

Attachment B

From: Boyd Iverson [<mailto:boydiverson@hotmail.com>]
Sent: Wednesday, January 15, 2014 10:35 PM
To: KEPPLER Peggy A; *Eugene Mayor, City Council, and City Manager
Subject:

I would like to submit the previous testimony that I submitted to the city of Eugene for the January 13th. Storm water amendment to also be considered testimony from me regarding the new proposed SDC fees, which will be discussed by the City Council January 21st. 2013.

The reason for this is that I believe some of the information in that letter is also relevant to the discussion of new SDC fees.

I also would like to see the City do an independent analysis of the use of the monthly storm water fees and the past SDC fees to determine if the money has been spent for the purpose intended and what the benefit of those funds has been in relation to cleaner and more efficient storm water treatment. I am not saying, by this request that I necessarily believe, or have evidence, that there has been any impropriety in the use of these funds, but I do believe by the research that I have done, even though the City was not willing to answer several important questions about how the money was and is spent, or how much money exists in the SDC Account, that this money could have and could be used much more efficiently in the future.

The City's storm water treatment and management, should be run as a business, since it is spending and has spent, millions of tax payer dollars for the purpose of creating cleaner water. Clean water is certainly a good thing, but the past process to obtain cleaner water has not and is not "cost efficient", for the dollars spent, and the very small amount of "cleaner" water that has been created. There are a lot better and more efficient ways to spend the huge amounts of money that have been and will be collected!!

It is my understanding that the monthly collection fees have not generally been used to create "storm water treatment centers" and also specifically none of the SDC fees charged new home owners have been used to create any "storm water treatment centers", it has only been used to upsize and possibly repair some of the existing storm water piping systems. Seemingly a large amount of the money has been used in the many recent street improvement projects, with no upsizing done, only potential repairs of the existing systems.

Also depending on the amount of the fees that the City is proposing to charge new home owners, and only new home owners in new subdivisions, these fees could dramatically affect the cost of housing in the Eugene area, in a negative manner and discourage the infill construction, within the existing City limits, that the City says they want.

Please reference the attached letter dated 1-4-2014, which I previously submitted to the Public Works Department and also the City Council.

Sincerely,

Boyd Iverson

1-4-2014

To City Council members regarding proposed Storm Water Amendments:

First I would like to say that Peggy and Mark, from the Public Works Department, did agree to meet personally with me and answer some of my concerns and questions. That meeting clarified some of my concerns.

This is what I was told or at the least what I believe to be true regarding some of my concerns.

1. The City has built at least a couple of storm water treatments facilities or treatment locations, in the City and they say that they plan to construct more on publically owned properties.
2. The City will not be required to treat storm water on any of the road repair or replacement projects and also private property owners will not need to treat storm water on repair or replacement locations if less than 50% of the drainage area is unaffected.
3. Currently new development SDC fees are only used for enlarging storm water capacity within the City.
4. Soil conversation maps, not private engineering inspections will be used to decide whether soil filtration/infiltration will be required in a new development. Also "rain garden system" designs, have been previously developed and the City has a Storm Water Manual that will give all of the information needed for a single family property owner or builder to know what they need to do for treatment of water developed from impervious roof structures of over 1,000 sq. ft. No special engineering will be required for this process.
5. I also believe that they said that the City will not require mechanical storm water in new subdivisions and that individual homes can be serviced by the above mentioned pre-approved "rain garden systems". But I also believe that the they said that the City was discussing increasing or establishing new SDC fees for offsite treatment of storm water generated by public or private road systems and private driveways. If this is the case then I have a strong concern as to what these fees would be, since unnecessary high increased fees only increase the cost of housing to the general public. I was told by Peggy, that the City Council is going to be talking about increased SDC fees for new construction on January 21st.

If the two above procedures are implemented then the City will not be taking additional land out of the development pool, due to large onsite filtration/infiltration systems, and this should not be diminishing the small amount of land that is available for development inside the current City Limits, and thus should not require a re-analysis of the City's supply of land available for housing.

If I did not understand what they told me correctly, and the above information is incorrect then I still have a strong concern about what this ordinance will do to the supply of developable land within the current City Limits!

6. As a required addition to the current proposed storm water amendments I would suggest that home owners have an option, as to whether they want to do “onsite” treatment for the impervious areas associated with their home, or whether they want to pay a “pre-established fee” for the treatment “offsite”. The reason for this is that onsite storm water treatment centers should not dictate or limit the design and or the location of a property owner’s home, and the cost of an onsite system cannot be easily predetermined by a home owner, whereas a fee leaves nothing to doubt or chance. Both of these options are allowed under the City’s NPDES permit, but the first option is not allowed for individual home storm water treatment in this proposed ordinance, and is different than the SDC fee the City is proposing for treatment for storm water treatment, related to public or private roads and private driveways.

Further when the water from a home system is treated onsite, it is then run either into the gutters in the street or the public storm water system and then is immediately “re-polluted.” This doesn’t make any sense, economically or otherwise.

7. These proposed amendments do not address “commercial” construction, which unfortunately by the City’s definition, is not only commercial construction but also residential construction of more than two units on any lot. So that any infill within the City that is larger than two units cannot take advantage of these new storm water treatment options, i.e. specifically the ability to pay a fee and have the storm water “effectively” treated off site instead of potentially having to be treated on site and then have the “treated” water ran into the existing polluted storm water or street gutters.

As an example, any residential construction over 2 units it then considered “commercial construction”. And as a couple of real life situations where my son, has done what the City says they want people to do, infill housing in downtown Eugene. He created two projects, one located at 14th and Lincoln St. with 4 units and the other located between 23 rd. and 24th on Willamette St. On Lincoln St. he didn’t have to treat the first two units but when he added the additional 2 units then he had to pay \$20,000 plus to install a mechanical storm water treatment device. On Willamette St. he built three new attached homes and had to install a \$20,000 dollar mechanical treatment center. In both of these cases once the water was “treated” it was then run directly into the polluted water in the existing storm water pipes in Willamette St. So the treatment of his small amount of water was basically useless, though in the two cases it cost him and the potential homeowners an additional \$40,000 of unneeded expense.

Also the private homeowners have to maintain the system for ever and the City has to pay someone to inspect the system and or supervise its maintenance forever. Fore ever is obviously a very long time and will lead to a lot of additional unnecessary expense for the private homeowners and the City tax payers. A simple fee for offsite public treatment would have been way less expensive and way more effective!! I don’ t believe that any

property owner is against reasonable, cost effective, and actually effective, storm water treatment, to protect our water ways but the current system and potentially the proposed amendment still does not accomplish these goals.

Within this amendment, the City should consider extending the “off site” SDC storm water treatment fee to cover residential units on the same lot up to 10 to 20 units, or at least redefine what the City considers “commercial” construction, so that it really is commercial construction! This would allow more effective storm water treatment, decrease more dense residential housing within the City and would help to simplify residential “infill” housing, which the City is promoting in its “Envision Eugene” concept.

I have found nothing in the NPDES permit that limits adjusting storm water treatment procedures for residential housing greater than 2 units!!!!

8. Another suggested amendment would be to allow small remodels or small additions that involve over 1,000 sq. ft. of impervious areas, but no more than say 5,000 sq. ft. of impervious areas, to be set up with a fee schedule for the construction of public offsite treatment facilities, since the creation of a “rain garden or rain swale” would be way more expensive than a small set fee of say \$100 to \$400, based on a sliding scale based on the size of the impervious areas, and once again wouldn’t require hiring additional public employees to “police” these very small “rain garden or rain swale” systems. Also as noted above, this procedure would actually allow treatment of storm water that would not be immediately put into an existing storm water system.
9. I would also like to add some language in this amendment to encourage the City to be more effective in their use of Public funds for storm water treatment. A Centralized treatment and management of storm water is way more cost effective and also more effective in reducing the actual pollutants that enter our water systems, especially if they can be placed at or near the point of entry of critical water ways. In fact it would be a good idea to have the City engineers determine where the most cost effective and also most pollutant effective locations are within the City and then work toward creating treatment facilities at or near those locations. That would be using public storm water fees very effectively, rather than randomly. Someone within the City or a Private firm should do an audit of how effectively the existing SDC and monthly storm water fees are being used. As far as I can tell, that has never been done! An external private audit would be best!!
10. I would also suggest that since it is very hard and also very expensive and sometimes basically impossible, to treat the run off from impervious private sidewalks, patios and porches, that when these areas do not constitute more than 80% of the impervious areas associated with the building project, that homeowners not be required to treat these areas. Once again the 80% option meets the requirements of the City’s NPDES permit.
11. In this code amendment the City also needs to define what impervious materials versus “pervious” materials are in relation to walkways, patios, and driveways. Example if a homeowner uses pervious concrete, pavers or gravel for walkways, patios or even driveways or parking areas then they should not be required to treat these areas, but I

do not believe that the City as a firm definition of “pervious” versus “impervious” or a list of products that meet these specifications. As in anything the “devil is always in the details”.

12. Also since the City has given to the public, no idea, as to what they intend to charge a homeowner for treating the impervious public or private roadway or private driveways, that he uses to access his home, I would like to know what figure they are going to propose. I know that they have a figure in their mind, since they will be presenting that number to the City Council on January 21 st.. I think it would be appropriate for the Public as well as the City Council to know, to the passage of this current amendment, what the proposed fee will be and what it is based on, since it is a very integral part of this code amendment. I would also propose that the City set up a committee to oversee the final determination of what this fee will be and that committee should be made up of one City Council Person, one local developer, a representative of the Homebuilders Association, someone involved in the insuring that the States “affordable” housing goals are being met, and someone involved in “Envision Eugene”, since these proposed codes and associated costs will have a big effect on the goals involved with this Plan.
13. The City also needs to look at their requirements for private and public drive way construction, since according to their NPDES Permit, they are supposed to review any codes or City requirements that create more “impervious surfaces”. The Permit states that in section (ii) that “The permittee must identify, and where applicable, minimize or eliminate ordinance code and development standard barriers within their legal authority that inhibit design and implementation techniques intended to minimize impervious surfaces and reduce storm water run off” “The permittee must review ordinances, code and development standards for modification, minimization or elimination , and appropriately modify ordinance, code and development standard barriers by January 1, 2014”. This may have already been done by the City, but I do not see anything in these code amendments that addresses this requirement. Examples of what could or should be done would be to adjust the codes for driveways, parking areas, emergency vehicle turn around locations, and similar codes, which currently, typically require impervious surfaces.
14. As mentioned in my previous last letter to the City and the City Council, and as noted above, I still believe that there are several important issues that need to be answered and or resolved prior to the approval of this ordinance. The deadline stated in the application was January 1, 2014, and we are already past this deadline date, but the information in this ordinance should have been presented to the public or for that matter the Planning Commission, before their approval, at a much earlier time, so that all of the needed information could be supplied and all of the various consequences social, environmental, and economic could be adequately analyzed. As long as the City is proceeding in the direction of implementing the requirements of this permit, I doubt that any government agency is going to start fining any one. It is certainly better to create a code amendment that is thoroughly thought through, than it is to pass an amendment, just to pass an amendment. We already know what happens when you pass an ordinance and or “bill” when you really do not know many of the details or

consequences of the bill. The current government and state, “insurance” fiasco” is prime example of what the government should not do.

15. Also as mentioned in my previous letter, any implementation of this amendment should be delayed until it is thoroughly thought through, or if you pass it with provisions to clear up the various issues involved in the amendment, then its implementation should be extended up to 3 months after all of the details are worked out.
16. You should be aware that this code as created will still cost the private homeowner substantially more than what it currently costs to build a home currently due to the requirements for construction of “rain drains and or rain swales” and depending on what the City decides to charge those homeowners for the proposed new SDC fees, for the construction of public storm water treatment facilities, for roads and driveways, the costs could be even more restrictive to home ownership.
17. I am very glad that the city decided to stay with the previous Storm water codes in relation to construction of homes on properties developed , prior to 2006. This has saved property owners, builders and purchasers, hundreds of thousands of dollars.
18. In reading the NPDES Permit (December 29, 2010) I do find some information that would help limit costs to new construction and home ownership that the City could follow or use to adjust the current proposed amendments.

Section I and specifically section(4) says that “new development and redevelopment projects that create or replace 1000 sq. ft2 of impervious surface must meet the following conditions:”

“Capture and treat 80% of the annual average runoff volume, based on a documented local or regional rainfall frequency and intensity.”

This specifically states that 100% of the “water run off” does not need to be treated. I believe that the policies in the amended code requirements are requiring 100% of capture and treatment. Why I am saying this is because, capture and treatment of storm water from roof areas is “relatively easy” and relatively inexpensive, in that roof water is already collected in gutter and downspouts, and the downspout water is much easier and cheaper to collect than water from sidewalks, patios, and or driveways, since they need several collection areas, which then run in underground pipes, that then need to be collected in one central locations, which then need to be pumped by a pressurized system to a specific treatment location or locations. This facet of storm water collection becomes very complicated and very expensive. I would propose that sidewalks and patios of single family residences not be required to have storm water treatment. This would still meet the 80% requirement and not cause unnecessary construction costs and increases in home prices.

It further states in section (v) The “Post-Construction Storm water Management program must require equivalent pollutant reduction measures, such as off-site storm water quality management, such as off-site storm water quality management. Off-site storm water quality management may include off-site mitigation, such as using low impact development principles in the construction of a structural storm water facility within the sub-watershed, a storm water quality structural facility mitigation bank or a payment-in-lieu-program”, but this “offsite treatment” option, as mentioned above, should also be made available for small scale

residential and even small scale commercial. As mentioned, “offsite” storm water treatment should be the most cost effective and also the most effective, use of Storm Water Treatment dollars.

It is my understanding in talking with Peggy and Mark that the City is going to look into more of these types of facilities throughout the Eugene area. I am in agreement with this concept, but given the large amount of money that has been and is currently collected from monthly storm water fees, (18,000,000) plus a year and also the large amount of money that is collected from SDC development fees, (I never could get a dollar figure for what these amounts have been over the years, or what funds are still available in the first or the second category of City charges), but I still do not believe that only new development should be charged to accomplish the City’s storm water treatment requirements.

Once again storm water treatment should be a City wide expense, since it is something that affects the quality of life of everyone in Eugene, not just new home owners. Once again a very small group is still being asked to pay for all of the costs for the benefit of all. This is a very “single focus” code requirement. These requirements drive up housing costs and housing prices, and also increase the cost and difficulty of producing infill housing at a price that is affordable to all income groups in the City of Eugene, ie. The State of Oregon’s housing goal.

Another concern that I still have but was unable to get any hard facts or information regarding is the large increase in the number of people being hired by the City of Eugene to “enforce their current storm water requirements”. I know that there have been numerous people hired for this purpose in the past 4 to 5 years, but I was unable to get the exact number of people or what it costs the City each year. But there was a specific reason for my question. If the City spends more of the public’s money for City owned storm water treatment centers and locations then they do not need to keep increasing the number of people that have to supervise the countless small private storm water treatment locations and situations. It is more cost effective to have larger publically owned and operated treatment locations versus 100’s to 1,000’s of individual private systems, with countless and continuing inspections!! Also it is highly possible that many of these private systems will fail due to inadequate maintenance, just obsolescence or simply tired and run down systems. Obviously that is why the City has a centralized public sanitary sewer treatment system. It makes sense, saves tax payers and City dollars, and is paid for by all City citizens not just a few.

Suggestions for local storm water treatment locations. 1. The open storm water pipe that drains onto the Wayne Morse Park. 2. The storm water pipes in the Amazon canal in south east Eugene, as well as using some of this open space within and adjacent to this canal to treat storm water and even create “winged wildlife areas”, by creating “holding locations” adjacent to the canal where storm water can be discharged, to maintain balanced “winged water fowl” areas. 3. Same concept but “re-invigorate” the wetland land area on the east site of City View between 18th and 11th by taking water out of the Amazon Canal. When I was a kid this was actually a pond and used by wildlife. Now very little water can get to the area and it’s basically a mud hole. 4. Use some of the park land recently purchased by the City from Rexius on Baily Hill Rd. and infuse this area with storm water for natural treatment. 5. Use some of the various

ponds along the northwest expressway and various areas in the River Road and Santa Clara districts. 6. The City could also install “baffled areas” in the Amazon that cause the storm water to low down and drop some of its sediment and also create “holding ponds” within the existing or an enlarged Amazon Canal. 7. Treat the storm water in the current City drainage easement in southwest Eugene that flows into Videra creek to the south of 3300 Hawkins and also treat the storm water that flows out of Videra Creek at the west end of Aeries Park PUD in west Eugene. 8. Enhance any of the existing, multiple, wetlands areas located along West. 11th, Stewart Rd., Greenhill Rd., etc., out to Fern Ridge Lake.

Thankyou for thoughtfully considering the above analyzation of the proposed amendments.

Sincerely,

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