions, and keep a record of the methods used in your calculations.
2. At the end of the reporting year, you will receive the instructions necessary to file your report. The instructions in this handbook are intended to assist Eugene businesses in complying with the City's Toxics Right-to-Know law, and for purposes of determining what data to enter on the electronic forms.
3. On December 31, complete your tracking of hazardous substance inputs and outputs for the reporting year.
4. By April 1 of the following year, submit the completed report and certification form for the reporting year.

### **Toxics Program Staff Contact Information**

For more information on the Eugene Toxics Right-to-Know Program, or to obtain additional copies of forms or instructions, call the Toxics Program staff at 541-682-7118, or send an email to [Toxics@ci.eugene.or.us](mailto:Toxics@ci.eugene.or.us). The mailing address for the Toxics Program is: 1705 W. 2<sup>nd</sup> Avenue, Eugene, OR 97402; and the facsimile number is 541-682-7116.

**Important Reminders**

	REPORTS ARE DUE APRIL 1 EACH YEAR	
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<b>Characteristic substances must be reported. See Section III-E-2 in Appendix A. Also see Appendix D and Section C of Appendix F.</b>
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	TRADE SECRET HAZARDOUS SUBSTANCES MUST BE REPORTED PRIOR TO PROCUREMENT OR PRODUCTION. FORMS ARE INCLUDED IN THIS HANDBOOK, APPENDIX E.	
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	<b>ELECTRONIC REPORTING IS REQUIRED. REPORTING INSTRUCTIONS WILL BE SENT AT THE END OF EACH YEAR.</b>	
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**Acronyms and Definitions**

- **Accounting Period:** The accounting period for reporting is the calendar year, January 1 to December 31.
- **Article:** A solid manufactured item which remains solid throughout the manufacturing process, the unit size of which weighs more than 1 gram (0.0022 pounds), that is used by a facility in whole or in part, without undergoing any chemical changes, in manufacturing of a product or a portion of a product, and that does not release a reportable hazardous substance under normal conditions of the processing of that item at the facility. See page 13 for additional information concerning articles.
- **CAA:** Clean Air Act
- **CAS Number:** Unique identification number assigned to chemicals by the Chemical Abstracts Service (CAS). Chemicals may be known by many names, but they will have just one CAS number.
- **CFR:** Code of Federal Regulations
- **CERCLA:** Comprehensive Environmental Response, Compensation, and Liability Act
- **Charter Amendment:** The Eugene City Charter, Section 54. Amendment IV is referred to throughout this handbook as “Eugene’s Toxics Right-to-Know law”, and sometime as “the law”.
- **Charter Amendment Definitions:** Other definitions are shown in Article III of the Charter Amendment (see Appendix A).
- **Chemical Name:** The scientific designation of a substance in accordance with the nomenclature system developed by the Chemical Abstracts Service.
- **Consumed:** Chemically altered during manufacturing so as to no longer exist in its former chemical composition.
- **CWA:** Clean Water Act
- **DEQ:** Oregon Department of Environmental Quality
- **EHS:** Extremely Hazardous Substance as defined in Section 302 of 42 USC 11002
- **EPA:** United States Environmental Protection Agency
- **EPBT:** Extremely Persistent Bioaccumulative Toxin
- **EPCRA:** Emergency Planning and Community Right-to-Know Act
- **Facility:** All buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites and that are owned or operated by the same person(s) and relate to a common product. If a corporate entity operates two or more separate (non-contiguous) facilities that are required to report, then a separate report is required for each facility.
- **LEL:** Lower Explosive Limit
- **LRAPA:** Lane (County) Regional Air Pollution Authority
- **Materials Accounting/Full Materials Accounting/Materials Balance Reports:** An accounting of the flow of individual hazardous substances into a facility, through its processes, and into its products and wastes, **so that inputs equal outputs of each hazardous substance to the accuracy of the smallest accounting units** (see pages 15-19 and Appendix A), utilizing the best information available to the reporting entity.
- **MSDS:** ~~Material~~-Safety Data Sheet ([formerly MSDS: Material Safety Data Sheet](#))
- **NPDES:** National Pollution Discharge Elimination System

See Appendix F, Questions 1-17

- **PBT:** Persistent Bioaccumulative Toxin
- **POTW:** Publicly Owned (wastewater) Treatment Works
- **Produced:** Chemically created during manufacturing (refers to a chemical not present in a facility prior to the manufacturing process).
- **PSM:** Process Safety Management
- **RCRA:** Resource Conservation and Recovery Act
- **Reportable Hazardous Substances:** Those substances that are listed on the City's Toxics Program's website, and substances meeting the definitions in Appendix D, that are used for or in manufacturing or activities that are related to or required for manufacturing.
- **RMP:** Risk Management Plan
- **SARA 313:** Superfund Amendments and Reauthorization Act, Section 313 of the Emergency Planning and Community Right-to-Know Act (42 USC 11002)
- **SIC:** Standard Industrial Classification. These are 4-digit codes representing business categories. To be required to report, Eugene businesses must have SIC categories that begin with 20-39, inclusively.
- **Synonym** (of a Chemical Name): The common name(s) by which a chemical is known.
- **UEL:** Upper Explosive Limit
- **UFC:** Uniform Fire Code
- **VOC:** Volatile Organic Compound



### **Recommendations to Simplify Tracking and Reporting**

Based on information and advice obtained from individuals who prepare reports for participating businesses, the Toxics Board makes the following recommendations:

1. Persons preparing the reports should carefully review and take advantage of existing policies that are intended to make reporting easier. These include:
  - a. Exemptions for articles. See page 14. Most metals purchased in bulk are articles. Portions not converted into fumes, dust, filings, or grindings are not reportable.
  - b. Threshold amounts for reporting. See page 15. If total inputs in a calendar year are below 2.2 pounds for a hazardous substance or 0.022 pounds for an extremely hazardous substance or extremely persistent bioaccumulative toxin, then that substance need not be reported.
  - c. Threshold amounts for full materials balance accounting. See page 15. If total inputs in a calendar year are between 2.2 pounds and 50 pounds for a hazardous substance, or between 0.022 pounds and 5 pounds for an extremely hazardous substance or extremely persistent bioaccumulative toxin, only the total input quantity is required to be reported.  
  
(Estimate total quantities first, to see whether they will meet reporting thresholds, before proceeding with full calculations.)
  - d. Degree of precision. See page 19. For hazardous substances, reporting in whole pounds is preferred unless the amount is less than 10 pounds, in which case it should be reported to the nearest tenth of a pound. No greater precision is required, except in the case of extremely hazardous substances or extremely persistent bioaccumulative toxins.
  - e. Use of Ranges. See page 22. In estimating the amounts of hazardous substances to report, a business may consider the range of compositions that it receives as articles during the year, and choose an average value within the range. This also applies when a range is reported on a Material Safety Data Sheet.
  - f. Priority System for Determining Amounts. See page 22. Actual measurements or calculations are required when available. When these are not possible or not available, estimates based on best engineering judgment of the manufacturer are allowed.

**EXAMPLES:**

1. A company uses a reportable substance to wash machinery. Some of the substance goes down the drain, and the rest is wiped off with rags, which are placed in a bin and later hauled away. The percentage of the substance that is on the rags may be determined based on the company's best engineering judgment, since it is unlikely that actual measurements of either output are being made.
  2. In the same scenario, if the company does have information allowing it to calculate the amount of the reportable substance that is being released down the drain to the publicly owned treatment works, then the difference between that amount and the total amount used can be assumed to have been hauled away as waste, with the rags.
  3. In manufacturing its product, a company applies an adhesive containing a reportable substance. The company later trims the product, generating some percentage of waste. Again, that percentage may be determined based on the company's best engineering judgment, unless it is possible to make a more accurate determination based on information that is readily available. This could include the weight of unfinished product minus the weight of finished product, if those quantities are measured. Again, no additional measurements not otherwise being taken are necessary.
- g. Best information readily available. See Question 49 in Appendix F. It is not the policy of the Toxics Right-to-Know Program to require businesses to purchase new equipment or take additional measurements. Businesses are of course free to do so at their discretion in order to improve the quality of the information reported. As a general rule, however, information that is not available is not reportable.
2. Review Appendix F to this handbook, "Questions from Businesses/Answers from Toxics Board," to see if there is additional guidance that might be helpful in your particular circumstances.
  3. Technical assistance is available free of charge from the Toxics Program staff, 541-682-7118. Technical assistance is also available for a fee, from a private consultant. Environmental & Ecological Services are listed in the Yellow Pages.
  4. Begin preparing your report soon after the end of the calendar year, while there is still ample time to gather and organize your information. Do not postpone it.
  5. Remember that the intent in enforcement is to be helpful and not punitive. The Toxics Board and City staff are more interested in providing complete and accurate information to the public than in assessing fines. Fines are only assessed in the event of egregious violations, and never for a first offense.

- 6. Use standard spreadsheet software to track and organize information. Most companies that have little problem with the report use Microsoft Excel spreadsheet software or a similar product.**
- 7. Contact vendors and waste haulers at the end of a year for full-year figures. This will save you the trouble of tracking some substances throughout the year.**
- 8. Consider implementing chemical inventory control measures, possibly including a chemical approval form, and linking these to tracking and reporting.**

### **Process for Exemptions**

In compliance with ORS 453.370 the City has established the following procedure for exemption from all or part of the Toxics Right-to-Know Program:

- A. If a facility believes that it has evidence that its operations pose little or no risk to the public health or the environment, the facility may request an exemption from all or part of the material balance report requirement by submitting an Exemption Request form provided by the Toxics Board.
- B. A facility requesting an exemption must specify from what reporting requirements it is seeking an exemption. A facility may not seek an exemption from a requirement to pay a fee.
- C. An Exemption Request form must be accompanied by a report prepared by an independent public health or environmental consultant that demonstrates that the facility's operations pose little or no risk to the public health or the environment.
- D. The facility must submit a non-refundable filing fee of \$150. The facility shall be assessed an additional fee to cover the City's cost of hiring a nationally certified toxicologist to review the report submitted by the facility. Prior to the toxicologist commencing review of the submitted report, the facility will be provided a fee estimate. Within thirty (30) days of receiving the estimate, the facility shall notify the City whether it wants to proceed with the report review or withdraw from the exemption process.
- E. Within sixty (60) days of receiving a facility's notification that it wants the toxicologist to commence review of its submitted report, the Toxics Board will meet to consider the facility's exemption request. At that meeting a representative of the facility will have an opportunity to speak to the Toxics Board regarding the requested exemption. Those wishing to speak in opposition or in favor of the request may also speak at this meeting.
- F. An exemption request may be denied, granted in whole, or granted in part.
- G. An exemption shall not be granted (in whole or part) unless the facility establishes by clear and convincing evidence that its operations and use of hazardous substance(s) do not pose a risk to the public health or the environment.
- H. Six out of the seven Toxics Board members must vote in favor of exempting the facility in order for the facility to be exempted from all or part of the reporting requirements.
- I. The Toxics Board shall render a decision on the facility's requested exemption within twenty (20) days of the meeting at which the request was considered.
- J. The decision of the Toxics Board is final.

## **Who Must Report**

Reports must be filed by businesses that meet all of the following criteria:

- The facility is within the Standard Industrial Classification (SIC) categories of #20-#39 (first two digits of the four-digit SIC category), or is a solid waste incinerator that accepts infectious waste, or is a hazardous waste disposal incinerator. If you need assistance in determining your SIC category, call Toxics Program staff at 541-682-7118.
- The facility has 10 or more full-time equivalent employees (20,800 hours paid to employees employed locally by the facility in the reporting year).
- The facility has aggregate inputs of 2,640 pounds of reportable hazardous substances during the reporting year. If the total is less than 2,640 pounds, the facility is not required to report.
- The facility is stationary within the city limits of Eugene, and is not exempted. Exempted facilities are public educational institutions, state and federal facilities and facilities of their political subdivisions.

## **Deadline for Submitting Reports**

Reports shall be filed by April 1 of the year following the reporting year (e.g., 2011 reports were due April 1, 2012).

It is the policy of the Toxics Board that entities required to report may request an extension of the April 1 reporting deadline by contacting Toxics Program staff at 541-682-7118.

## **What Constitutes a Complete Report**

### **Electronic Materials Accounting Data**

The law requires that materials accounting reports shall be filed electronically. Reporting instructions will be sent to businesses around the end of the reporting year.

The reporting program contains electronic forms such as those shown on pages in Appendix B. The forms provide for the name and CAS or other identifying number of each hazardous chemical used by the facility during the reporting year, and for reporting amounts of inputs and outputs of each type specified in the Right-to-Know Charter Amendment. Detailed instructions for calculating these amounts are given starting on page 15 of this handbook, and instructions for entering the data will be sent to reporting businesses each year.

The reporting program downloads data from the previous reporting year, and then automatically enters January 1 inventories of reportable substances and waste based on the quantities reported for December 31 of the previous reporting year. (The assumption here is that whatever was at the facility on December 31 of the previous reporting year was still there the next day.)

### **Certification Form**

With each electronic materials accounting report, an electronic certification form (with an electronic signature checkbox) executed by a responsible officer of the company is required. This form (see Appendix B) attests that the information filed electronically is correct and complete to the best of the company's knowledge, based on readily available information. The certification form will also provide the name, telephone number and email address of the person completing the report for the company. That person's name, telephone number and email address will not be made public, but are for the City's use in the event that clarification or additional information is needed. A faxed copy of the certification form is acceptable.

### **Trade Secret Forms**

Provisions are made in the law for the reporting of trade secret chemicals when such status is approved by the City's Fire Marshal. (See Appendix E, Trade Secret Reporting Forms and Instructions.)

If you are claiming trade secrecy for one or more hazardous substances, you must submit:

1. A notarized report to the City's Fire Marshal submitted through Toxics Program staff documenting that the substance is a trade secret as defined in the charter amendment. **This report must be on file prior to the procurement or production of a trade secret hazardous substance.**
2. A report to the Toxics Board submitted through Toxics Program staff documenting that the above report has been filed with the City's Fire Marshal. If a manufacturer is granted trade secret status for **one substance only**, materials balance accounting is not required for that substance. However, the notarized report to the City's Fire Marshal and the corresponding notification to the Toxics Board are still required.
3. An aggregate materials accounting report if you claim **two or more** reportable trade secret substances, entered as a single line item in the regular Hazardous Substance Report. If trade secret status is approved, the trade secret substance or substances are reported using a special designation number, using the same process as for other reportable substances. If denied, there is provision for appeal to the Toxics Board.
4. An independent auditor's report regarding precautions taken in trade secret substance use and technological alternatives to trade secret substances.

Businesses interested in claiming trade secret status for substances should contact the Toxics Program staff at 541-682-7118 for detailed reporting instructions.

### **Recordkeeping**

A partial list of records that a facility may need to maintain for report generation and verification during audits includes:

- Previous years' reports
- Engineering calculations and other notes
- Purchase records from suppliers

- ~~Material~~ Safety Data Sheets (~~M~~SDSs)
- Inventory data
- Production records
- Records of sales or transfers of products from the facility
- NPDES monitoring reports
- Office of State Fire Marshal Hazardous Substance Information Survey
- Flow-meter data
- RCRA Hazardous Waste Generator’s Report to DEQ
- Pretreatment reports filed by the facility with the wastewater treatment plant
- Invoices from hazardous waste management companies
- Hazardous waste profiles
- Process diagrams that indicate emissions and other releases
- Any other records that your facility will need to substantiate the inputs and outputs of all reportable hazardous substances, including method of estimation (see pages 20-22).

**What to Report**

Reporting businesses are required to determine which substances they need to report, and then to report the inputs and outputs, by type, of each of those chemicals, such that total inputs and outputs for each chemical are equal within the smallest accounting unit. A thorough review of this handbook, especially the Charter Amendment (see Appendix A) and the list of reportable chemicals (see Appendix C), is recommended.

**Examples of Reportable and Not Reportable Substances**

	<u>Reportable?</u>
Articles, and substances contained in articles	No
Hazardous fuel used to control a manufacturing process	Yes
Natural Gas ( <b>See Appendix F, Question 37</b> )	No
Solvents used for cleaning manufacturing equipment	Yes
Substances used for fuel in motors on mobile vehicles	No
Reportable substances used for maintenance of non-motorized vehicles used in manufacturing processes	Yes
Hazardous boiler additives to reduce scale formation during manufacturing	Yes
Substances used as a structural component of the facility	No
Janitorial, grounds maintenance and office supplies	No
Substances used in building maintenance and construction activities	No
Substances used for environmental monitoring not related to manufacturing	No
Products in retail stores	No
Radioactive substances that are part of sealed measuring devices	No
Waste aerosol cans	No
Reportable substances in waste aerosol cans ( <b>See Appendix F, Question 40</b> )	Yes
<del>Hazardous substances related to research and development (<b>See Appendix F, Section D: Manufacturing vs. Maintenance Uses</b>)</del>	<del>No</del>

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**What Substances Must Be Reported**

To be reportable, a chemical must appear on the City’s list **or** be known to possess one or more

of the characteristics described in 40 CFR 261, Subpart C (see Appendix D). Radioactive substances are also reportable (see paragraph below and Appendix A, Article III(E)(3)).

The list of reportable chemicals is available on the Toxics Program's website (see link below), or in printed form upon request by contacting Toxics Program staff at 541-682-7118.

To view the current list of reportable chemicals; or to search for a particular chemical, go to: [https://ceapps.eugene-or.gov/toxics/chem\\_reportable\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chem_reportable_list.aspx); [https://ceapps.eugene-or.gov/toxics/chemical\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chemical_list.aspx).

To search for a particular chemical, go to: [https://ceapps.eugene-or.gov/toxics/chemical\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chemical_list.aspx).

To determine whether or not a chemical is reportable, check if the chemical matches a City listing. If the chemical cannot be found by matching name or CAS number, then determine if it is in one of the reportable chemical categories (see Table of Special Designations on page 13) or if it is a reportable "characteristic" substance as defined by 40 CFR 261. If neither name nor CAS number nor category nor characteristic match the Eugene Toxics Program's definitions of reportable substances, then your substance is not reportable.

"Characteristic" substances as described in 40 CFR 261, Subpart C (Appendix D): Businesses are expected to conscientiously identify non-listed substances that "if it were in a container, would possess the characteristics of a hazardous waste, as defined in 40 CFR 261.20 through §261.24, authorized by RCRA." Substances that possess the characteristics of hazardous waste are commonly referred to as "characteristic chemicals" or "characteristic substances."

In the list of reportable chemicals there are two columns: one entitled *Characteristic*; and another entitled *Source Lists*. Chemicals/substances with a "Y" shown in the Characteristic column and a Toxics Program reporting business number in the Source Lists column, indicate that those chemicals were previously reported as characteristic by at least one reporting business, meaning that they do not appear on the Federal lists comprising the majority of Eugene's definition of "hazardous substance" (see Appendix A, Article III-E). These characteristic substances shall not be required to be reported by any business or added to the List of Reportable Chemicals until the following steps have been completed:

1. If a business identifies a non-listed substance, and concludes that the substance does indeed possess the characteristics of a hazardous waste as defined in 40 CFR 261.20 through §261.24, the business representative must:
  - a. Verify the chemical's name and CAS number (or other designation used by the program);
  - b. Verify whether the chemical is an EHS, EPBT and/or Radioactive;
  - c. Obtain a copy of an MSDS or laboratory analysis for the chemical as proof that the substance meets the requirements to be considered a characteristic chemical/waste (if no MSDS or no laboratory analysis is available, a written account as to what has caused this chemical to be identified as a characteristic chemical/waste is acceptable); and
  - d. Submit the above information to Toxics Program staff requesting Toxics Board consideration for the substance to be added to the list as a characteristic chemical.



2. After review of the business representative’s request and required information, if the substance is deemed a characteristic chemical by six (6) of the seven (7) Toxics Board members, the Toxics Board will submit a written recommendation to the City Manager requesting the substance be added to the list as a characteristic chemical. The recommendation will include the reason for the recommended addition.
  - a. If the Toxics Board rejects the request, the Toxics Board will notify the business representative in writing the reason for rejection, and the chemical shall not be reportable.
3. The City Manager may then either accept or reject the Toxics Board’s recommendation for inclusion of the substance.
4. If the City Manager agrees to include the chemical on the List of Reportable Chemicals, the City Manager will establish a date when the additional chemical shall be subject to the materials balance reporting requirements.
  - a. If the City Manager rejects the recommendation, the City Manager will notify the Toxics Board in writing the reason for rejection, and the chemical shall not be reported.

“Chemical Category” substances: In the list of reportable substances, a number of chemical categories are listed. They are designated by “N” followed by a three-digit number, rather than a CAS number. These categories are defined in SARA 313 (EPCRA), and chemicals included in the listed categories are reportable under Eugene’s Toxics Right-to-Know law.

| A ~~Material~~ Safety Data Sheet (~~M~~SDS) will often be helpful in determining whether you are working with Chemical Category substances. This information may appear on the list of hazardous ingredients on the ~~M~~SDS, and/or under “Regulatory Information,” where one or more chemicals may be listed without a CAS number, but as reportable under SARA 313.

Chemicals listed federally without CAS numbers: The Toxics Board has identified a small number of chemicals or groups of chemicals that appear on the federal lists that comprise the Eugene list of reportable substances, but that do not have CAS numbers. These appear on the list with the designation “TB” followed by a number. They are reportable in the same manner as other reportable chemicals.

**Table of Special Designations**

<b>C</b>	The generic designations C1 through C7 indicate chemicals whose identity (CAS number) is not known to the reporting business, but which are known to possess one or more of the characteristics of hazardous waste as defined in 40 CFR Part 261, Subpart C (Appendix D).
<b>N</b>	The N designation (followed by a three-digit number) indicates chemical categories listed as reportable in SARA 313. They include any compound that contains the listed chemical as part of its infrastructure.

<b>SG</b>	If an <b>M</b> SDS lists a substance as reportable under SARA 313 or SARA 302, but does not identify the chemical because it is a trade secret of the supplier, the chemical may be reported as SG.
<b>TB</b>	TB followed by a number indicates a chemical or group of chemicals appearing on one or more of the Federal lists of reportable substances cited in the Charter Amendment, but without CAS numbers. The TB designator simply takes the place of a CAS number for these chemicals.

### **Compounds and Mixtures**

When hazardous substances occur in compounds or mixtures with other substances, facilities are required to report only the weight of actual hazardous substances. The **M**aterial Safety Data Sheet (**M**SDS) may give the percentage of hazardous substances contained in a mixture or compound, and the weight of each can then be calculated. Otherwise, businesses are expected to use their best engineering judgment and to document it for purposes of audits.

See Appendix F,  
Questions 18-23  
and 49

### **Unidentified Chemicals**

Often a company will know that a substance is reportable because it possesses one of the characteristics of hazardous waste as defined in 40 CFR Part 261, but the company will not know the identity of the chemical (usually because it is a trade secret of the supplier). These chemicals should be reported in the appropriate generic category (C1 through C7).

See Appendix F,  
Question 25

Occasionally, a chemical will be listed on an **M**SDS under a generic name and, instead of a CAS number, a phrase such as “SARA 313 Reportable” is used. When specific chemical identity information is not available, but you have information indicating that a substance is reportable, provision is made to report the chemical in a generic category with the chemical identifier SG in lieu of a CAS number.

For example, the generic name “chlorinated aromatic” is listed as an ingredient/component on the **M**SDS. If your facility uses 20,000 pounds of a solvent that contains 80% “chlorinated aromatic,” you know that you have used 16,000 pounds of a reportable hazardous substance. You would report the substance as SARA Generic, which appears on the City’s list of reportable substances along with the chemical identifier SG.

### **Radioactive Materials**

Companies must report the identity of radioactive materials for which they have inputs above 1 gram (0.0022 pounds), and must report the amount of input for radioactive substances whose input exceeds 2.2 pounds. Materials accounting, including all four inputs and all 11 outputs, is not required for radioactive substances.

**Exception:** Sealed source radioactive materials, as defined by OAR 333-100-055(71), contained in smoke detectors, survey equipment, and small laboratory testing equipment, are not required to be reported.

**Articles**

For purposes of reporting under this program, the Toxics Board has defined “article” as: a solid manufactured item which remains solid throughout the manufacturing process, the unit size of which weighs more than 1 gram (0.0022 pounds), that is used by a facility in whole or in part, without undergoing any chemical changes, in manufacturing of a product or a portion of a product, and that does not release a reportable hazardous substance under normal conditions of the processing of that item at the facility.

See Appendix F,  
Questions 1-17

Any fumes, dusts, and grindings of reportable hazardous substances that are created during processing, or any portion of the original article that is sent to a public landfill, waterway, or otherwise released to the environment, are reportable.

The remainder of the article which remains unchanged after processing is not reportable. However, if a facility’s reporting is made easier by reporting the entire article as input, that practice is also acceptable.

Inputs of reportable hazardous substances that came to the facility as an article may be calculated by summing the reportable outputs (fumes, dusts, grindings, and any other fractions that are released to the environment). However, input category 3, produced on-site, should not be used. This category is reserved for chemicals created from other chemicals during a facility’s processes. Instead, input categories 1, 2, and 4 should be used as appropriate.

**Metal Fumes, Dusts, and Filings:** Report hazardous substances that are fumes, dust, filings or grindings that result from the manufacturing process of an article that consists of or contains the hazardous substance. The portion of the article that is not converted into fumes, dust, filings or grindings is not reportable.

**Metals and Metal Compounds**

Determine which of your metals and metal compounds are on the Chemical List, and which are not. For those that are listed with a specific name, e.g., “lead phosphate,” report these substances as you would any other reportable hazardous substance, subject to the thresholds given on page 15. For metal compounds that are not listed with a specific name but fit into a generic category, e.g., “lead compounds,” report the aggregate amounts of these compounds in the appropriate input and output categories. However, do not report in the generic category those substances that were reported under a specific name. This will avoid double counting.

**Example:** Lead, lead phosphate, and lead compounds are each listed as reportable. If a business has a lead input and manufactures lead phosphate, it would first do materials accounting for the inputs and outputs of lead, including its incorporation into lead phosphate during manufacturing (output types 1 or 2). Then the business would do materials accounting for the inputs (in this case, produced at the facility, type 3) of lead phosphate, and account for its outputs. If the lead phosphate is subsequently converted into another lead compound that is not specifically listed, the business would include the new lead compound in its materials accounting for “lead compounds.” In the latter case, the amount of “lead compound” would be aggregated with other amounts of “lead compounds,” if any, that are used by the facility in the manufacturing process.

**Threshold Amounts for Reporting**

To help make reporting feasible, the Toxics Board has developed the following policies. If you do not know whether a chemical is reportable, or how it should be reported, contact Toxics Program staff at 541-682-7118.

1. **Minimum Amounts for Individual Chemicals:** Total inputs of a single chemical must meet the smallest accounting unit threshold (2.2 pounds for hazardous substances and 0.022 pounds for extremely hazardous substances and extremely persistent bioaccumulative toxins), or else that chemical is not reportable. For radioactive substances, see page 14.
2. **Thresholds for Full Materials Accounting:** If total inputs fall below 50 pounds for a hazardous substance or five pounds for an extremely hazardous substance or an extremely persistent bioaccumulative toxin, but above the smallest accounting unit, then the substance's name and total inputs must be reported, but materials balance accounting is not required. However, these amounts count toward the 2,640-pound overall reporting threshold.
3. **When All Chemicals Fall Below the Threshold for Materials Accounting:** If no chemical has inputs exceeding 50 pounds, but the facility exceeds the 2,640-pound aggregate input threshold, then materials balance accounting IS required for the one chemical with the greatest input.

See Appendix F, Question 39
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The following table summarizes threshold amounts for reporting.

	<b>NON REPORTABLE</b>	<b>REPORTABLE WITHOUT FULL MATERIALS ACCOUNTING</b>	<b>REPORTABLE WITH FULL MATERIALS ACCOUNTING</b>
<b>EXTREMELY HAZARDOUS SUBSTANCE</b>	<0.022 pounds	0.022 – 4.99 pounds	≥ 5 pounds
<b>HAZARDOUS SUBSTANCE</b>	<2.2 pounds	2.2 – 49.99 pounds	≥ 50 pounds

**How to Calculate Inputs and Outputs**

The electronic data entry reporting program will have fields to accommodate each input and output type. In reporting, it is required that total inputs and total outputs for each substance must balance to within the smallest accounting unit for that substance. The following table shows all input and output categories.

I1	Input 1	January 1 Inventory	O4	Output 4	December 31 Waste
I2	Input 2	January 1 Waste	O5	Output 5	Emitted to Air
I3	Input 3	Produced On-site	O6	Output 6	Discharge to POTW
I4	Input 4	Brought On-site	O7	Output 7	Surface Water Release

O1	Output 1	Chemically Altered	O8	Output 8	Treated On-site
O2	Output 2	Shipped as Product	O9	Output 9	Recovered On-site
O3	Output 3	Shipped as Waste	O10	Output 10	Disposed On-site
			O11	Output 11	December 31 Inventory

**Input Types**

The law specifies four different types of inputs of hazardous substances:

1. Inventory at the facility at the beginning of the accounting period: Report the quantity of each substance that is on-site on January 1 in purchased or manufactured condition. This does not include the quantity of a substance that is considered waste waiting for treatment or disposal (see input type 2). **For each substance, this amount should be the same as the amount reported in Output Type 11 (inventory at the facility at the end of the accounting period) for the previous year.**
  
2. Waste stored at the facility at the beginning of the accounting period: Report the quantity of the substance that is on-site on January 1 that is waste. This is the portion of the substance that has been used in a manufacturing process and is waiting for treatment or disposal. **For each substance, this amount should be the same as the amount reported in Output Type 4 (waste stored at the facility at the end of the accounting period) for the previous year.**
  
3. Quantity produced at the facility: Report the total quantity of the substance produced by chemical processes on-site during the calendar year. The total quantity includes material prepared in a production process whether as a final product or as an isolated intermediate, and quantities generated as waste that were not stored on-site on January 1 (Input #2). The quantities produced as transient, non-isolated intermediates should not be reported.
  
4. Quantity brought to the facility: Report the total quantity of the substance brought into the facility from all off-site suppliers, including other facility locations and divisions of your own company, during the calendar year.

**Output Types**

The law specifies 11 different types of outputs of hazardous substances:

1. Quantity chemically altered (consumed) in the facility's processes: Chemically altered, or consumed, means "undergoes a chemical reaction to produce a new chemical." Reportable substances that are chemically altered in manufacturing processes must be accounted since they represent a reduction of the quantity present. Reportable substances generated during chemical alteration of another substance must be reported as inputs of type 3 in the section above.

See Appendix F, Questions 50 and 52

Transient intermediates, those compounds that are produced and then fully

consumed in a continuous process, even if on the list of reportable hazardous substances, are not reportable.

Businesses may choose average yields of reactions performed at the facility for the purposes of calculating quantities chemically altered, and apportioning the product to other output types, e.g., between product and waste.

2. Quantity shipped from the facility in product: This output includes any reportable substance that is shipped as a product, or part of a product. This includes substances shipped in a form suitable for final use (end product) or as intermediates subject to further processing leading to final use. Report the quantity of the substance only, not the total quantity of the product within which it is a component.

**Examples:**

- a. Metals such as Zn or Ni plated onto an article. Report only the weight of the metal that was plated onto the article, not the total weight of the final product.
  - b. Reportable substances contained in a paint or solvent. Report only the weight of reportable hazardous substances contained in the product, not the entire weight of the product.
  - c. A monomer, dimethyl phthalate, is produced in Eugene and shipped to California to be polymerized. The polymer is shipped to Texas where it is used to make beverage containers. The original monomer, which is reportable under the Eugene law, even though far from a final product, must be reported as product shipped from the facility.
3. Quantity transferred away from the facility as waste: Report the quantity of the reportable hazardous substance that is transferred to other locations as waste, whether for recycling, energy recovery, treatment or disposal. Report the quantity of the substance only, not the total quantity of the waste within which it is a component.

NOTE: If your company is paid for materials taken away by recyclers or anyone else, then those materials are products and their reportable components should be reported in Output Category 2 above.

4. Waste stored at the facility at the end of the accounting period: Report the quantity of the reportable substance remaining on-site on December 31 that is waste, regardless of its eventual intended disposition (e.g., recycling, energy recovery, treatment or disposal). This is the portion of the substance that has been used in the process and is waiting for treatment or disposal. Report the quantity of the substance only, not the total quantity of the waste within which it is a component. **This amount should carry over to Input Type 2 (waste stored at the facility at the beginning of the accounting period) for the following year.**

5. Quantity emitted to the air: Report the quantity of the reportable hazardous substance that was emitted to the air. Include not only stack emissions, but also fugitive emissions from your facility.

Stack emissions are emissions that are released into the atmosphere from a readily identifiable point source. This includes emissions from stacks, exhaust vents, ducts, pipes, or other confined air streams.

Fugitive emissions are emissions that are not released through stacks, vents, ducts, pipes or other confined air stream. Included are evaporation, leakage, or releases from the following sources: blending operations; transfer operations; charging and discharging reaction vessels; storage piles and tanks; leaking seals, pumps, flanges, valves, etc.; furnaces or kilns; open vats or pits; crushing, pelletizing or grinding operations; and loading and unloading operations.

6. Quantity discharged into publicly treated sewage: Report the quantity of the substance discharged into the wastewater collection system (sanitary sewer). Report the actual amount of the hazardous substance, not the total discharge.
7. Quantity released into surface waters: Report the quantity of the substance discharged directly into surface waters, other than quantities that went to surface waters via the sewer system (output type 6). This would include storm water runoff and any spills that ran into surface waters.

8. Quantity eliminated through treatment at the facility: Report the quantity of the reportable substance that was destroyed or neutralized through on-site treatment processes, including gaseous, wastewater (aqueous), liquid (non-aqueous), and solid. Destruction may include any process that changes the physical, chemical, or biological character or composition of the substance so as to neutralize or chemically decompose the waste. If during treatment new reportable substances are created that leave the facility as other forms of output, they must be reported as inputs of type 3 (produced at the facility) and as outputs.

**See Appendix F,  
Question 46**

**Example:** A facility uses nitric acid and sodium hydroxide for neutralization. During the process they react to form water, nitrate and sodium ions. Both the nitric acid and the sodium hydroxide are treated and neutralized in the process. The mass of sodium nitrate produced must be calculated and is reportable as a nitrate compound (water dissociable).

9. Quantity eliminated through energy recovery at the facility: Reportable energy recovery is the combustion of residual material containing a hazardous substance when (a) the combustion unit is integrated into an energy recovery system (boilers, industrial furnaces and industrial kilns), and (b) the substance that is combustible has a heating value high enough to sustain combustion.

Metals and metal compounds cannot be reported in this output because they are

not combustible. The metal component of the material being combusted could be in the ash or could be in the exhaust. If it is in the ash, the metal component that is a hazardous substance would be reported as output of type 3 (quantity transferred away from the facility as waste), or output of type 10 (quantity disposed on-site), depending on what happens to the ash. If it is exhausted, it would be reported as output of type 5 (quantity emitted to the air).

10. **Quantity disposed on-site:** Report each hazardous substance that is ultimately disposed of on the same site as the manufacturing facility. This category includes settling ponds, irrigation, on-site landfills and land treatment (i.e., incorporating waste into soil for treatment). If there is any volatilization of a hazardous substance into the air during the disposal on-site, that amount must be included in output type 5 (quantity emitted to the air).
11. **Inventory at the facility at the end of the accounting period:** Report the unused quantity of the substance that is remaining on-site on December 31 in purchased or manufactured condition. This does not include the quantity of the substance used in the manufacturing process that is waste waiting for treatment or disposal (i.e., output type 4, waste stored at the facility). **This amount should carry over to Input Type 1 (inventory at the facility at the beginning of the accounting period) for the following year.**

#### **Degree of Precision**

For the purpose of reporting, decimal amounts (rounding to one decimal for hazardous substances and to three decimals for extremely hazardous substances and extremely persistent bioaccumulative toxins) are to be used only when the whole number of pounds for hazardous substances is less than 10 and for extremely hazardous substances or extremely persistent bioaccumulative toxins less than 1.

#### **Expected Accuracy of Reporting**

The Toxics Board recognizes that measurement to the level of the smallest accounting units will be difficult or impossible to achieve in many cases. Businesses are expected to do their best to be as accurate as possible, and each input/output category should be reported in a discrete number of pounds. See “Degree of Precision” above. Reporting in ranges, as is done for the State Fire Marshal, is not acceptable.

Businesses are expected to use the best information that is already available to them. See Recordkeeping on pages 10 and 11. Businesses are not expected to purchase new monitoring or measuring equipment for the purposes of reporting, unless such equipment is required by Federal or State regulatory agencies. Neither are businesses required to perform additional sampling or laboratory analysis in order to generate input/output reporting data.

The basis for reporting should be internally documented by the facility.

#### **Priority System for Estimating/Determining Input/Output Amounts**

Businesses are expected to use information that is already available to them, using the priority system (M>C>E>O) described below. A business may be asked to explain its choice of estimation method in an audit.



The priority system (M>C>E>O) is intended as a general guidance for estimating amounts. However, in certain cases, method E (estimate based on emission factors) may yield better data than method C (estimate based on mass balance), and should be used.

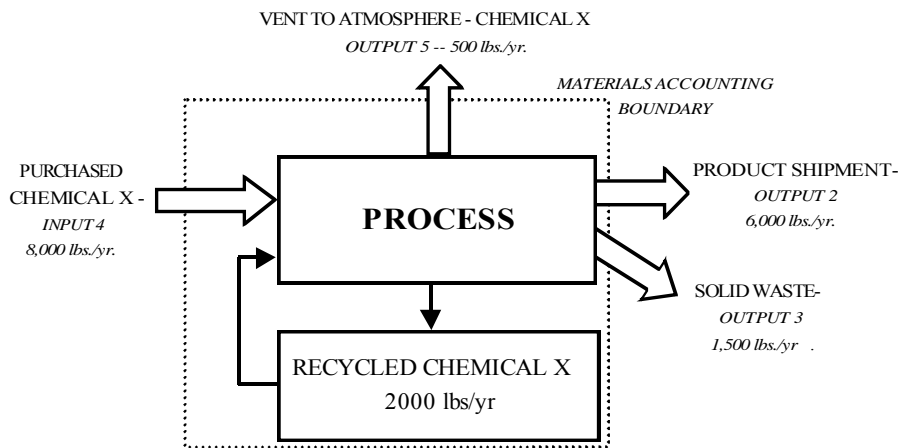
See Appendix F, Questions 43-44

- M Estimate based on monitoring data or measurements for the substance.  
Note: These are “estimates” because even the best measurements have some error associated with them.
- C Estimate based on mass balance calculations if directly used to calculate mass.
- E Estimate based on published emission factors.
- O Estimate based on engineering calculations (using published mathematical formulas, e.g., evaporation rates) or best engineering judgment.

**Examples of Each Estimation Method**

1. Method M: Averages of measurements of Volatile Organic Compounds (VOCs) in water sent to publicly owned treatment works (POTW) multiplied by the total water discharge as recorded by the public utility may be used to estimate outputs to the POTW of those compounds.
2. Method C: To estimate releases of Chemical X to air from a process vent:

Step 1. Draw a diagram, label all streams, and list input and output values.



Consider a unit process that uses Chemical X to produce a product. In a year, 10,000 pounds of Chemical X are used to produce 24,000 pounds of a product containing 25% (6,000 pounds) of Chemical X by weight. The input consists of 8,000 pounds of purchased Chemical X and 2,000 pounds that are collected from recycling. This process generates 10,000 pounds of solid waste containing 15% (1,500 pounds) of Chemical X, and re-generates 2,000 pounds of Chemical X for

recycling. The only other unit process stream is a process vent, which emits an unknown amount of Chemical X to the atmosphere.

Step 2. Set up equations with input streams equal to output streams.

Considering the quantities of Chemical X in all streams that enter or leave the process, the amount of Chemical X that is lost through the process vent on an annual basis can be estimated as follows:

Input = Amount purchased (8,000 pounds)

Output = Product (24,000 lbs x 25%) + waste (10,000 lbs x 15%)  
+ process vent loss

Input = Output

8,000 lbs Chemical X = 6,000 lbs + 1,500 lbs + process vent loss

Process vent loss = 8,000 - 6,000 - 1,500 = 500 lbs Chemical X per year

3. Method E: Emission Factors published in the EPA document AP-42, or those already approved by LRAPA, or those developed specifically for your facility, are all acceptable means of estimation of air emissions, unless monitoring data are available. AP-42, "Compilation of Air Pollutant Emission Factors," 5<sup>th</sup> edition, is available at: (1) LRAPA office, (2) University of Oregon library, or (3) on the Internet at <http://www.epa.gov/ttn/chief/ap42/index.html>.
4. Method O: When no data exist and document-driven estimation methods are not available, a business may use its best engineering judgment in calculating reportable quantities. When engineering calculations are appropriate, businesses are encouraged to consult EPA 560/4-88-002, "Estimating Releases and Waste Treatment Efficiencies for the Toxic Chemical Release Inventory Form," Dec. 1987 at [http://nepis.epa.gov/Exe/ZyNET.exe/10003BA2.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1986+Thru+1990&Docs=&Query=FNAME%3D10003BA2.TXT%20or%20\(%20Estimating%20or%20Releases%20and%20Waste%20or%20Treatment%20or%20Efficiencies%20or%20for%20or%20the%20or%20Toxic%20or%20Chemical%20or%20Release%20or%20Inventory%20or%20Form\)&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=1&ExtQFieldOp=1&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C86thru90%5CTxt%5C0000002%5C10003BA2.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=10&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeeKPage=x&ZyPURL](http://nepis.epa.gov/Exe/ZyNET.exe/10003BA2.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1986+Thru+1990&Docs=&Query=FNAME%3D10003BA2.TXT%20or%20(%20Estimating%20or%20Releases%20and%20Waste%20or%20Treatment%20or%20Efficiencies%20or%20for%20or%20the%20or%20Toxic%20or%20Chemical%20or%20Release%20or%20Inventory%20or%20Form)&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=1&ExtQFieldOp=1&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C86thru90%5CTxt%5C0000002%5C10003BA2.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=10&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeeKPage=x&ZyPURL). This document is also available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. The NTIS

Accession Number is PB 88-210380.

**Use of Material Safety Data Sheet (MSDS) Information**

Information taken directly from a MSDS is considered accurate for the purposes of reporting, unless the reporting company has more accurate information.

If the MSDS of a purchased material identifies a contaminant as belonging to a SARA 313 Chemical Category and that material represents less than 1% of the total weight of the purchased material, reporting of that contaminant is not required. Chemical categories are defined in SARA 313 (EPCRA). These are groups of materials such as “copper compounds” or certain “glycol ethers” that are not definable by a discrete CAS number.

**Use of Ranges**

In estimating the amounts of hazardous substances to report, a business may consider the range of compositions that it receives as articles during the year, and choose an average value within the range. For example, if the stainless steel that a business uses for manufacturing contains, among other substances, chromium, and the business generated 900 pounds of fumes, dust, filings or grindings from such articles, and the chromium content ranged from 6-8%, the business could choose 7% (or another percentage they feel is more justifiable) and then report 63 pounds of chromium in the appropriate output category(ies).

Likewise, when an MSDS gives ranges of components of mixtures, the business may report the midpoint of the range, or be prepared to explain their rationale for any other choice used for reporting.

See Appendix F,  
Question 49

**Example:** An MSDS gives the following composition:

	Reasonable Reporting:
Material 1    50-60%	55%
Material 2    10-20%	15%
Material 3    20-30%	25%
Material 4    5-10%	5%
TOTAL        85-120%	100%

**Administration**

**Enforcement Actions**

The law gives the Toxics Board broad powers to enforce violations. However, it is the intent of the Toxics Board to assist companies in their efforts to comply with the law. Companies that make an honest and conscientious effort to comply with the law and that work with the Toxics Board to continuously improve the quality of their reporting are unlikely to face enforcement actions. Blatant disregard for the law or the truth, or an unwillingness to provide adequate information as directed by the Toxics Board, however, is likely to result in enforcement actions. There will be intermediate cases of reporting errors involving gross inaccuracies and/or omissions and/or data accumulation process errors. Whether or not these errors result in enforcement actions will be a decision of the Toxics Board, which will take into account the factors listed in Section 8.2.C of the law.

See Appendix F,  
Question 44

Concerning companies that are required to report but have not reported, the Toxics Board will consider the merits of each case that comes to its attention. Companies voluntarily coming forward, even years late, are unlikely to face the level of penalties that may be assessed against companies identified by the Toxics Board through other means.

#### **Appeal of Penalty**

Prior to imposition of any penalty, a business shall have an opportunity to be heard by the Toxics Board as to the occurrence or nonoccurrence of a violation, the circumstances surrounding a violation, and the amount of a penalty, if any, that should be imposed. The Board may ask a hearings official, City staff member, or the City Attorney to preside at the hearing and to advise the Board as the Board deems appropriate. Prior to any hearing on a penalty, the Board shall provide to the business, and to any person who the Board knows is interested in the matter, notice of the specific procedures that it will follow at the hearing. The decision of the Toxics Board shall be final, except that under Section 8.1.B of the law, any person may appeal the decision to the Circuit Court for Lane County.

#### **Audits**

Toxics Program staff will audit every reporting business at least once every three years. The charter amendment provides for advance audit notification of no more than one month. For reporting businesses that have previously been inspected by program staff, the audit consists of a review of all data reported since the previous audit, followed by written notification of questions and/or required corrections. A business is given 30 days to respond to an audit letter. Failure to respond in a timely fashion may be considered a violation of the City Charter (see Appendix A, Article VIII). There is no penalty for an initial violation, but such violation will be recorded. Penalties are provided for subsequent violations.

In the case of a business that has not been physically inspected, the audit shall consist of such inspection followed by a written report of any observations made during the inspection and/or in a review of the data reported. Again, the business will be given 30 days to respond to the written audit report.

Businesses that are suspected of being required to report but have not filed a report may be audited at any time with 24 hours' notice and during regular business hours.

#### **Right to Dispute an Audit Finding**

If a business believes an audit finding is incorrect, or a recommendation made by the Toxics Program staff for a change in reporting method is incorrect or inadvisable, the business may appeal that recommendation to the Toxics Board, stating the reasons for the appeal. The Toxics Board's decision stands, except that under Section 8.1.B of the law, any person may appeal the decision to the Circuit Court for Lane County.

#### **Supplying of Forms/Directions/Updates**

At the end of the reporting year, instructions necessary to complete the reporting process for the current year will be sent to businesses required to report. The Toxic Right-to-Know Program's Hazardous Substance Tracking Instructions handbook is available in printed and other forms upon request by contacting Toxics Program staff at 541-682-7118, and is also available at the Eugene Public Library.

### **Individual Source Lists**

See Eugene City Charter Amendment IV, Section III, paragraphs A and E, for the list of covered chemicals.

**IMPORTANT NOTE: Due to the 1999 Oregon Court of Appeals ruling, the provisions of the Eugene Charter Amendment IV governing chemicals listed pursuant to the Federal Insecticide, fungicide, and Rodenticide Act (FIFRA), and those chemicals defined as pesticides under ORS 634.006(8) are not reportable under the Eugene Toxics Right-to-Know Program.**

Characteristics of Hazardous Waste: See 40 CFR 261.20-261.24 (Appendix D of this handbook)

Clean Air Act Section 112(b), Hazardous Air Pollutants: See 42 USC 7412(b)

Clean Air Act Section 602(b), Class II ozone-depleting substances: See 42 USC 7671a(b)

Clean Water Act Section 307(a), Priority Pollutant List: See 40 CFR Ch. 1, pt. 423, Appendix A

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102: See 40 CFR Ch. 1, pt. 302.4, Appendix A

Emergency Planning and Community Right-to-Know Act (EPCRA) Section 302, Extremely Hazardous Substances: See 40 CFR Ch. 1, pt. 355, Appendix A or B

Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 substances: See EPA Toxic Chemical Release Inventory (TRI) Reporting Form R and Instructions book, Table II

Radioactive substances: See ORS 469.300 and ORS 453.005

Resource Conservation and Recovery Act (RCRA) Section 3001: See 40 CFR Ch. 1, pt. 261.33(e) and Appendix VIII to pt. 261

**Appendix A**  
**Toxics Right-to-Know Charter Amendment**

(Excerpt from Eugene City Charter (including 2002 amendments):

Section 54. Amendment IV.

The City of Eugene Charter is hereby amended as follows:

ARTICLE I - FINDINGS AND STATEMENT OF LOCAL PROBLEM

Section 1. 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.

ARTICLE II – SCOPE

Section 2.1. Facilities covered by this Section.

- A. Except as exempted in Section 2.2, this Section shall apply to facilities within the City of Eugene that are:
  1. within the Standard Industrial Code categories #20 - #39, inclusively as listed in Standard Industrial Classification Manual (Office of Management and Budget, 1987);
  2. solid waste incinerators that accept infectious waste; and
  3. hazardous waste disposal incinerators.

Section 2.2. Facilities exempted by this Section. This Section shall not apply to:

- A. state and federal facilities; and
- B. public educational institutions.

ARTICLE III – DEFINITIONS

Section 3. As used in this Section, the following definitions shall apply:

- A. "Extremely hazardous substance" means all substances listed in Section 302 of the Emergency Planning and Community Right-To-Know Act (42 USC 11002) as of the effective date of this Section. If a substance is added to or removed from the federal list of reportable substances under section 302 of 42 USC 11002, the Toxics Board may recommend to the City Council that the substance be added to or removed from the definition of "extremely hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.
- B. "CAS number" means the identification number assigned to a substance by the Chemical Abstract Service.

- C. "Chemical Name" means the scientific designation of a substance in accordance with the nomenclature system developed by the Chemical Abstract Service.
- D. "Facility" means all buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites and that are owned or operated by the same person(s) and relate to a common product or service.
- E. "Hazardous substance" means:
  - 1. any substance listed or described, as of the effective date of this Section, on any of the following lists of chemicals regulated or identified as of concern:
    - (a) Section 112(b) of the Clean Air Act(CAA) as amended in 1990 (Hazardous Air Pollutants); 42 USC 7412(b);
    - (b) Section 602(b) of the CAA (Class II ozone depleting substances); 42 USC 7671a.(b);
    - (c) Section 307(a) of the Clean Water Act (CWA) (Priority Pollutant List); 33 USC 1317(a);
    - (d) U.S. Environmental Protection Agency Active Ingredients, including Special Review, Canceled/Denied or Suspended, and Restricted Use Pesticides, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
    - (e) U.S. Environmental Protection Agency List 1 Inert Ingredients of Pesticides ("Inerts of Toxicological Concern"), pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
    - (f) Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 42 USC 9602;
    - (g) Section 3001 of the Resource Conservation and Recovery Act (RCRA; 42 USC 6921) and chemicals listed at 40 CFR 261.33 (e) and Appendix VIII.
  - 2. any substance which, if it were in a container, would possess the characteristics of a hazardous waste, as defined in 40 CFR 261.20 through §261.24, authorized by RCRA;
  - 3. radioactive waste and material as defined in ORS 469.300 and radioactive substance as defined in ORS 453.005;
  - 4. any substance, regardless of quantity, required to be reported pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); 42 USC 11002; or
  - 5. If a substance is added to or removed from the lists described in Article III, Section 3 E.1. or E.4. of this Section, the Toxics Board may recommend to the city council that the substance be added to or removed from the definition of "hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.

- F. "Hazardous substance user" means: the owner and/or operator of a commercial or public facility that is stationary within the boundaries of the City of Eugene and that:
1. has a total input of more than 2,640 pounds of hazardous substances during a calendar year;
  2. employs ten or more full-time equivalent employees;
  3. is not exempted pursuant to Section 2 .2.
- G. "Input" means the sum of the following categories of each hazardous substance:
1. inventory at the facility at the beginning of the accounting period;
  2. waste stored at the facility at the beginning of the accounting period;
  3. quantity produced at the facility; and
  4. quantity brought to the facility.
- H. "Materials balance" means an accounting of the flow of individual hazardous substances into a facility, through its processes, and into its products and wastes such that inputs equal outputs of each hazardous substance to the accuracy of the smallest accounting units (Article III(K)) for each hazardous or extremely hazardous substance.
- I. "Output" means the sum of the following categories of each hazardous substance:
1. quantity chemically altered in the facility's processes;
  2. quantity shipped from the facility in product;
  3. quantity transferred away from the facility as waste;
  4. waste stored at the facility at the end of the accounting period;
  5. quantity emitted to the air;
  6. quantity discharged into publicly treated sewage;
  7. quantity released into surface waters;
  8. quantity eliminated through treatment at the facility;
  9. quantity eliminated through energy recovery at the facility;
  10. quantity disposed on-site; and
  11. inventory at the facility at the end of the accounting period.
- J. "Person" means an individual, corporation, partnership, trust, association, the City of Eugene, or any officer, agent, or employee thereof.
- K. "Smallest accounting unit" means 2.2 pounds of a hazardous substance; 0.022 pounds of an extremely hazardous substance.
- L. "Trade secret information" means information which is exempted from disclosure as a trade secret pursuant to any Federal or State law including but not limited to 42 U.S.C. 11042(b) of the Federal Emergency Planning and Community Right to Know Act.

#### ARTICLE IV – RESOLUTION

- Section 4. Be it resolved and ordained by the people of Eugene that: all hazardous substance users in Eugene shall file an annual, public, materials balance report listing inputs and outputs of all hazardous substances obtained, used, or generated.

#### ARTICLE V - HAZARDOUS SUBSTANCES PUBLIC REPORTING



Section 5.1. Materials balance reporting

- A. Materials balance reports shall indicate the weight in pounds of hazardous substances in each of the categories enumerated in Article III(G) and III(I).
- B. Each hazardous substance shall be designated by full chemical name and CAS number.
- C. All materials balance reports shall be filed electronically on forms provided by the Toxics Board as defined in Section 6.1 of this Section. These completed forms shall be compatible with the Eugene Public Library's computer system. These forms, common to all reporting entities, shall be in an easily understood format for both the reporting entity and the public.
- D. An authorized representative of the reporting facility shall file a signed declaration with the Toxics Board certifying that the facility has filed the report and that it is accurate and complete.
- E. The materials balance reports shall be filed by April 1 of each year for the previous calendar year.
- F. The repository for all materials balance reports shall be the Eugene Public Library, where they shall be readily accessible by the public for seven years after reporting. Reports older than seven years shall be archived by the City Recorders Office.

Section 5.2. Reporting related to trade secret chemicals.

- A. If a claim of trade secrecy is made by any hazardous substance user for one or more hazardous substances, that user must:
  - 1. file with the Office of the Fire Marshal a notarized report documenting that the hazardous substance is comprised of a substance which satisfies all conditions of the definition of trade secret information as found in Article III(L). A separate report must be filed for each trade secret chemical. The notarized report shall be on file with the Fire Marshal prior to commencement of procurement or production of each trade secret chemical.
  - 2. file with the Toxics Board, on a form provided by the Toxics Board, notification of each trade secret report filed with the Office of the Fire Marshal.
  - 3. file with the Toxics Board, on a form provided by the Toxics Board, an aggregate materials balance account for all trade secret hazardous substances, if trade secrecy is claimed for more than one hazardous substance by any hazardous substance user. This report shall be filed by April 1 of each year.
  - 4. file with the Toxics Board, prior to April 1 of each year, an annual, public report prepared by a qualified independent auditor, on a form supplied by the Toxics Board, which reports:
    - (a) whether the hazardous substance user has taken and is taking the greatest possible precautions in its use of each trade secret hazardous substances; and

- (b) whether or not there are, for each trade secret chemical, technological options available for using alternative processes or chemicals that likely are more protective of workers, the community, and natural resources.
- B. The repository for the annual public reports on use and alternatives to use of trade secret chemicals shall be the Eugene Public Library, where the reports shall be readily accessible for seven years after reporting. These completed forms shall be readable by the Eugene Public Library's computer system. Reports older than seven years shall be archived by the City Recorders Office.

#### ARTICLE VI - ADMINISTRATION OF HAZARDOUS SUBSTANCE REPORTING

##### Section 6.1. Appointment of the Toxics Board

- A. The City Council shall appoint a Toxics Board of seven people to enforce and implement this Section.
  - 1. Three members shall be appointed who are employed by or are agents of "persons" required to report under this Section.
  - 2. Three members shall be appointed who are not employed by or are not agents of "persons" required to report under this Section, and who have a demonstrable record of advocating for the public's right-to-know.
  - 3. One member shall be nominated by a two-thirds majority of the six appointed members.
- B. Any vacancies in the membership of the Toxics Board shall be filled, so as to maintain the balance set forth in Section 6.1(A), within two months of the creation of a vacancy.
- C. Term of Office:
  - 1. The term of office shall be three years, except that two members, one from Section 6.1(A)(1) and one from Section 6.1(A)(2), of the first Toxics Board shall be appointed to serve a first term of one year; three members, one each from Section 6.1(A)(1), 6.1(A)(2) and 6.1(A)(3) shall be appointed to serve a first term of two years; and two members, one from Section 6.1(A)(1) and 6.1(A)(2), shall be appointed to serve a first term of three years. No member shall serve more than two consecutive terms.
  - 2. Beginning in 2003, the terms of members of the Toxics Board shall conform to those of the standing committees to the City Council as defined by and set in the City Code.

##### Section 6.2. Responsibilities of the Toxics Board

- A. The Toxics Board shall, within three months of appointment of the sixth member, supply forms for materials balance reports and audits of precautions taken during use and alternatives to use of chemicals for which the trade secrecy reporting exemption has been invoked.
- B. The Toxics Board shall annually:
  - 1. recommend the fee structure necessary to implement this Section;

2. establish the qualifications necessary for a person to independently audit precautions used with trade secret chemicals, and independently audit the existence of technological alternatives that likely would be more protective of the environment, as required in Section 5.2(A)(4); and
  3. file a public report on the effectiveness of implementation of this Section, and any recommendations for improved implementation of this Section.
- C. By May 1 of each year, the Toxics Board shall report to the Fire Marshal the names of any hazardous users in non-compliance with the requirement to file materials balance reports.
  - D. The Toxics Board shall cause to be published a notice listing the names of non-complying entities in a daily newspaper with general circulation in the city of Eugene by June 1 of each year.
  - E. The office of the City Fire Marshal shall investigate all credible evidence that hazardous materials balance reports or trade secret chemical reports are not being filed in compliance with this Section.
  - F. The office of the City Fire Marshal shall 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. Companies to be audited shall be given an advance audit notification of no more than one month.
  - G. The Toxics Board shall certify the qualifications of independent auditors who will audit the precautions used by hazardous substance users with trade secret chemicals and the technological options available for more protective alternatives. Documentation for certification of the qualifications of each auditor shall be public information.
  - H. For the purposes of complying with Section 5.2(A)(4), hazardous substance users may hire only independent auditors certified by the Toxics Board pursuant to Section 6.2(G).

Section 6.3. Responsibilities of the City Manager  
 The City Manager shall consult with the Toxics Board in order to jointly determine the appropriate support services that shall be provided to the Toxics Board by City employees for the implementation of this Section. As set forth in Article VII(A), the cost of these support services shall be paid by fees collected pursuant to this Section.

#### ARTICLE VII - FEES

- Section 7.
- A. Each hazardous substance user shall pay an annual fee to the City of Eugene, sufficient to jointly cover the implementation of this Section, including expenses incurred by the Eugene Public Library, Fire Marshal, City of Eugene and the Toxics Board.
  - B. In order that this Section be self-supporting through hazardous substance user fees, the fee amounts shall be recommended annually by the Toxics Board and approved and amended as necessary by the Eugene City Council.

- C. All fees due under this Section shall be paid by May 1 of each calendar year.
- D. The operational budget for implementing this Section prior to the first collection of fees as set forth in Article VII shall be paid for out of City of Eugene general funds. The operational budget thereafter shall be funded wholly by hazardous substance user fees.

#### ARTICLE VIII – ENFORCEMENT

##### Section 8.1. Toxics Board enforcement and judicial review

- A. In the event of noncompliance, the Toxics Board shall have the authority to enforce the reporting requirements of this Section and impose penalties as set forth in Section 8.2.
- B. Any person may appeal a Toxics Board decision to the Circuit Court of Lane County, pursuant to the procedures providing for a writ of review (ORS 34.010) or a writ of mandamus (ORS 34.105).

##### Section 8.2. Penalties

- A. Any hazardous substance user or person who violates this Section shall be subject to a penalty not less than \$250 per day and not greater than the maximum penalty allowed by state law.
- B. Each day that a violation continues shall be considered a separate violation subject to civil penalties. A violation occurs when a regulated entity fails to file a complete and correct report on or before the day the filing of a report is required.
- C. In determining the appropriate amount of the penalty, the following shall be considered:
  1. the likelihood at the time of the noncompliance that harm would arise from the violator's noncompliance;
  2. the degree of the violator's awareness of that likelihood;
  3. the profits reasonably related to the violator's non-compliance;
  4. the duration of the non-compliance and any concealment of it;
  5. the attitude and conduct of the violator upon discovery of the concealment;
  6. the number of previous violations by the specific violator of this Section;
  7. the financial condition of the violator;
  8. the total deterrent effect upon the specific violator at issue and other potential violators; and
  9. other penalties paid by the specific violator for the specific violations at issue.
- D. Any penalties imposed under this Section or Section 8.3 shall be paid to the City of Eugene for use in implementing this Section.
- E. If a hazardous substance user repeatedly violates this Section in a fashion contrary to the public interest, the City Manager shall order that hazardous substance user to cease and desist using hazardous substances in the City of Eugene.

- F. Nothing in this Section is intended to restrict or limit any other enforcement remedies available, at law or in equity, arising out of the same circumstances upon which an alleged violation of the Section may be based.

Section 8.3. Citizen enforcement

- A. Any person may petition to the Toxics Board on her/his own behalf against a hazardous substance user or person for failure to comply with any of the terms of this Section. The Toxics Board shall set forth procedures by which persons may petition the Toxics Board.
- B. The Toxics Board must issue a decision in response to a petition within 45 days of receiving the petition. If the Toxics Board fails to issue a decision within 45 days, the petition shall be deemed denied on the 45th day for the purpose of exhaustion of remedies and may be judicially reviewed pursuant to Section 8.1(B).
- C. The petitioner must notify the Toxics Board and alleged violator ten days prior to seeking judicial review, except that such action may be brought immediately after such notification in the case of an action under this Section respecting an emergency posing a significant risk to the well-being of workers, people present in the community, or any species of fish or wildlife or plants.
- D. No action may be commenced under paragraph A of this Section if the City of Eugene has commenced an action to impose a penalty pursuant to Section 8.2 and is pursuing a prompt resolution of that action.

ARTICLE IX - EXCLUSIONS

Section 9.

- A. Nothing in this Section is intended to apply to the government of the United States or to the government of the State of Oregon, or to the agencies or political subdivisions of either government.
- B. Nothing in this Section is intended to restrict, impede, or otherwise interfere with the exercise of rights guaranteed by the United States Constitution or the Constitution of the State of Oregon.

ARTICLE X – IMPLEMENTATION

Section 10.

Insofar as it is reasonable and practicable to so assume, the provisions of this Section are intended to be self-executing. In every other case, however, and any other provision of the Eugene City Charter or the ordinances of the City of Eugene notwithstanding, the City Council shall, upon recommendation of the Toxics Board and without unreasonable delay, enact reasonable ordinances necessary and proper for carrying into execution the provisions of this Section.

ARTICLE XI – SEVERABILITY

Section 11.

If any section, subsection, paragraph, phrase or word (hereafter the parts) of this Section shall be held to be unconstitutional, void, or illegal, either on its face or as

applied, this shall not affect the applicability, constitutionality, or legality of any other parts hereof; and to that end, the parts of the Section are intended to be severable. It is hereby declared to be the intent of this Section that the same would have been adopted had such unlawful or unconstitutional provisions, if any, not been included herein.

ARTICLE XII - EFFECTIVE DATE

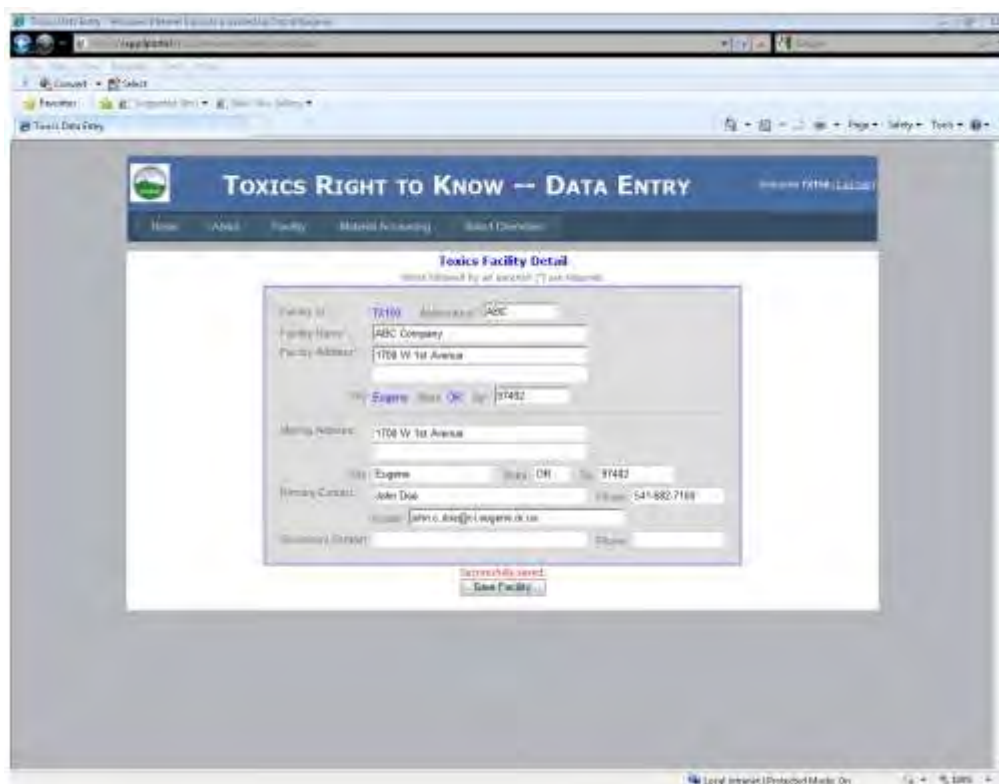
Section 12. This Section shall be in full force and effect 31 days following passage.

**Appendix B**  
**Reporting Forms and Suggested Worksheet**

The four pages in Appendix B contain examples of electronic reporting forms, and an example of the certification form required to be submitted with materials balance reports, as well as a worksheet that can be used to document chemical use.

Pages 34 and 35 show the electronic reporting forms as they will appear to businesses using the reporting software supplied by the City. User instructions will be sent to businesses required to report each year.

Below is an example of a completed on-screen facility information page.



Below is an example of a completed on-screen materials balance report for a single chemical.

The screenshot shows a web browser window with the URL 'http://app1000101...'. The page title is 'TOXICS RIGHT TO KNOW -- DATA ENTRY'. The chemical being reported is 'FORMALDEHYDE'. The CAS No. is '30265-00-8'. The reporting year is '2011'. The form is divided into 'INPUTS (LBS.)' and 'OUTPUTS (LBS.)' sections. The 'INPUTS' section includes fields for 'As a Feedstuff (F)', 'As a Fertilizer (F)', 'As a Pesticide (F)', 'As a Fuel (F)', 'As a Solvent (F)', 'As a Disinfectant (F)', 'As a Preservative (F)', 'As a Dye (F)', 'As a Pigment (F)', 'As a Plasticizer (F)', 'As a Lubricant (F)', 'As a Fuel Additive (F)', 'As a Catalyst (F)', 'As a Reagent (F)', 'As a Raw Material (F)', 'As a Intermediate (F)', 'As a Final Product (F)', 'As a Waste (F)', 'As a Byproduct (F)', 'As a Residue (F)', 'As a Sludge (F)', 'As a Solid (F)', 'As a Liquid (F)', 'As a Gas (F)', 'As a Vapor (F)', 'As a Dust (F)', 'As a Fume (F)', 'As a Smoke (F)', 'As a Mist (F)', 'As a Aerosol (F)', 'As a Emulsion (F)', 'As a Suspension (F)', 'As a Solution (F)', 'As a Mixture (F)', 'As a Alloy (F)', 'As a Composite (F)', 'As a Ceramic (F)', 'As a Polymer (F)', 'As a Fiber (F)', 'As a Film (F)', 'As a Coating (F)', 'As a Ink (F)', 'As a Paint (F)', 'As a Adhesive (F)', 'As a Sealant (F)', 'As a Glue (F)', 'As a Resin (F)', 'As a Wax (F)', 'As a Grease (F)', 'As a Oil (F)', 'As a Lubricant (F)'. The 'OUTPUTS' section includes fields for 'Chemically Altered (F)', 'Surface Water Release (F)', 'Treated On-site (F)', 'Energy Recovery (F)', 'Incinerated On-site (F)', 'Exported (F)', 'Released to Air (F)', 'Released to POTW (F)', 'Total of Outputs (F)'. The 'Total of Inputs' is 570,000 and the 'Total of Outputs' is 573,600. A 'Successfully saved' message is displayed at the bottom of the form.

On page 36 is an example of the certification form that is to be executed by each reporting company and submitted to the City along with the electronic materials balance report each year.

Page 37 is a suggested worksheet that companies may use to assist them in documenting chemical use and calculation methodology. This worksheet is not required, but businesses are expected to produce adequate documentation when their reports are audited.



**EUGENE TOXICS RIGHT-TO-KNOW PROGRAM  
MATERIALS BALANCE REPORT CERTIFICATION FORM**

**Reporting Year 2012**

<b>PRIMARY CONTACT INFORMATION:</b>			
<b>BUSINESS NAME:</b>			
<b>PROGRAM ID NUMBER:</b>			
<b>BUSINESS ADDRESS:</b>			
<b>MAILING ADDRESS:</b>			
<b>PRINTED NAME:</b>			
<b>TITLE:</b>			
<b>PHONE NUMBER:</b>			
<b>EMAIL ADDRESS:</b>			
<b>SIGNATURE:</b>		By checking this signature box, I hereby certify that the information contained in the accompanying electronic materials balance report is complete and accurate to the best of my knowledge, based on readily available information.	<b>DATE:</b>

<b>PERSON COMPLETING REPORT IF DIFFERENT FROM ABOVE (NOT TO BE RELEASED TO THE PUBLIC):</b>	
<b>PRINTED NAME:</b>	
<b>TITLE:</b>	
<b>PHONE NUMBER:</b>	
<b>EMAIL ADDRESS:</b>	

**WORKSHEET**

The Toxics Board provides the following suggested format for use by companies in maintaining records. While there is no requirement to use exactly this format, all the information contained on this worksheet will be needed during audits, and such information will be an essential part of audit "proof" that the reported numbers have appropriate bases in fact. During audits, companies must be prepared to produce the records that were used to determine their reported pounds of all inputs and outputs. The auditor will need to know the basis of the estimate, and may recommend that a different basis be used in the future, or recommend to the Toxics Board that the current report be corrected. All recommendations are subject to review. It is the intent of the Toxics Board to work with companies to achieve the most appropriate level of reporting accuracy.

\*\*\*\*\*

**Input #** \_\_\_\_\_ **Output #** \_\_\_\_\_

**Description** \_\_\_\_\_

Reporting Year:

Company Name \_\_\_\_\_

CAS # \_\_\_\_\_

Chemical Name \_\_\_\_\_

EHS: Yes / No (circle one)

Amount reported: \_\_\_\_\_ pounds

Basis of Estimate (see page 19 of this handbook). Circle one: M C E O

Rationale for Basis of Estimate: \_\_\_\_\_

Location(s) of raw data: \_\_\_\_\_

**Appendix C**  
**Reportable Chemicals**

~~To view the current list of reportable chemicals, go to:  
[https://ceapps.eugene-or.gov/toxics/chem\\_reportable\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chem_reportable_list.aspx).~~

~~To search for a particular chemical, go to: [https://ceapps.eugene-or.gov/toxics/chemical\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chemical_list.aspx).~~

~~To view the current list of reportable chemicals or to search for a particular chemical, go to:  
[https://ceapps.eugene-or.gov/toxics/chemical\\_list.aspx](https://ceapps.eugene-or.gov/toxics/chemical_list.aspx).~~

**Appendix D**  
**Characteristics of Hazardous Waste**  
**Code of Federal Regulations Provisions**

**40 CFR Part 261, Subpart C**

**Section 261.20 -- General.**

- (a) A solid waste, as defined in Section 261.2, which is not excluded from regulation as a hazardous waste under Section 261.4(b), is a hazardous waste if it exhibits any of the characteristics identified in this subpart.

(Comment: Section 262.11 of this chapter sets forth the generator's responsibility to determine whether his/her waste exhibits one or more of the characteristics identified in this subpart.)

- (b) A hazardous waste which is identified by a characteristic in this subpart is assigned every EPA Hazardous Waste Number that is applicable as set forth in this subpart. This number must be used in complying with the notification requirements of Section 3010 of the Act and all applicable record-keeping and reporting requirements under parts 262 through 265, 268, and 270 of this chapter.

- (c) For purposes of this subpart, the Administrator will consider a sample obtained using any of the sampling methods specified in Appendix I to be a representative sample within the meaning of part 260 of this chapter.

(Comment: Since the Appendix I sampling methods are not being formally adopted by the Administrator, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of his/her method under the procedures set forth in Sections 260.20 and 260.21.)

(45 FR 33119, May 19, 1980, as amended at 51 FR 40636, Nov. 7, 1986; 55 FR 22684, June 1, 1990; 56 FR 3876, Jan. 31, 1991)

**Section 261.21 -- Characteristic of Ignitability.**

- (a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
- (1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60 degrees Celsius (140 degrees Fahrenheit), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 (incorporated by reference, see Section 260.11), or as determined by an equivalent test method approved by the Administrator under procedures set forth in Sections 260.20 and 260.21.
  - (2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

- (3) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation or equivalent test methods approved by the Administrator under Sections 260.20 and 260.21. [NOTE: 49 CFR 173.300 does not provide a definition of ignitable compressed gas. Definitions applicable to the section are given in 49 CFR 173.115.]
- (4) It is an oxidizer as defined in 49 CFR 173.151. [NOTE: 49 CFR 173.151 does not provide a definition of oxidizer. The term is defined in 49 CFR 173.127.]

(b) A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

(45 FR 33119, May 19, 1980, as amended at 46 FR 35247, July 7, 1981; 55 FR 22684, June 1, 1990)

**Section 261.22 -- Characteristic of Corrosivity.**

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

- (1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in Section 260.11 of this chapter.
- (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 degrees Celsius (130 degrees Fahrenheit) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in Section 260.11 of this chapter.

(b) A solid waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

(45 FR 33119, May 19, 1980, as amended at 46 FR 35247, July 7, 1981; 55 FR 22684, June 1, 1990; 58 FR 46049, Aug. 31, 1993)

**Section 261.23 -- Characteristic of reactivity.**

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

- (1) It is normally unstable and readily undergoes violent change without detonating.
- (2) It reacts violently with water.
- (3) It forms potentially explosive mixtures with water.
- (4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

- (5) It is a cyanide or sulfide bearing waste which, if exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- (6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- (7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
- (8) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.

(45 FR 33119, May 19, 1980, as amended at 55 FR 22684, June 1, 1990)

**Section 261.24 -- Toxicity characteristic.**

- (a) A solid waste exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in Section 260.11 of this chapter, the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 (shown on next page) at the concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.
- (b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 1 (shown on next page) which corresponds to the toxic contaminant causing it to be hazardous.

(55 FR 11862, Mar. 29, 1990, as amended at 55 FR 22684, June 1, 1990; 55 FR 26987, June 29, 1990; 58 FR 46049, Aug. 31, 1993)

**TABLE 1 -- Maximum Concentration of Contaminants for the Toxicity Characteristic**

EPA Hazardous Waste Number	Contaminant	CAS Number	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0(a)
D024	m-Cresol	108-39-4	200.0(a)
D025	p-Cresol	106-44-5	200.0(a)
D026	Cresol	.....	200.0(a)
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13(b)
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13(b)
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D038	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0(b)
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

(a) If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/L.  
 (b) Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

**Appendix E**  
**Instructions for Reporting of Trade Secret Chemicals**

Four reports are required for reporting trade secret chemicals. All except #3 below are included in this appendix.

1. Substantiation to Accompany Claims of Trade Secrecy Under Eugene Charter Amendment IV

A manufacturer reporting under Charter Amendment IV files this form with the Fire Marshal prior to commencement of procurement or production of each trade secret chemical. This report remains confidential.

2. Notice to Toxics Board of Trade Secret Reports Filed with the Office of the Fire Marshal

A manufacturer files this form with the Toxics Board when it files one or more substantiation forms with the Office of the Fire Marshal. This form is available to the public.

3. Aggregate Materials Accounting of Trade Secret Chemicals

If more than one trade secret chemical is claimed, an aggregate accounting of the inputs and outputs of all trade secret chemicals is entered into the manufacturer's public materials accounting report as a separate line. Due April 1 of each year.

4. Public Report of Precautions in Use and Alternatives to Use of Trade Secret Hazardous Substances

This form is completed by a Toxics Board-certified independent auditor for each trade secret chemical, and submitted by the manufacturer to the Toxics Board prior to April 1 of each year. This form is available to the public.

**Businesses are advised to track their use of ALL reportable hazardous substances, including trade secret chemicals, whether or not they believe they will be required to report that use. Tracking is important in preparation for required audits, and in the event that a business adds a trade secret chemical during a reporting year (triggering the requirement for aggregate materials balance accounting) or has a trade secret claim denied.**

Reports and questions should be addressed to:

Eugene Toxics Program Staff c/o Eugene Fire Marshal/Eugene Toxics Board  
541-682-7118 or Toxics@ci.eugene.or.us  
1705 W. 2<sup>nd</sup> Ave., Eugene, OR 97402



Trade Secret Chemical Code Number<sup>1</sup>: \_\_\_\_\_

**SUBSTANTIATION TO ACCOMPANY CLAIMS OF TRADE SECRECY  
UNDER EUGENE CHARTER AMENDMENT IV**

**Part 1. Facility Identification Information**

Company Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, ZIP Code: \_\_\_\_\_

Tax Identification Number: \_\_\_\_\_

**Part 2. Responses to Substantiation Questions**

2.1 Describe the specific measures you have taken to safeguard the confidentiality of the chemical identity claimed as trade secret, and indicate whether these measures will continue in the future.

2.2 Have you disclosed the information claimed as trade secret to any other person who is not an employee of your company or of a local, state, or federal government entity, or a member of a local emergency planning committee, who has not signed a confidentiality agreement requiring the person to refrain from disclosing the chemical identity to others?

Yes \_\_\_\_\_

No \_\_\_\_\_

<sup>1</sup> Trade Secret Chemical Code Number is the facility's 9-digit Tax Identification Number followed by a hyphen followed by a whole number (1, 2, 3 . . . n) which uniquely identifies each reportable trade secret chemical. A company with two reportable trade secret chemicals would have Code Numbers for those two chemicals of:

Tax Identification Number-1 (xx-xxxxxxx-1)  
Tax Identification Number-2 (xx-xxxxxxx-2)

2.3 List all local, state, and federal government entities to which you have disclosed the specific chemical identity. For each, indicate whether you asserted a confidentiality claim for the chemical identity and whether the government entity denied that claim.

Government Entity	Confidentiality Claim Asserted		Confidentiality Claim Denied	
	Yes	No	Yes	No

2.4 In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical claimed as trade secret and explain why it is a secret of interest to competitors. Therefore:

(i) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in which it is used.

(ii) Has your company or facility been linked to the specific chemical identity claimed as trade secret in a patent, or in publications or other information sources available to the public or your competitors (of which you are aware)?

Yes \_\_\_\_\_

No \_\_\_\_\_

If yes, explain why this knowledge does not eliminate the justification for trade secrecy.

(iii) If this use of the chemical claimed as trade secret is unknown outside your company, explain how your competitors could deduce this use from disclosure of the chemical together with materials accounting information under Eugene's law.

(iv) Explain why your use of the chemical claimed as trade secret would be valuable information to your competitors.

2.5 Indicate the nature of the harm to your competitive position that would likely result from disclosure of the specific chemical identity, and indicate why such harm would be substantial. (Include an estimate of the potential loss in sales and profitability.)

2.6  
(i) To what extent is the identity of the chemical claimed as trade secret readily discoverable to the public or your competitors in your products, articles, or environmental releases?

(ii) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

**Part 3. Certification (Read and sign after completing all sections.)**

I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete, and that those portions of the substantiation claimed as confidential would, if disclosed, reveal the chemical identity being claimed as trade secret, or would reveal other confidential business or trade secret information. I acknowledge that I may be asked by the Eugene Fire Marshal to provide further detailed factual substantiation relating to this claim of trade secrecy, and certify to the best of my knowledge and belief that such information is available. I understand that if the Fire Marshal determines that this trade secret claim is inappropriate, then the chemical must be reported. I understand that if I believe a determination by the Fire Marshal is incorrect, I may appeal that determination to the Toxics Board, stating the reasons for the appeal. The Toxics Board's decision is final, except that under Section 8.1.B of the Charter Amendment, any person may appeal the decision to the Circuit Court for Lane County.

Name and Official Title of owner, facility operator, or senior management official:

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Signature Date Signed

STATE OF OREGON )  
 ) ss.  
County of Lane )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

**This form is to be filed with Eugene Toxics Program Staff c/o Fire Marshal (1705 W. 2<sup>nd</sup> Ave., Eugene, OR 97402) prior to the procurement or production of the trade secret chemical being claimed.**

**NOTICE TO TOXICS BOARD OF TRADE SECRET REPORTS  
FILED WITH THE OFFICE OF THE FIRE MARSHAL<sup>1</sup>**

Company: \_\_\_\_\_

Tax Identification Number: \_\_\_\_\_

Reporting Year<sup>2</sup>: \_\_\_\_\_

*Note: This report to the Toxics Board must be updated by April 1 each year only if there are changes to the report last filed with the Toxics Board.*

Code Number of Substance <sup>3</sup>	Category: Hazardous substance (HS), extremely hazardous substance (EHS)	Date Filed With Fire Marshal's Office

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_

Title \_\_\_\_\_

<sup>1</sup> Eugene Charter Amendment IV, Section 5.2(A)(2)

<sup>2</sup> The reporting year is the year previous to the April 1 reporting date. For instance, a report filed by April 1, 2012 would cover the **reporting year** of January 1 - December 31, 2011.

<sup>3</sup> Trade Secret Chemical Code Number is the facility's 9-digit Tax Identification Number followed by a hyphen followed by a whole number (1, 2, 3 . . . n) which uniquely identifies each trade secret chemical. A company with two trade secret chemicals would have Code Numbers for those two chemicals of:

Tax Identification Number-1 (xx-xxxxxxx-1)  
 Tax Identification Number-2 (xx-xxxxxxx-2)

**This form is to be filed with the Eugene Toxics Program Staff c/o Eugene Toxics Board (1705 W. 2<sup>nd</sup> Ave., Eugene OR 97402) when the previous form (Substantiation to Accompany Claims of Trade Secrecy) is filed with the City's Fire Marshal for one or more substances.**

PUBLIC REPORT OF PRECAUTIONS IN USE AND ALTERNATIVES TO USE OF TRADE SECRET HAZARDOUS SUBSTANCES

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Trade Secret Chemical Code Number<sup>1</sup> \_\_\_\_\_

Category: \_\_\_\_\_(Hazardous Substance) \_\_\_\_\_(Extremely Hazardous Substance)

Date of Audit \_\_\_\_\_

An independent auditor shall report on "whether the hazardous substance user has taken and is taking the greatest possible precautions in its use of each trade secret hazardous substance; and whether or not there are, for each trade secret chemical, technological options available for using alternative processes or chemicals that likely are more protective of workers, the community, and natural resources." Eugene Charter Amendment IV, Section 5.2(A)(4).

**Note: The law does not require companies with trade secrets to make changes suggested by the auditor in their processes or chemicals.**

A. Are this company's records of all inputs and outputs of this substance accurate within the reporting guidelines adopted by the Toxics Board? \_\_\_\_\_Yes \_\_\_\_\_No

If no, then how large is the discrepancy between inputs and outputs? \_\_\_\_\_ pounds

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Do you find that the handling of this hazardous substance by this company is:

- \_\_\_\_\_ as protective as possible (if checked, skip to E)
- \_\_\_\_\_ primarily protective, with minimal improvements suggested
- \_\_\_\_\_ of concern, substantial improvements suggested

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Have suggested handling improvements been reported to the company?

Yes  No

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Did you find the company's response to the suggested handling improvements acceptable?

Yes  No

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Regardless of the company's reporting and handling practices of the trade secret chemical, has the company provided evidence of a search for feasible, more protective processes or chemicals?

Yes  No

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Did you document technological options that likely are more protective, and report these to the company?  Yes  No

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. In your judgment, are these technological options<sup>2</sup> for using alternative processes or chemicals available to this company likely to provide:

- minor gains in protection for workers, the community and natural resources
- moderate gains in protection for workers, the community and natural resources
- significant gains in protection for workers, the community and natural resources

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H. In your judgment<sup>3</sup> would the implementation of technological options that would produce gains in protection:

- likely result in net savings to the company
- neither save nor cost the company
- likely result in net added costs to the company

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I. For a substance for which a previous year's audit report has been filed, has the company strengthened or relaxed protective measures for any inputs or outputs of this substance since the last audit report?

- Strengthened
- Relaxed
- No Change
- Not applicable

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Auditor \_\_\_\_\_ Date \_\_\_\_\_

Printed Name of Auditor \_\_\_\_\_

<sup>1</sup> Trade Secret Chemical Code Number is the facility's 9-digit Tax Identification Number followed by a hyphen followed by a whole number (1, 2, 3, ...n) which uniquely identifies each reportable trade secret chemical. A company with two reportable trade secret chemicals would have Code Numbers for those two chemicals of:

Tax Identification Number-1	(xx-xxxxxxx-1)
Tax Identification Number-2	(xx-xxxxxxx-2)

<sup>2</sup> For example, another company in the same industry uses more protective technology or chemicals, or a promising technology is available.

<sup>3</sup> Your judgment will be based on your knowledge of the experience of other companies with the same or similar technology as well as your understanding of this facility.

**This form is required to be completed by an independent auditor certified by the Eugene Toxics Board and submitted to the company, which is required to submit it to Eugene Toxics Program Staff c/o Eugene Toxics Board (1705 W. 2<sup>nd</sup> Ave., Eugene OR 97402) by the reporting deadline April 1 each year, beginning in 1999.**



City of Eugene Toxics Right-to-Know Program

**TRADE SECRET DENIAL - REQUEST FOR RECONSIDERATION**

*This form must be submitted within 30 days of receipt of notice of denied trade secrecy claim*

**Company Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City, Zip code:** \_\_\_\_\_

**Trade secret chemical name in question:** \_\_\_\_\_

**Person completing form:** \_\_\_\_\_ **Telephone number:** \_\_\_\_\_

**Brief description of facts and arguments supporting the request for reconsideration of a trade secret claim denial (attach additional documentation if necessary):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Will you be represented by Counsel at the Toxics Board meeting to hear your request?** \_\_\_\_\_

**Name of Counsel:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Appendix F**  
**Questions from Businesses/Answers from Toxics Board**

Businesses are encouraged to contact Toxics Program staff at 541-682-7118 with questions about how to complying with the City's Toxics Right-to-Know law. All questions received will be compiled and presented to the Toxics Board on an annual basis, for review and consideration to include in future updated versions of this handbook.

**CONTENTS:**

A. METALS AND ARTICLES .....	Questions 1-17
B. MIXTURES AND COMPOUNDS .....	Questions 18-23
C. CHARACTERISTIC CHEMICALS .....	Questions 24-26
D. MANUFACTURING vs. MAINTENANCE USES .....	Questions 27-36
E. MISCELLANEOUS.....	Questions 37-53

**A. METALS AND ARTICLES**

**General guidelines:** An article is a manufactured item that may contain reportable hazardous substances, but does not release them during the manufacturing process. Materials contained in articles are not reportable except to the extent that they are released during manufacturing. The Toxics Board has defined the term "article" as follows:

**"a solid manufactured item which remains solid throughout the manufacturing process, the unit size of which weighs more than 1 gram (0.0022 pounds), that is used by a facility in whole or in part without undergoing any chemical changes in manufacturing of a product or a portion of a product, and that does not release a reportable hazardous substance under normal conditions of the processing of that item at the facility."**

In the case of articles made of metal, the Toxics Board has determined that fumes, dusts, and grindings generated during the manufacturing process are reportable. The remainder of the article (whatever remains unchanged after processing) is not reportable.

To calculate the reportable amount of fumes, dusts, and grindings from articles made of metal, take 5 percent of the recycled scrap weight. If a reporting business has a better method for calculating reportable amounts of fumes, dusts, and grindings from articles made of metal, they are encouraged to contact Toxics Program staff at 541-682-7118 with the information. This information will be presented to the Toxics Board for review and consideration to include in future updated versions of this handbook.

1. **QUESTION:** The instructions state that fumes, dusts, and grindings that are removed from metal articles during manufacturing are reportable. Regarding metal alloys, how is one supposed to calculate fumes, dusts, and grindings? How can one quantify the amounts without direct emission monitoring of the processes? Are you suggesting that we weigh the input, weigh the output (waste & product) and the difference is the air emission (fume, dusts, and grindings)?

**ANSWER:** If the facility does not routinely already weigh and record their inputs, product, waste or air emissions, they do not need to make such measurements.

To calculate the reportable amount of fumes, dusts, and grindings from articles made of metal, take 5 percent of the recycled scrap weight.

2. **QUESTION:** Do I need to report substances contained in finished products that I bring in for use as components of my products (e.g., copper wire in electric motors)?

**ANSWER:** It depends. Substances contained in finished goods used by one manufacturer and used by a secondary manufacturer as raw material are reportable unless the article exemption applies.

3. **QUESTION:** Photographic film used by photo-processors and printers (if they work for a business with a Standard Industrial Classification between 2000 and 3999) contains silver (a listed metal) which is recovered in a system required by the Publicly Owned Treatment Works and subsequently recycled. As an **article**, there are no MSDSs available for the film. Since the necessary information is unavailable, am I required to track and report silver from film?

**ANSWER:** The silver is removed from the film in processing, and is then no longer a component of the article (film) that was brought into the facility. At that point it becomes reportable as input type 4 (quantity brought to the facility). The output is type 3 (quantity transferred away from the facility as waste). In this case, the recycled silver would be estimated only once, most likely as a percentage of the recycled material, and that estimate would be reported as both the input and the output amount. However, the method of estimation should be documented, as it will need to be verified at the time of an audit. Silver remaining on the film, if any, is not reportable because it remains a part of the article.

4. **QUESTION:** I cast aluminum widgets and re-melt all my scrap. The list of reportable substances includes aluminum (fume or dust). Is the aluminum I use a reportable substance?

**ANSWER:** Aluminum fumes and dust are reportable as input type 3 (quantity produced at the facility). Several different output types may be applicable in this case (transferred away as waste, emitted to the air, etc.).

If any reportable metal is alloyed with aluminum in solid form in this company's raw material, it is reportable, because all of the raw material is melted at some point in the process and no longer fits the definition of an article.

5. **QUESTION:** My business brings in quantities of prefabricated brake lining, for fitting to brake shoes and other friction apparatus. The **M**SDS for the lining indicates a percentage of phenolic resins, but does not give the percentage of phenol in the resins. Various forms of phenol are listed as reportable. Instead of a CAS number for the resins, the **M**SDS says Mixture. Each **M**SDS lists the percentage of resin in the product, which may vary from 5 to 25 percent. What should I report?

**ANSWER:** In this case there is not sufficient information available to the manufacturer to make meaningful reporting possible. The amount and form of phenol in the brake lining is unknown. Further, brake lining falls within the definition of an article, and substances in an article, that are not removed from the article in manufacturing, are not reportable.

6. **QUESTION:** We use zinc plated hardware cloth purchased from a local building supply store. There is no **M**SDS (it is an article), and there are no grindings, fumes, or dust when we cut it into squares. We have no way of determining the thickness or weight of the zinc. Is the zinc galvanizing reportable?

**ANSWER:** No. The cloth falls within the definition of an article. Reportable substances not removed from an article during manufacturing are not reportable.

7. **QUESTION:** In manufacturing our product, our company uses numerous grinding wheels that are made partially of hazardous substances. How do we report these?

**ANSWER:** In a case such as this it would be necessary to document (or estimate) the weight of the grinding wheels when new (or at the beginning of the year), subtract the weight when removed from service (or at the end of the year), apply the percentages of hazardous materials to the difference, and report those amounts under output type 3, quantity transferred away from the facility as waste. These amounts would also be used as the input amounts for those substances.

8. **QUESTION:** How do we quantify welding rod, the alloy metals and fumes? Most of the metal, minus tips left over, is deposited upon the base metal weld; the flux coating is lost as a fugitive emission. Should we be tracking just the nickel, chromium, lead, and other alloys, and how do we measure fumes?

**ANSWER:** Inputs will be the weight of welding rod in the input categories. Outputs include amounts shipped as product, fugitive emissions, waste (tips), etc.

Use emission factors developed for each type of welding operation and type of welding rod. Consult the EPA document AP-42, Compilation of Air Pollutant Emission Factors,

5<sup>th</sup> Edition, Chapter 12.19, Electric Arc Welding. AP-42 is available at the Lane Regional Air Pollution Authority, the University of Oregon Library, the Eugene Fire Marshal's Office, and on the internet at <http://www.epa.gov/ttn/chief/ap42/index.html>. Identify the welding process used (shielded metal arc welding is the most common), and the electrode type from the **M**SDS, then refer to Table 12.19-1 to find total fume emission factor. The table breaks these down further into Hazardous Air Pollutants (HAPs).

9. **QUESTION:** What is the proper output type under which to report welding material that becomes a part of manufacturing equipment?

**ANSWER:** Only the fumes are reportable, as output type 5, quantity emitted to the air. Metals used in welding are not reportable as they are not chemically altered in processing.

10. **QUESTION:** We cut copper wire into segments which are then wound around a motor part. The ends are not stacked and our engineer has determined that no copper is released. Is the wire still an article?

**ANSWER:** Cutting the wire into segments and winding it around a motor part do not negate the exemption since the diameter and thickness of the wire is not changed. The copper wire remains an article as long as no toxic chemicals are released during use. Since your engineer has determined that no copper is released, the article exemption does apply and the copper wire does not have to be reported.

11. **QUESTION:** Copper wire at a facility is cleansed by dipping it into a sulfuric acid solution. The acidic solution etches away a portion of the surface of the wire. The etched copper reacts with the acid to form copper sulfate. The waste stream containing the copper sulfate is sent directly to a publicly owned treatment works (POTW) and no other releases of copper occur onsite to any other environmental media. Is the copper wire still considered an article?

**ANSWER:** The copper wire is not reportable, but the copper sulfate is reportable as copper compounds (category N100). In this case, estimate this output and use that number of pounds as the input also.

12. **QUESTION:** A facility crushes light bulbs and uses the crushed glass in their process. The light bulb stems are not used in the process and are disposed. There is a lead button in each light bulb stem that is disposed. Is this button considered an article and therefore exempt from threshold and other materials accounting calculations?

**ANSWER:** It depends. If the lead buttons were recovered and reused in manufacturing of new light bulbs, and the lead buttons fulfill all article criteria, they would not be reportable. But if they are disposed, then they would not be considered articles and the

lead would be reportable because it is removed from the manufactured article (light bulb) during manufacturing.

- 13. QUESTION:** Our business manufactures a product from raw metal containing a percentage of reportable metals. What should we report?

**ANSWER:** If the raw metal is an article, report hazardous substances contained in fumes, dusts, and grindings that result from the manufacturing process. The portion of the raw metal that is not converted to fumes, dusts, and grindings, and that remains solid throughout the manufacturing process, is not reportable.

In estimating the amount of a hazardous substance to report, a business may consider the range of percentages of that substance that are contained in articles that it receives during the year, and choose an average value within the range. For example, if the stainless steel that a business uses for manufacturing contains chromium among other substances, and the business generated 900 pounds of fumes, dusts, and grindings from such articles, and the chromium content ranged from 6-8%, the business could choose 7% or another percentage they feel is more justifiable. An input of 63 pounds of chromium, and an equal amount in the appropriate output category(ies), would be reported.

- 14. QUESTION:** My company buys partially cured rubber in slabs. We complete the polymerization process when we mold the rubber into parts using heat and pressure. The scraps (of both uncured and cured rubber) are a non-regulated substance and go directly to a sanitary landfill or to a rubber recycler. Is this material an article?

**ANSWER:** No. The article exemption does not apply because chemical changes are occurring. However, the rubber itself and any non-listed components are not reportable. Listed hazardous components of the rubber, if any, should be reported.

- 15. QUESTION:** My company manufactures circuit boards and other electronic devices requiring solder. Is this a reportable material?

**ANSWER:** Yes, to the extent that it contains reportable substances, such as lead.

- 16. QUESTION:** I am a metal fabricator. I laser-cut small parts from large pieces of sheet metal. From the way I interpret the instructions, the only portion of that metal that I must track is the "kerf" (the portion vaporized). Is this a correct interpretation?

**ANSWER:** Yes, as long as no filings, dusts, or grindings are produced. The rest of the sheet metal (product and waste) is an article because it remains solid throughout the manufacturing process, and is not reportable. The kerf (portion vaporized) would be reported as output type 5 (quantity emitted to the air).

- 17. QUESTION:** We bring in raw sheets of 99% pure copper, a reportable substance. We have the sheets water-cut by an outside business, and then use them as a part of our

product. We understand that our copper filings, dusts, and grindings are reportable, but what about the raw copper and the pieces that go onto the product?

**ANSWER:** Only the filings, dusts, and grindings are reportable, as long as all the rest of the copper remains solid throughout the manufacturing process.

## B. MIXTURES AND COMPOUNDS

**General guidelines:** Report only the weight of listed hazardous substances and characteristic substances (see Appendix D) contained in mixtures and compounds used in manufacturing. Do not report the weight of the entire mixture or compound unless reporting the entire weight is easier.

If a mixture or compound contains a characteristic substance, but the mixture or compound itself is not characteristic and does not become characteristic during its life cycle in Eugene, then the characteristic substance contained in the mixture or compound is not reportable.

In other cases, it is necessary to calculate the percentages of reportable substances contained in mixtures and compounds and report these amounts by weight.

18. **QUESTION:** Particleboard and certain plywood products are manufactured with formaldehyde-based adhesives. Most manufacturers of these products provide MSDSs stating the board contains formaldehyde, a listed EHS chemical, but they do not list percentages. Does this exempt these products from being reportable by secondary manufacturers (cabinet shops)?

**ANSWER:** In this case, one cannot know the amounts of formaldehyde. Most of the formaldehyde reacts with the phenolic, hydroxyl or amine components of the adhesives and thus is no longer formaldehyde, but there is no way to know how much of the formaldehyde reacts and how much is residual or emitted to the air without very sophisticated measurements, and thus any reported amounts would be meaningless.

19. **QUESTION:** The MSDS for an ink lists three ingredients, but no percentages. One of the ingredients is a reportable substance. What should we report?

**ANSWER:** While businesses are not required to do extra research, an inquiry to the supplier would not be especially burdensome. Otherwise, it would be necessary to estimate the percentage of the reportable substance in the ink, using best engineering judgment, and report the substance accordingly.

20. **QUESTION:** In our business we spray a compound that contains hazardous substances onto our products. We have three types of outputs for the substances in this compound: shipped as product, shipped as waste (residue cleaned from equipment), and emitted to air. What is the best way to estimate percentages for each output type?

**ANSWER:** If you know that a portion of a listed hazardous substance (HS) remains with the product as shipped, provide your best estimate of the percentage of the HS in the product and multiply that by the estimated total pounds of product. Estimate the pounds of waste that were generated and the percentage of the listed HS in the total waste.



Multiply to estimate the pounds of HS in the waste. Any remainder HS input is assumed to be emitted to the air.

Total Inputs = Output shipped as product + Output shipped as waste + Output as air emission

21. **QUESTION:** Suppose we have a mixture containing substances that are not on the list of hazardous substances and the mixture does not meet the definition of a characteristic chemical, yet some of its individual components may be corrosive. If these components do not separate during the manufacturing process, would the corrosive component(s) be considered characteristic?

**ANSWER:** No. Characteristic substances in a non-characteristic mixture are not reportable as long as they remain in the mixture -- and the mixture remains non-characteristic -- throughout their life cycle in Eugene.

22. **QUESTION:** Do we have to double-report chemicals under this act? For example, suppose a mixture is corrosive, and one of the components is reportable. How should the mixture be reported? How would this be reported if the same corrosive substance is also reportable?

**ANSWER:** Double-reporting is explicitly discouraged. In the case of a listed reportable substance that is part of a characteristic mixture, report the listed substance as a specific hazardous chemical. **If you do not know whether the remainder of the mixture is corrosive, then the remainder need not be reported. If the remainder is corrosive, but its ingredients are unknown, then the remainder should be reported in the generic "corrosive" characteristic substance category.**

23. **QUESTION:** Some chemicals are included on the chemical list as a specific isomer and are also included on the list as mixed isomers. For example, o-xylene is on the list, and so is xylene (mixed isomers). How should these types of substances be reported?

**ANSWER:** To avoid double counting, the reporting business will have the option of reporting a substance as either the mixed isomers or as the specific isomer.

## C. CHARACTERISTIC CHEMICALS

Characteristic chemicals include any chemicals that do not appear on the Federal lists comprising the majority of Eugene's definition of "hazardous substance" (see Appendix A, Article III-E), but that are known by the reporting facility that "if it were in a container, would possess the characteristics of a hazardous waste, as defined in 40 CFR 261.20 through §261.24, authorized by RCRA." Substances that possess the characteristics of hazardous waste are commonly referred to as "characteristic chemicals" or "characteristic substances." (see Appendix D). Characteristic chemicals are reportable.

Reporting entities are not expected to take extraordinary steps to determine whether substances are characteristic, but often this can be determined either by examining the MSDS for a substance or by observing the substance's behavior.

24. **QUESTION:** Some paints, stains, dyes, and inks may contain petroleum distillates that have ignitable characteristics (flash point <140 degrees Fahrenheit), but when combined with the pigments may raise the flash point to more than 140 degrees Fahrenheit, as stated on the MSDSs. If the CAS numbers are not on the Eugene list, are these products exempt from reporting?

**ANSWER:** If the MSDS lists a flash point above 140 degrees Fahrenheit, then the business using the material does not need to report the material as a characteristic material, if the material's CAS number is not in the list already, and if the flash point of the material does not fall below 140 degrees during its life cycle in Eugene.

This answer follows the principle of using MSDS information and not having to obtain information that is not already available to the business; i.e., flash point information for the component must be (a) on the MSDS from the supplier of the product they are using, (b) be their own information on the material because that business has manufactured the product from its component parts, for which it would have an MSDS showing the under 140 degrees Fahrenheit flash point of the component, or (c) be otherwise known by the manufacturer, or else the material is not reportable.

Thus, even if the information exists in a reference book, the business is not obligated to look for the information in a book that they may or may not have, or do other research into the flash points. If the flash point of a substance is known and/or documented, and it is below 140 degrees Fahrenheit, the business is expected to report that substance **or its reportable components**.

25. **QUESTION:** My business uses a substance whose composition is a trade secret of the supplier, but which I know to be hazardous and reportable as a characteristic chemical. How should I report this?

**ANSWER:** Report the substance in your regular materials balance accounting report **under the appropriate generic characteristic substance category**. You do not need to

report it as a trade secret because it is not YOUR trade secret; it is someone else's. Businesses are not required to seek additional information from suppliers.

26. Many paints contain up to 15 ingredients which can be solvents, pigments, defoamers, or resins. The user cannot tell from the MSDS which of these ingredients are solvents and/or may fall into the "characteristic" category. Furthermore, the aggregate flash point of the total mixture may fall below the 140 degrees Fahrenheit threshold for ignitability or it may be above 140 degrees Fahrenheit. We need some specific guidelines on how to report solvent-based paints and their ingredients.

**QUESTION:** Do we report the individual ingredients (if listed) when the flash point of the mixture is greater than 140 degrees Fahrenheit?

**ANSWER:** Only report listed individual ingredients with flash points less than 140 degrees Fahrenheit when they are removed from the mixture during the process, so as to become ignitable.

**QUESTION:** Can we report the entire mixture without listing individual ingredients if the flash point is less than 140 degrees Fahrenheit?

**ANSWER:** Only when the individual ingredients are unknown. Known hazardous ingredients of mixtures should be reported individually. Remaining quantities of mixtures, if the remainder is known to be hazardous (characteristic) but the ingredients are not known, should be reported under the appropriate generic characteristic substance category.

**QUESTION:** Are we required to report **unlisted** solvents which have a flash point of **less** than 140 degrees Fahrenheit even though the total mixture has a flash point **greater** than 140 degrees Fahrenheit?

**ANSWER:** No, unless you have documentation that the solvent has a flash point less than 140 degrees Fahrenheit, and the solvent leaves the mixture so as to become ignitable during processing.

## D. MANUFACTURING vs. MAINTENANCE USES

**General guidelines:** ~~Hazardous substances that are on a site, but whose use is not directly related to manufacturing or related to research and development, are not reportable.~~ Hazardous substances at a facility that are not directly used in manufacturing are not reportable. Hazardous substances at a facility that are related to research and development are also not reportable. This area is subject to considerable interpretation, mostly concerning maintenance and operation of equipment. In general, the Toxics Board has drawn a distinction between substances used for cosmetic purposes (not reportable) and those used for necessary maintenance (reportable); and between the maintenance of actual manufacturing equipment (reportable) and equipment with non-manufacturing purposes (not reportable). The Toxics Board has also drawn a distinction between materials used to maintain and operate motorized vehicles (e.g., forklifts) and those used to operate and maintain non-motorized vehicles (e.g., carts). Materials in the former category are not reportable, while those in the latter are.

27. **QUESTION:** A listed toxic chemical is used to clean a process-related tower at a manufacturing facility. Is the use of the chemical exempt from threshold and materials accounting calculations under the routine janitorial and facility grounds maintenance exemption?

**ANSWER:** No. Materials used to maintain process-related equipment at a facility (e.g., cleaners and lubricants) are not exempt. Because the tower is process-related, the exemption does not apply. This exemption only applies to the use of products that are specifically used for routine janitorial, facility grounds maintenance, building maintenance, and office supplies.

28. **QUESTION:** Would lubrication of bearings on product mixing machines (assuming the lubricants had a reportable chemical) be considered part of the manufacturing process and therefore reportable?

**ANSWER:** Yes.

29. **QUESTION:** We paint and sometimes don't paint our equipment. It is not necessary to the functioning or maintenance of the machine, but is more cosmetic in purpose. Would the paint used be reportable or would that come under facility maintenance?

**ANSWER:** Substances not used in the manufacturing process, or to perpetuate the manufacturing process, are not reportable. Therefore paints used for cosmetic purposes, even on manufacturing equipment, are not reportable.

30. **QUESTION:** Would lubricating the wheel bearings on transport racks that carry the finished product to another part of the facility for shipping be reportable? What about lubrication of bearings on racks that do not contain finished product, such as proofing racks?

**ANSWER:** Substances used to maintain racks, carts, etc., that transport articles PRIOR TO OR DURING manufacture are reportable. Substances used to maintain racks, carts, etc., that transport FINISHED PRODUCTS ONLY are not reportable, because these racks, carts, etc., are not being used in the manufacturing process.

31. **QUESTION:** Would a forklift that is used to transport product for further processing be considered part of the manufacturing process like a process conveyor, or would any hazardous chemicals used in its maintenance be exempt under a motor vehicle exemption?

**ANSWER:** Materials used to maintain or operate mobile motorized vehicles used in manufacturing are exempt from reporting.

32. **QUESTION:** What about welding or grinding on equipment? For example, we grind and weld on a hunk of steel to make a bump guard to protect the wall. Would this be reportable because it would be facility maintenance? On the other hand, we might weld or grind on our bread mixer, bulk flour silo, or bread oven. Would the fumes and grindings be reportable?

**ANSWER:** If grinding and welding are needed on manufacturing equipment in order to allow it to continue to function properly, then materials used in that type of equipment maintenance are reportable, assuming they meet reporting thresholds. However, materials used in similar maintenance on non-manufacturing-related equipment or structural members are not reportable.

33. **QUESTION:** If I use a detergent with a reportable chemical in it to clean the exterior side of the oven panels, is this facility maintenance? It does not affect the operation of the oven. What about chemicals used to wash the outside of the mixers?

**ANSWER:** These applications are not integral to manufacturing, and so the substances used would not be reportable.

34. **QUESTION:** Would there be a distinction between chemicals used for cosmetic purposes and those that are needed for the manufacturing process? For example, we use reportable chemicals to clean our yeast system (interior), and this is clearly not facility maintenance, but what about cleaning the outside of the tank and the general area? Isn't that facility maintenance or facility cleaning (janitorial)?

**ANSWER:** There is such a distinction, as noted above. Businesses should use their best engineering judgment, available data, or actual measurements to calculate amounts used to facilitate the manufacturing process, and report those amounts.

35. **QUESTION:** We have a kerosene-operated hot-water pressure washer. It is used to steam-clean a number of items, such as bread troughs, the shipping and proofing racks,

pieces of manufacturing equipment, and non-manufacturing-related cleaning. Would the kerosene used to fuel the steam cleaner be reportable?

**ANSWER:** In this instance, because kerosene is a characteristic (ignitable) substance, it would be necessary for the business to calculate and report amounts used for purposes directly related to the manufacturing process.

- 36. QUESTION:** At the beginning of the year, we have on hand 1,000 pounds of a cleanser containing 10 percent ammonia (a reportable substance). Our best engineering judgment indicates that we use 30 percent of the cleanser on cleaning related to manufacturing, and the other on janitorial or cosmetic cleaning. All of the cleanser that we use is ultimately washed down the drain and into the sanitary sewer system. During the year, we purchase an additional 1,000 pounds of the same cleanser. At the end of the year, we have 500 pounds of cleanser still on hand. What inputs and outputs of ammonia should we report?

**ANSWER:** Report only the ammonia used for manufacturing-related purposes.

Inputs would be:

Category 1 (inventory at the facility at the beginning of the accounting period): 30 pounds (1,000 pounds x 10% ammonia x 30% used for manufacturing).

Category 4 (quantity brought to the facility): 30 pounds (same calculation).

Total inputs: 60 pounds

Outputs would be:

Category 6 (quantity discharged into publicly treated sewage): 45 pounds (given that 75 percent of the input is used during the reporting period).

Category 11 (inventory at the facility at the end of the accounting period): 15 pounds (500 pounds x 10% x 30%).

Total outputs: 60 pounds

## E. MISCELLANEOUS

37. **QUESTION:** Is natural gas a reportable substance?

**ANSWER:** Natural gas is exempt from the reporting requirement. Apart from the difficulties in measuring natural gas used in manufacturing processes, as opposed to non-manufacturing processes in the facility, virtually all natural gas is chemically altered in combustion, and the by-products are not reportable.

38. **QUESTION:** SARA Title III exempts a variety of products from reporting. 29 CFR 1910.1200 (b) (5) (iii) HAZCOM rules for MSDSs exempts “any food, food additive, color additive, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g. flavors and fragrances).” If I use substances for which there is no MSDS requirement, am I required to track and report these materials?

**ANSWER:** The Toxics Board has determined that substances are reportable if the manufacturer has evidence indicating that they are reportable, and are not reportable if the manufacturer has no such evidence. MSDSs are one, but not necessarily the only, source of such evidence. Manufacturers are not required to seek such evidence beyond information that is readily available to them. However, the absence of an MSDS does not in itself automatically exempt a substance from reportability (see Characteristic Substances section on page 12 for additional information).

39. **QUESTION:** EPA has exemption rules for de minimus quantities, often established for anything less than 1% by weight of the total amount. Many paints, adhesives, inks, and other formulations have trace amounts of listed chemicals. Can we follow current, established EPA guidelines to ease the burden upon businesses in tracking quantities at these de minimus levels?

**ANSWER:** No, because even concentrations of less than 1% can represent large quantities of reportable chemicals if the quantity of the mixture is great enough. Aside from the reporting thresholds themselves, there are de minimus exemptions only for contaminants which: a) belong to a SARA 313 chemical category and represent less than 1 percent of the total weight of a purchased material; or b) have no CAS number listed on an MSDS.

40. **QUESTION:** The instructions indicate that waste aerosol cans are not reportable. Does this refer to cans with contents still inside? Also, please clarify whether the contents of waste aerosol cans are ever reportable in manufacturing processes.

**ANSWER:** The contents of all aerosol cans are reportable under the same conditions as any other substance. The exemption refers only to the cans themselves.

41. **QUESTION:** Is ethanol produced by breweries reportable?

**ANSWER:** No. Ethanol is not a listed hazardous substance, and would be reportable only by virtue of its characteristic of ignitability. However, ignitable liquids are defined in 40 CFR 261.21 as “a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and (having) a flash point less than 140 degrees Fahrenheit...”

42. **QUESTION:** In regard to reporting isopropyl alcohol, explain “qualified: Only if it is being manufactured by the strong process.”

**ANSWER:** This is a technical term applicable only to the manufacturing process of the chemical. However, isopropyl alcohol used in manufacturing is reportable as a characteristic substance if it meets all other reporting requirements.

43. **QUESTION:** Our company has a pH balancing system and the quantity of chemicals eliminated through treatment at the facility is unknown. How should we report?

**ANSWER:** Businesses are not required to take extra steps -- additional measurements, research, purchase of new equipment, etc. -- to gather information not already available to them. Instead, when specific information is not available, businesses are expected to use the priority system M>C>E>O described in the Tracking Instructions. You may wish to make inquiries of your trade association for helpful information, if that will make your estimation work easier. As a last resort, the best engineering judgment of the business is acceptable. However, businesses are expected in all cases to document their methodology for arriving at the figures they report, and to make that information available to an auditor upon request. Businesses are expected to follow any suggestions the auditor may make for using information already available to them to arrive at more accurate figures.

44. **QUESTION:** How important are you going to make output accounting? What happens to the chemical and where to account for it may amount to an uneducated guess. When the auditor does not agree, or perhaps has better knowledge, and finds fault with the output reporting, how will these errors be handled?

**ANSWER:** Total outputs must equal total inputs for each chemical reported. As stated above, businesses are expected to use the best methodology available to them -- without taking steps to gather information not readily available -- in calculating and reporting inputs and outputs. Best engineering judgment may be used if no better methodology is available. Persons engaged in the business are regarded as best able to determine correct input and output types and amounts. However, an auditor may suggest other methodologies that may increase accuracy.

The Toxics Board has stated that it is the intent of the Toxics Board to assist companies in their efforts to comply with the law. Companies that make an honest and conscientious effort to comply with the law and that work with the Toxics Board to continually improve the quality of their reporting are unlikely to face enforcement actions. Blatant disregard



for the law or the truth, or an unwillingness to provide adequate information as directed by the Toxics Board, however, are likely to result in enforcement actions.

45. **QUESTION:** How should nitric acid (CAS #7697-37-2) be reported? It does not exist in a pure or anhydrous form. Commercial nitric acid is produced at a concentration of 70 percent nitric acid in water.

**ANSWER:** The listed CAS registry number for nitric acid specifically relates to the molecular formula  $\text{HNO}_3$ . Therefore, facilities are required to count the amount of nitric acid in solutions toward thresholds and in other materials accounting calculations. If 100 pounds of 70 percent nitric acid is released, the release should be reported as 70 pounds of nitric acid.

46. **QUESTION:** Is a hazardous substance reportable if it is used solely to treat another hazardous substance prior to release?

**ANSWER:** Yes.

47. **QUESTION:** In a facility, non-motorized carts are used to transport unfinished products from one intermediate manufacturing process to another. The lubricants used to maintain the carts include reportable hazardous substances, and the grease is consumed at such a level that the use of the reportable substances rises above threshold quantities. Given that the carts do not leave the facility, and the grease is not chemically altered, what is the appropriate output type under which to report these?

**ANSWER:** Output type 10, quantity disposed on site.

48. **QUESTION:** As a byproduct, a business has outputs of a reportable substance. It sells the substance to another entity for other uses. How should this output be reported?

**ANSWER:** Anything sold by a facility is considered a product of that facility for purposes of this program, even if it is not the primary product of the facility. These outputs should be reported as output type 2, quantity shipped from the facility in product.

49. **QUESTION:** The MSDS for a substance used in manufacturing lists several reportable chemicals, but indicates that the percentage of each chemical in the substance is the proprietary information of the supplier. What should be reported?

**ANSWER:** Businesses are expected to use the best information readily available to them. It is not the policy of this program to require businesses to purchase new equipment, take additional measurements, or otherwise take extra steps to improve the quality of the information available. In a case such as this, however, an inquiry to the supplier would probably not be a major inconvenience and may be beneficial. If exact information is not forthcoming, perhaps the supplier would be willing to offer ranges which could be used (at their midpoint or another justifiable point) in estimating percentages.

If no additional information can be easily obtained, then the reporting business should make any reasonable assumptions that it can and report accordingly. For example, if four reportable chemicals are listed as the only ingredients of the substance, it may be reasonable to assume that each chemical comprises 25 percent of the substance. That percentage can then be applied to the entire quantity of the substance for purposes of reporting that chemical.

As always, it is important for a reporting company to document its methodology for determining reported quantities.

- 50. QUESTION:** Our company manufactures its product by mixing two substances, one of which includes a reportable chemical. The best information indicates that when the substances are mixed, there is a reaction that changes the reportable chemical into something else. The finished product does not contain any reportable chemicals. How should we report the reportable chemical that is in one of the substances before the reaction takes place?

**ANSWER:** Four output categories may be applicable:

Output category 1, chemically altered -- The amount of the original reportable chemical that undergoes the chemical reaction should be reported in this category. If the reaction produces a new reportable substance, the quantity of the new substance should be reported in input category 3 (quantity produced at the facility) and in the appropriate output category or categories.

Output category 3, shipped as waste -- If, in cleaning the equipment or the factory floor, some amount of the reportable chemical in an unreacted state is recovered and later shipped away as waste, that quantity should be reported in this category.

Output category 4, waste stored on-site on December 31 -- This category would apply to any unreacted waste waiting to be shipped away as of December 31 of the reporting year.

Output category 11, ending inventory on December 31 -- This category would apply to amounts not yet used for manufacturing as of December 31.

If there is evidence that a percentage of the reportable chemical is emitted to the air rather than undergoing the chemical reaction, then output category 5, emitted to air, may be applicable also.

- 51. QUESTION:** An aerosol product, "mold release," is sprayed onto the surface of a mold to facilitate removal of the product. The mold release contains several reportable solvents, including hexane, toluene, and xylene. How would these be reported?

**ANSWER:** If no data indicate that the solvents go anywhere other than to the air, then output category 5, emitted to air, is the best assumption.

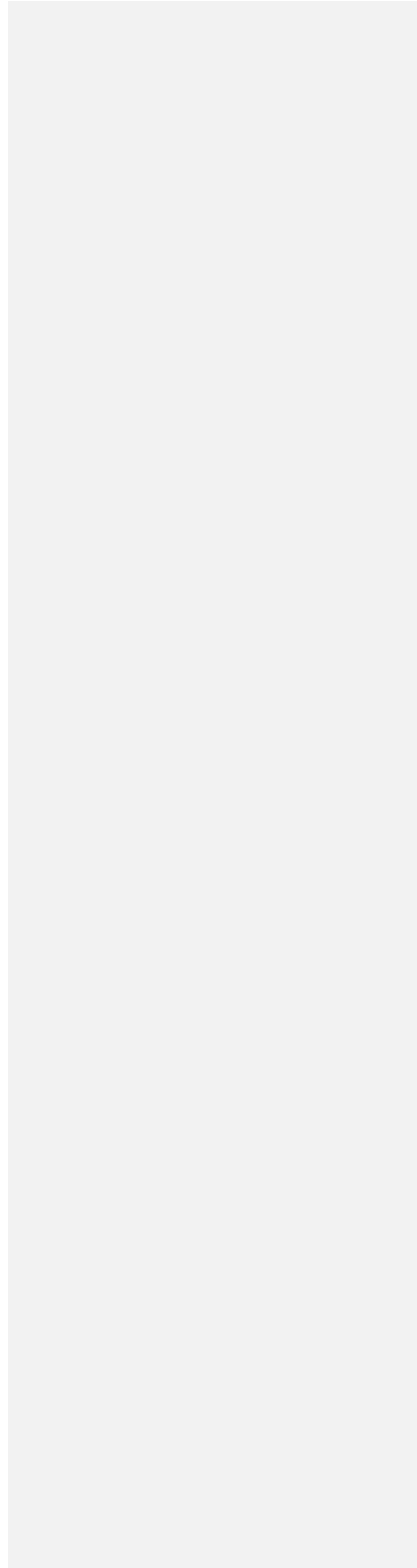
However, if the company is aware that measurable quantities of the mold release are cleaned off the molds and shipped away as waste, or that measurable quantities become part of the product, then these output categories would also be appropriate.

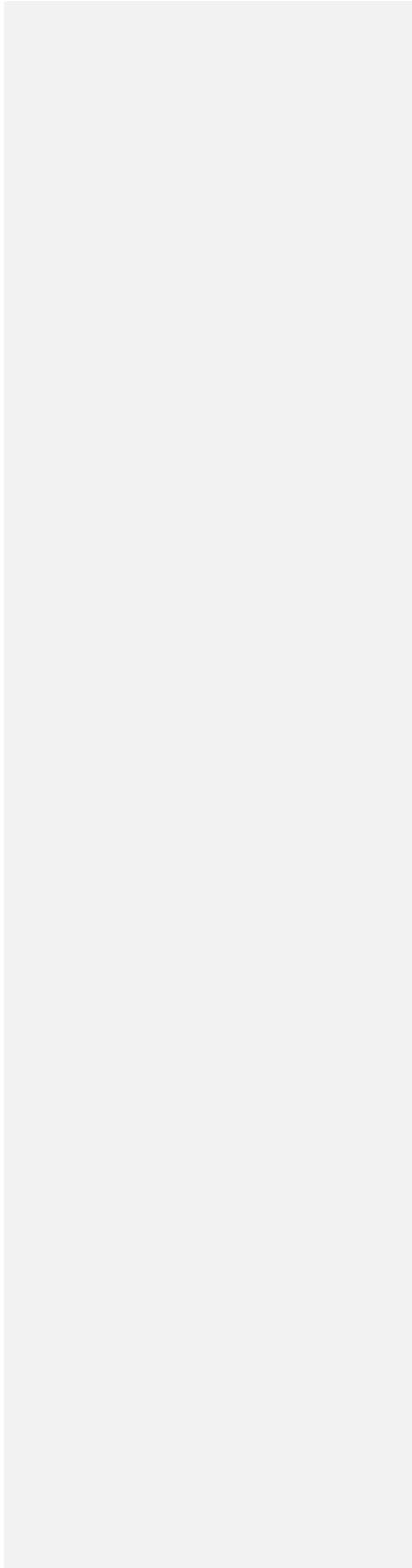
52. **QUESTION:** Acetylene, a characteristic ignitable substance, is used to operate an atomic absorption machine which is used to analyze process waters and wastewaters. The acetylene is burned as an open flame in the machine. How do I report the output?

**ANSWER:** The acetylene is **chemically altered** (output category 1) during operation in that it chemically changes to something that is no longer an ignitable material.

53. **QUESTION:** Isopropyl alcohol (IPA) is used in a facility as a cleaning solution. It is listed as a reportable substance. Typically the application is by use of a spray bottle, followed by wiping with a rag or paper towel. How should I report the output?

**ANSWER:** **Emitted to air** (output category 5) may be the best assumption in this case, unless the company's best engineering judgment is that all or some percentage of the IPA remains on the rags or paper towels when they are disposed of, in which case transferred away as waste (output category 3) would be used.





**City of Eugene  
Toxics Right-to-Know Program  
1705 W. 2<sup>nd</sup> Avenue  
Eugene, OR 97402  
541-682-7118**

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Action: Homeless Rest Stop Site Recommendation

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Meeting Date: October 28, 2013  
 Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
 Staff Contact: Michael Wisth  
 Contact Telephone Number: 541.682.5540

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#### ISSUE STATEMENT

The purpose of this action item is to present the council with the City Manager's recommendation of a site for a pilot rest stop.

#### BACKGROUND

On September 23, 2013, the council approved the establishment of a rest stop pilot program that will create one or more sites to accommodate up to 15 homeless individuals per site. This program limits sites to those either owned or leased by the City, a religious institution, a non-profit, or a business and prohibits areas located in residential areas or near a school. Further, supervision and sanitation are to be provided by an independent service provider at no cost to the City.

Additionally, the council must approve each site for inclusion into the program. City staff composed a list of potential City-owned pilot sites (Attachment A) that met criteria previously set by the council. The list is composed of the following sites:

- 1) 8th/Mill - 0.3 acres
- 2) Broadway/Hilyard - 0.3 acres
- 3) NW Expressway/Chambers - 1.1 acres
- 4) Roosevelt, west of Garfield - 0.2 acres
- 5) Willow Creek - 2.8 acres

#### NEXT STEPS

After the council approves one or more sites, staff will continue working to identify and select the provider(s) and to finish preparing the site use agreement (as outlined in Ordinance 20517, Attachment B) that a provider will need to sign. The site-use agreement will outline the expectations and requirements for a site, such as supervision, selection of individuals who may stay at the site, hours the individuals can be at the site, the number of continuous days that an individual may stay at the site, and the provision of waste and toilet facilities.

**RELATED CITY POLICIES**

- Eugene City Code provisions related to overnight camping (Eugene Code Chapter 4).
- Council goal for a safe community: A community where all people are safe, valued and welcome, including desired outcomes for decreased property crime, a greater sense of safety, visible and accessible police presence, and better police/community relations.

**COUNCIL OPTIONS**

1. Approve the site recommendation from the City Manager that will be presented at the City Council meeting on Monday.
2. Reject the Manager's recommendation for a site and direct the Manager to return with a different recommendation.

**CITY MANAGER'S RECOMMENDATION**

The City Manager's recommendation for a particular site will be presented on Monday.

**SUGGESTED MOTION**

A suggested motion will be provided with the City Manager's recommendation.

**ATTACHMENTS**

- A. Memo on Updated List of Potential Homeless Camping Sites and Related Criteria
- B. Ordinance 20517 Concerning Permitted Overnight Sleeping

**FOR MORE INFORMATION**

Staff Contact: Michael Wisth  
Telephone: 541-682-5540  
Staff E-Mail: michael.c.wisth@ci.eugene.or.us





## ATTACHMENT A

### Memorandum

Date: September 16, 2013  
 To: Mayor Piercy and City Council  
 From: Kurt Corey, Public Works Director  
 Subject: Updated list of Potential Homeless Camping Sites and Related Criteria

The June 26, 2013, packet for a council work session on homeless camping included a list of potential homeless camping sites and related criteria (Attachment B in that packet). This memorandum updates the list and criteria based on council direction and further staff analysis.

#### Criteria:

- City-owned (excluding EWEB-owned sites that name the City as an owner)
- Non-sensitive open space (exclude ridgeline, Goal 5, wetlands, Willamette River, Amazon Creek)
- Street access
- Within city limits
- Greater than one tenth of an acre in size
- Relatively flat
- Useable shape (e.g. not long and narrow)
- Not heavily wooded
- Undeveloped and excluding utilities (pump stations and drainageways)
- Excluding undeveloped parks, and parcels adjacent to neighborhoods or schools

#### Potential City-owned Non-Park Sites:

Application of the criteria resulted in the following identified potential sites:

Reference Name	Acres
8th/Mill	0.3
Broadway/Hilyard	0.3
County Farm	5.2
Naval Reserve	3.1
NW Expressway/Chambers	1.1
Roosevelt West of Garfield	0.2
Willow Creek	2.8



**ORDINANCE NO. 20517**

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

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

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

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

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

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The findings set forth above are adopted.

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

**4.816 Permitted Overnight Sleeping.**

**(1)** Notwithstanding any other provision of this code:

- (a) Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection (1), the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.
- (b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep

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

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

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

**Permitted Overnight Sleeping Pilot Program.**

- (1) Up to 15 persons may sleep overnight in vehicles, as that term is defined in section 4.816(1)(a) of this code on property authorized pursuant to Section 4 of this ordinance.
- (2) No site may be used for overnight sleeping pursuant to subsection (1) of this section unless one or more entities enters into the agreement with the City referenced in Section 4 of this ordinance and one or more entities other than the City provides, at no cost to the City, adequate garbage, toilets and supervision. The entity providing supervision shall work with surrounding and nearby neighbors (businesses or residences) to address any concerns.

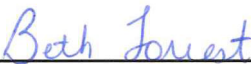
**Section 4.** The City Manager shall recommend to the City Council one or more proposed sites for the pilot project authorized by Section 3 of this Ordinance. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, a religious institution,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

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

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

**Passed by the City Council this**  
**25<sup>th</sup> day of September, 2013.**

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

  
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City Recorder

  
\_\_\_\_\_  
Mayor



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Work Session: Fence Regulations

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Meeting Date: November 28, 2013  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
 Staff Contact: Mike McKerrow  
 Contact Telephone Number: 541-682-5288

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#### **ISSUE STATEMENT**

This work session provides an opportunity for the council to review how the City regulates fences. One area of discussion is the interest of gardeners to keep deer out of their garden and current fence standards.

#### **BACKGROUND**

Eugene's land use code is an important part of creating, protecting and improving the quality of life in Eugene. The code provides fence standards which regulate the height and location of fences on private property. The work session will focus on fences in residential areas.

Fence standards first appeared in Eugene's land use code in 1968. Residential areas were limited to fences up to six feet in height in the back yards of homes. Since then, fences greater than six feet in height need a building permit to ensure wind won't blow them over. In addition, these taller fences have to be at least five feet from the property line.

With adoption of an updated land use code in 2001, fence standards changed. While the limits for back yard fences stayed at six feet in height, the maximum height for fences in the front yard setback (the first ten feet of private property adjacent to a street) decreased from six feet down to 42 inches. The goal was to improve the streetscape aesthetic and increase "eyes on the street" by eliminating tall fences along sidewalks.

In 2008, the front yard fence height standard was modified for corner lots. The land use code now allows a six-foot high fence along portions of the sidewalk to provide homes on corner lots with more privacy options.

Two years ago, it was clarified that a building permit is not required for fences up to eight feet if the section of the fence between six and eight feet consists only of several smooth continuous wires spanning between posts.

**RELATED CITY POLICIES**

Eugene Code 6.010(d) (prohibits electric fences and limits barbed wire)

State Building Code, administered by City staff, requires a building permit for solid fences over six feet in height.

**COUNCIL OPTIONS**

No council options at this time. Work session is discussion only.

**CITY MANAGER'S RECOMMENDATION**

There is no City Manager recommendation.

**SUGGESTED MOTION**

There is no suggested motion.

**ATTACHMENTS**

A. Eugene Code 9.2750 Fences and Eugene Code 9.2751(14) Fence Standards

B. Fence Figure 9.2751(14) (b) 1

**FOR MORE INFORMATION**

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Telephone: 541-682-5288

Staff E-Mail: [mike.j.mckerrow@ci.eugene.or.us](mailto:mike.j.mckerrow@ci.eugene.or.us)



## Eugene Code

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage</b>					
All Lots, Excluding Rowhouse Lots	50% of Lot		50% of Lot		
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. Site	20% of dev. Site
<b>Fences (14)</b>					
(Maximum Height Within Interior Yard Setbacks)	6 feet	42 inches	6 feet	6 feet	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches	42 inches	42 inches	42 inches	42 inches

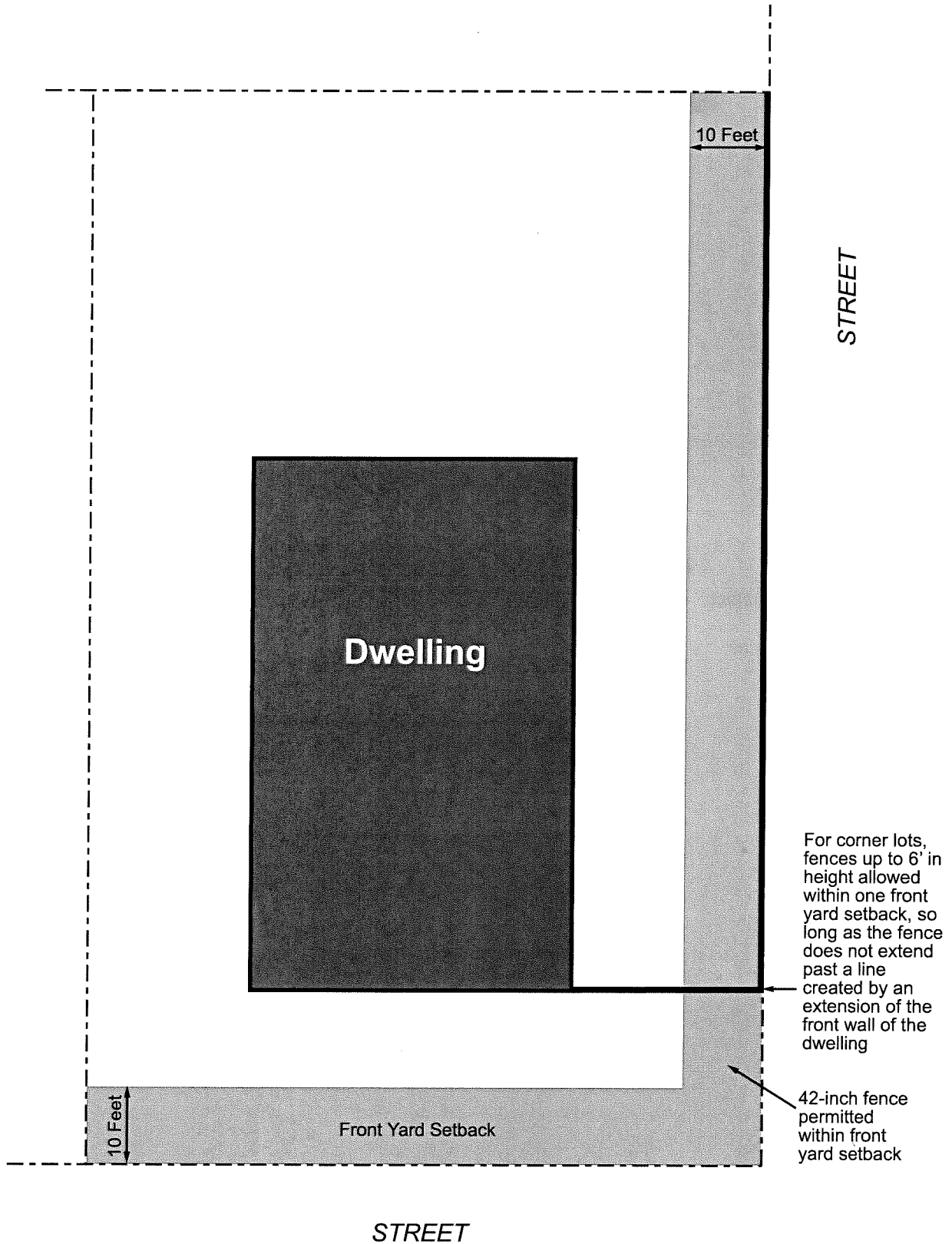
**(14) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
- Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(14)(b)1.)**
  - Fences up to 6 feet in height are permitted within the required interior yard setback.
  - The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
  - Fences must meet the standards in EC 9.6780 Vision Clearance Area.



Figure 9.2751(14)(b)1.

# Fences





# Fence Regulations

Eugene City Council  
Work Session  
October 28, 2013



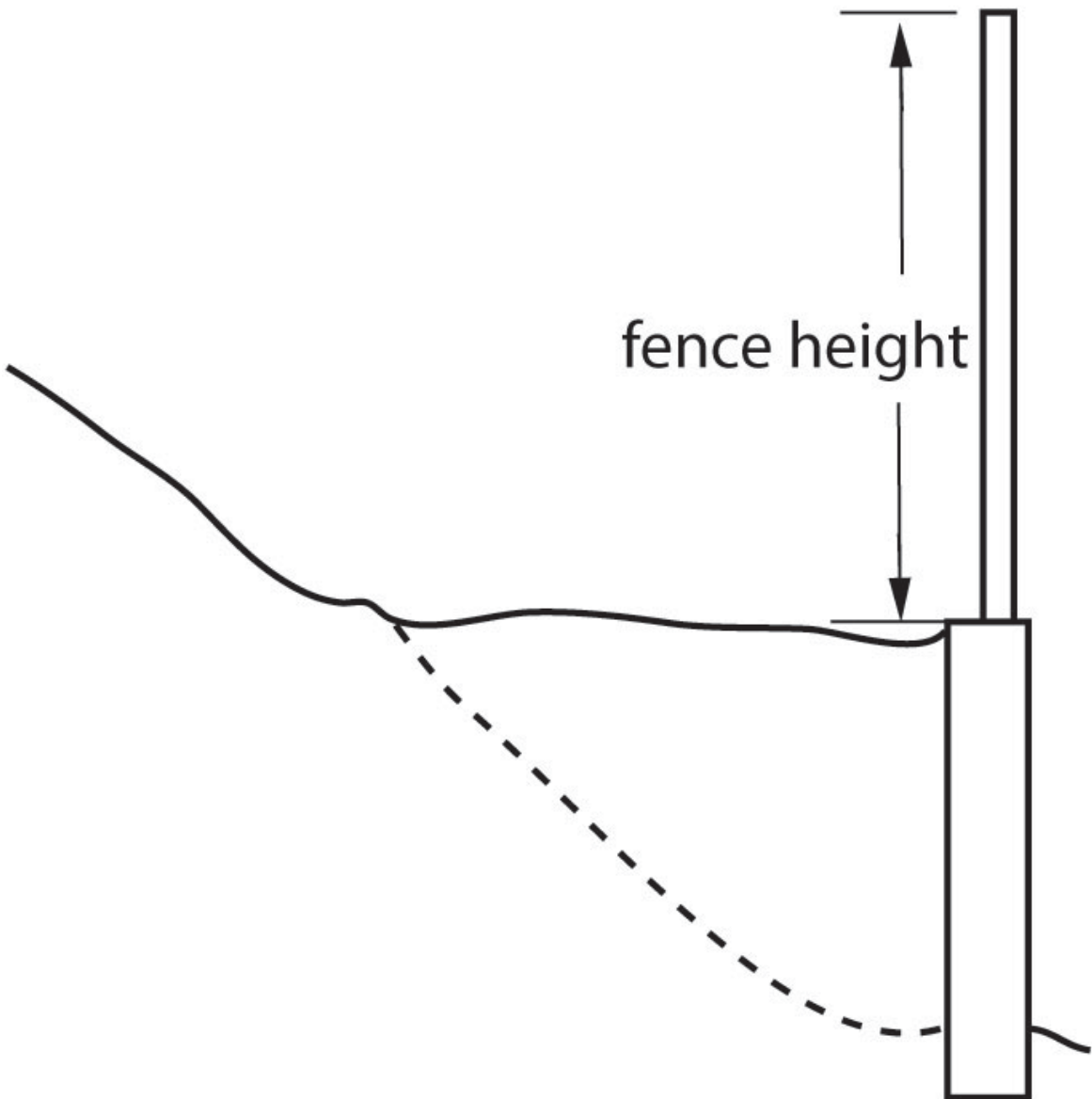
Item 5.

# Fence History

- First regulated in 1968
- Six feet tall maximum
- 2001 - Front yard 42” maximum
- Code last modified in 2008 for corner lots







# What do other Jurisdictions do?

- 6 foot maximum height if in backyard
- 30 – 42 inches maximum in front yard
- Ashland - Between 6 and 8 feet:
  - unobstructed view required (wires)
  - No chain link fence allowed

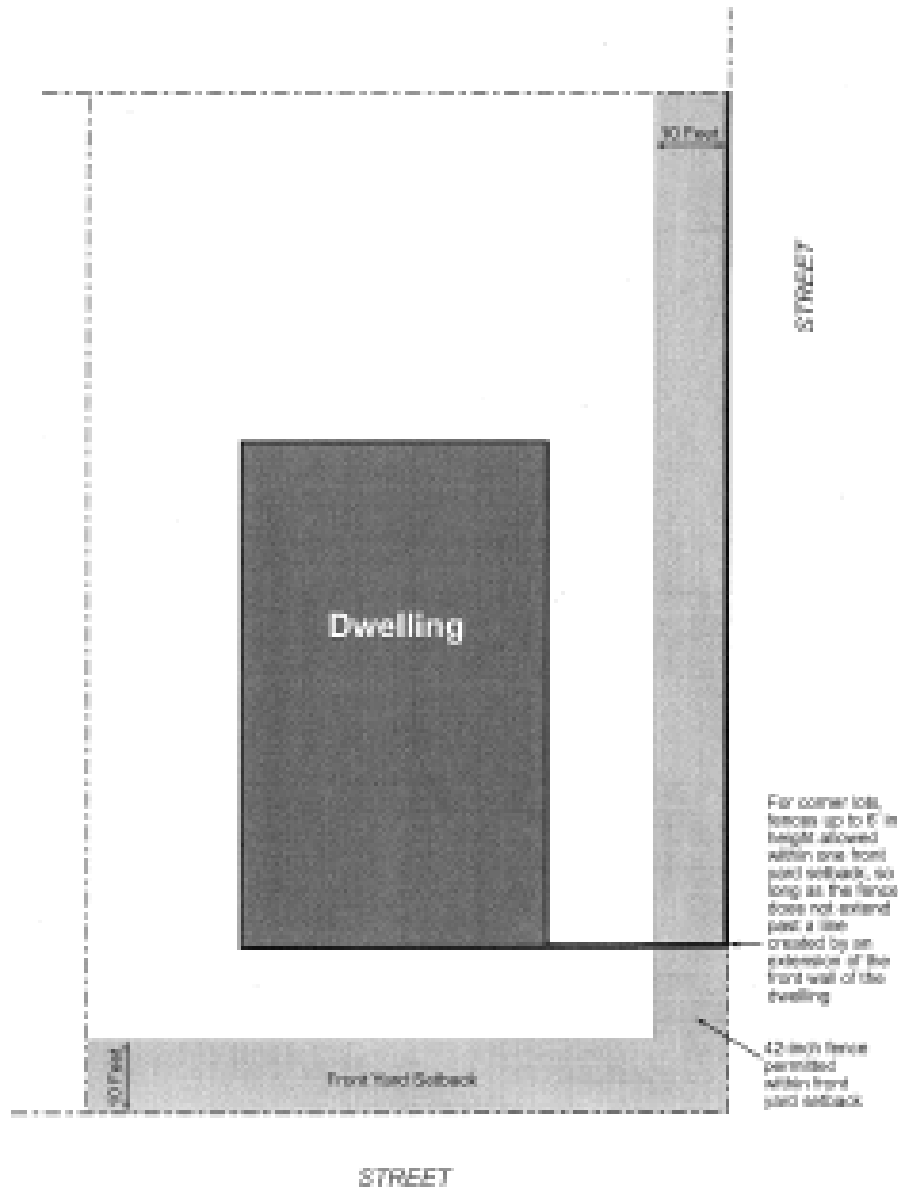
# What is Effective?

- Fence Contractors
  - Wood or Wire up to 6 feet
  - 2-4 smooth wire strands from 6-8 feet
  - No building permit required for 8 foot deer fence if portion above 6 feet is wire



Figure  
9.2751(14)(b)1.

### Fences







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