



**Eugene City Council**

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www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

April 22, 2015

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

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

Eugene, Oregon 97401

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Meeting of April 22, 2015;  
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 WORK SESSION**

**Harris Hall**

- 12:00 p.m.    **A.    ACTION:**  
**A Resolution Supporting a Carbon Pricing Policy for the State of Oregon**
- 12:15 p.m.    **B.    WORK SESSION:**  
**Report to City Council from Police Auditor**
- 12:45 p.m.    **C.    WORK SESSION:**  
**Systems Development Charge Overview**  
*Mayor: The Eugene City Council will now meet in Executive Session to consult with counsel concerning legal rights and duties regarding current litigation or litigation*

*likely to be filed. The executive Session is held pursuant to ORS 192.660(2)(h).*

*Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.*

*\*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,

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SUPPORTING A CARBON PRICING POLICY FOR THE STATE OF OREGON.**

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

**A.** The City Council is compelled by the scientific consensus that carbon dioxide emissions are the primary cause of global climate change.

**B.** The City Council agrees that climate change is a crisis demanding immediate measures to reduce its negative effects.

**C.** Climate change is a threat to public health, national security, food security, and business supply chains. These have costs to our society that are not reflected in the price of fossil fuels.

**D.** The City Council believes that assigning a cost to carbon dioxide emissions is one of the most efficient ways to decrease carbon pollution, discourage consumption of fossil fuels and encourage development of alternatives.

**E.** The *2013 Tax and Shift: How to Make it Work for Oregon's Economy* report published by the Portland State University Northwest Economic Research Center and the December 2014 report to the legislature on the feasibility of a fee or tax on greenhouse gas emissions, also by Northwest Economic Research Center, conclude that imposing a price on carbon within the State of Oregon would have relatively small impacts on the economy and would significantly reduce greenhouse gas emissions.

**NOW, THEREFORE,**

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

**Section 1.** The City Council requests that the Oregon State Legislature carefully craft legislation to impose a carbon pricing policy, in part relying on modeling described in the reports outlined in the above findings and the experience of British Columbia with special attention for mitigating adverse impacts on low income families.

**Section 2.** The City Council urges the Environmental Protection Agency to allow states the option of voluntarily using market based, economy-wide carbon pricing as an alternative compliance mechanism for the Clean Power Plan.

**Section 3.** A copy of this resolution shall be forwarded to Governor Brown, Senators

Wyden and Merkley, Congressman DeFazio, and the City's local state legislative delegation. The City shall lobby in its support when appropriate.

**Section 4.** This Resolution shall become effective immediately upon its adoption.

**The foregoing Resolution adopted on the \_\_\_\_ day of \_\_\_\_\_, 2015.**

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**City Recorder**

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Work Session: Report to City Council from Police Auditor

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Meeting Date: April 22, 2015  
Department: Office of the Police Auditor  
*www.eugene-or.gov*

Agenda Item Number: B  
Staff Contact: Mark Gissiner  
Contact Telephone Number: 541-682-5016

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### ISSUE STATEMENT

The Police Auditor is appearing before the City Council to discuss the work of the Police Auditor's Office and to discuss an analysis of use of force by the Eugene Police Department.

### BACKGROUND

The Eugene City Council is the hiring authority for the Police Auditor. One of the responsibilities of the Auditor's Office is to perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community.

### RELATED CITY POLICIES

Eugene Charter and Police Auditor Ordinances

### COUNCIL OPTIONS

Offer comments and questions.

### CITY MANAGER'S RECOMMENDATION

Not applicable.

### ATTACHMENTS

- A. Use of Force Analysis
- B. PowerPoint Slides

### FOR MORE INFORMATION

Staff Contact: Mark Gissiner  
Telephone: 541-682-5005  
Staff E-Mail: [mark.a.gissiner@ci.eugene.or.us](mailto:mark.a.gissiner@ci.eugene.or.us)



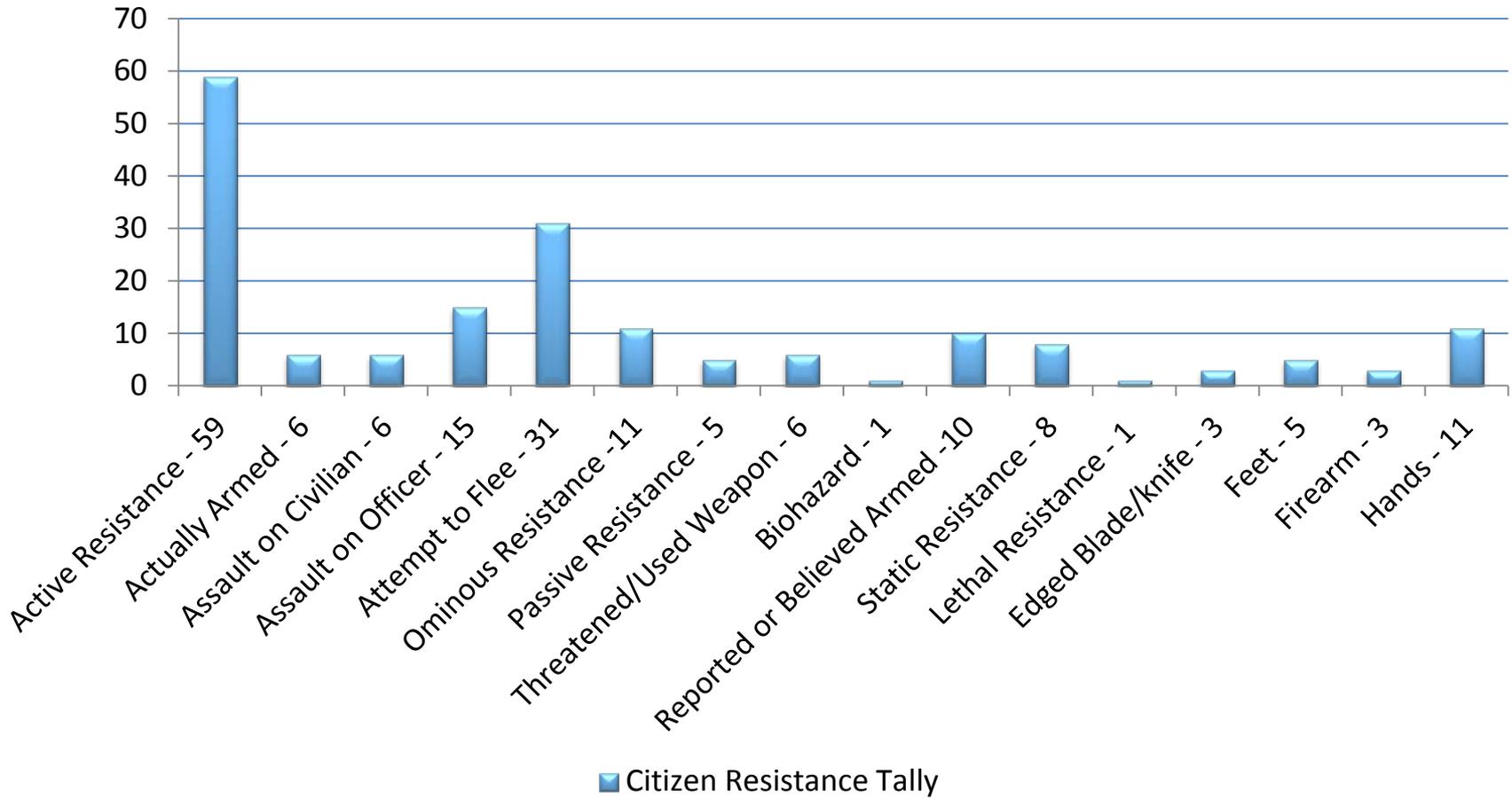


# Police Auditor's Report to City Council: April 22, 2015



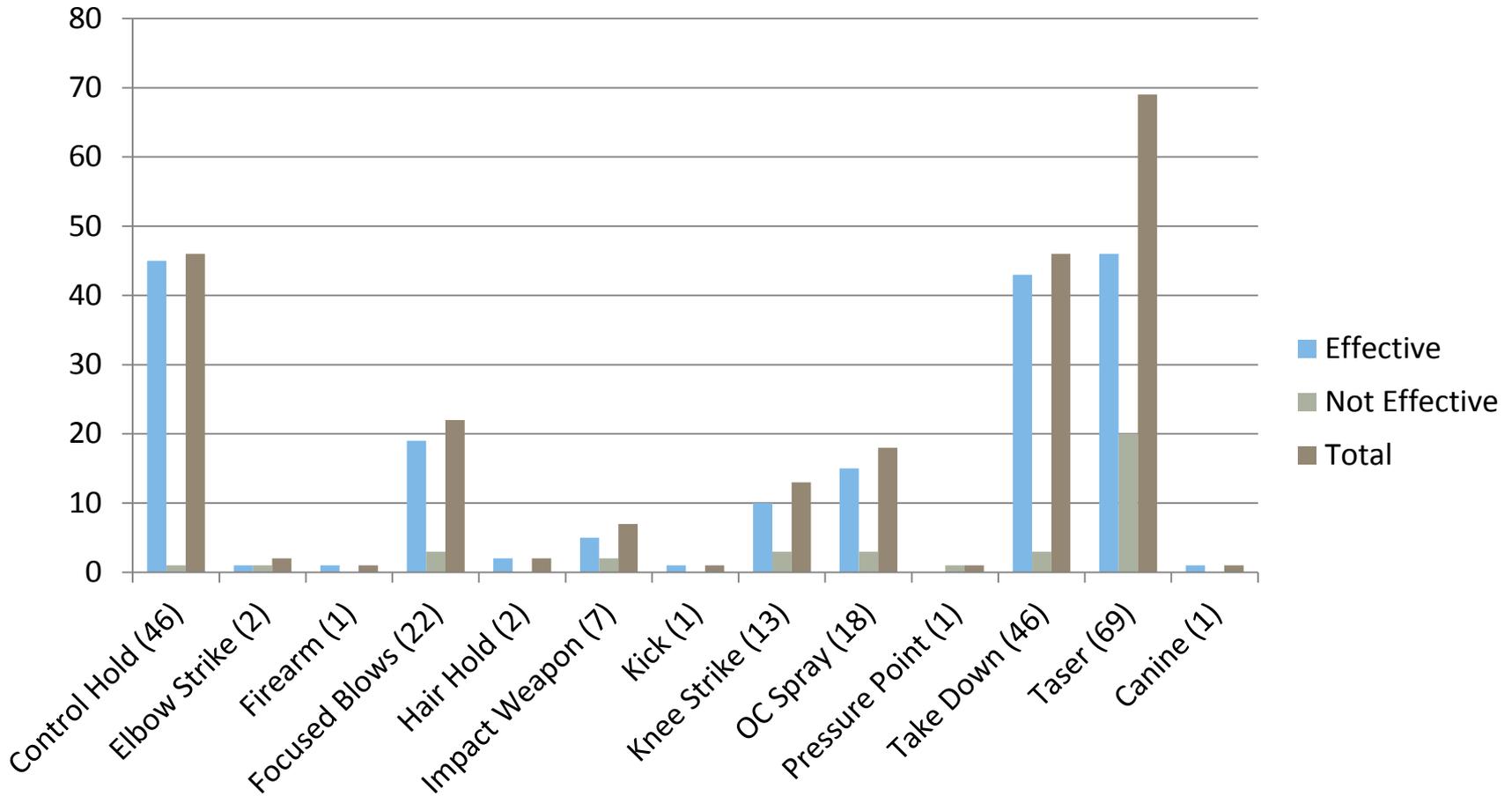
# Citizen Resistance Count

## 130 Use of Force Reports



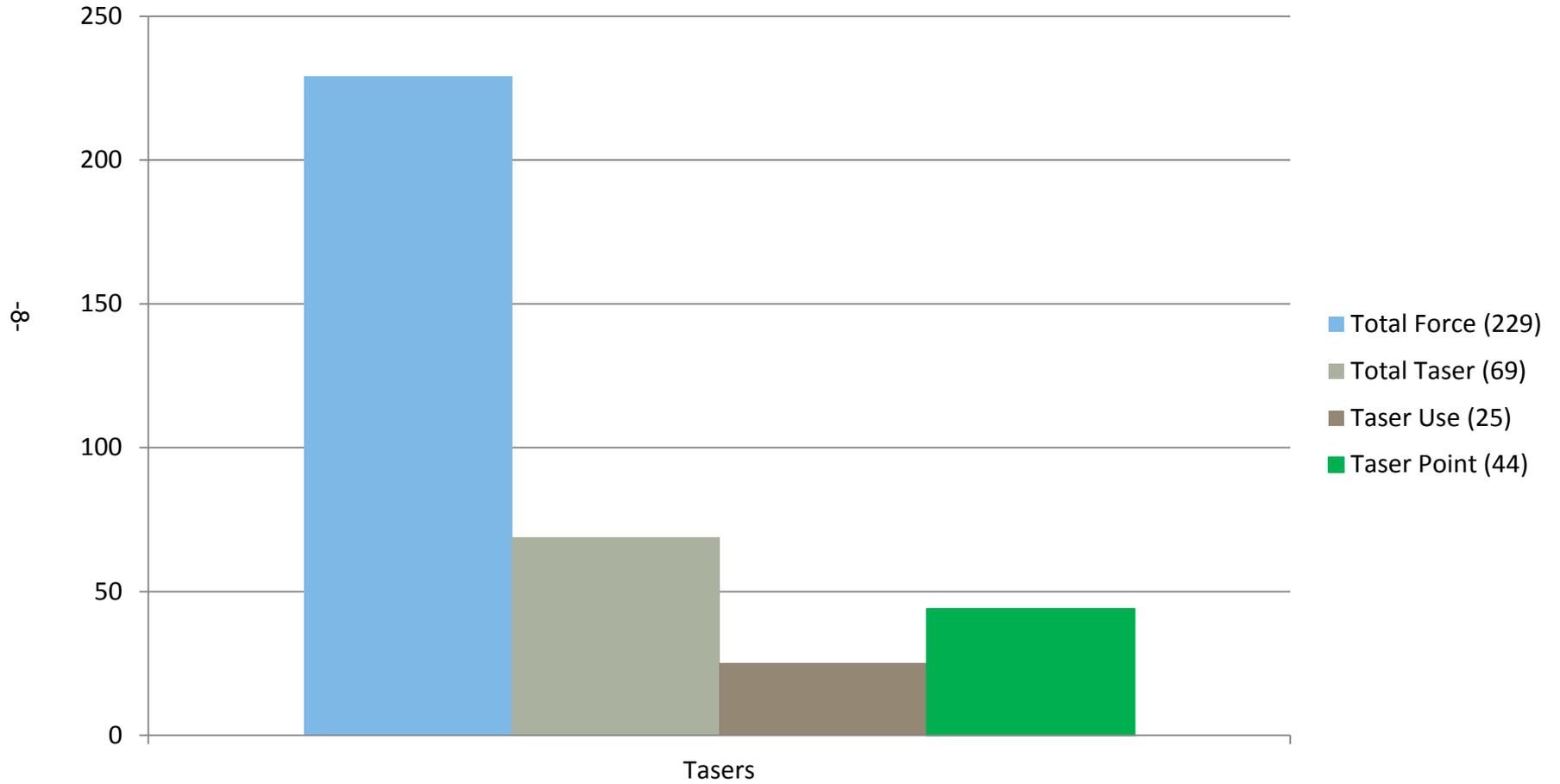


# Total Count of Force Used



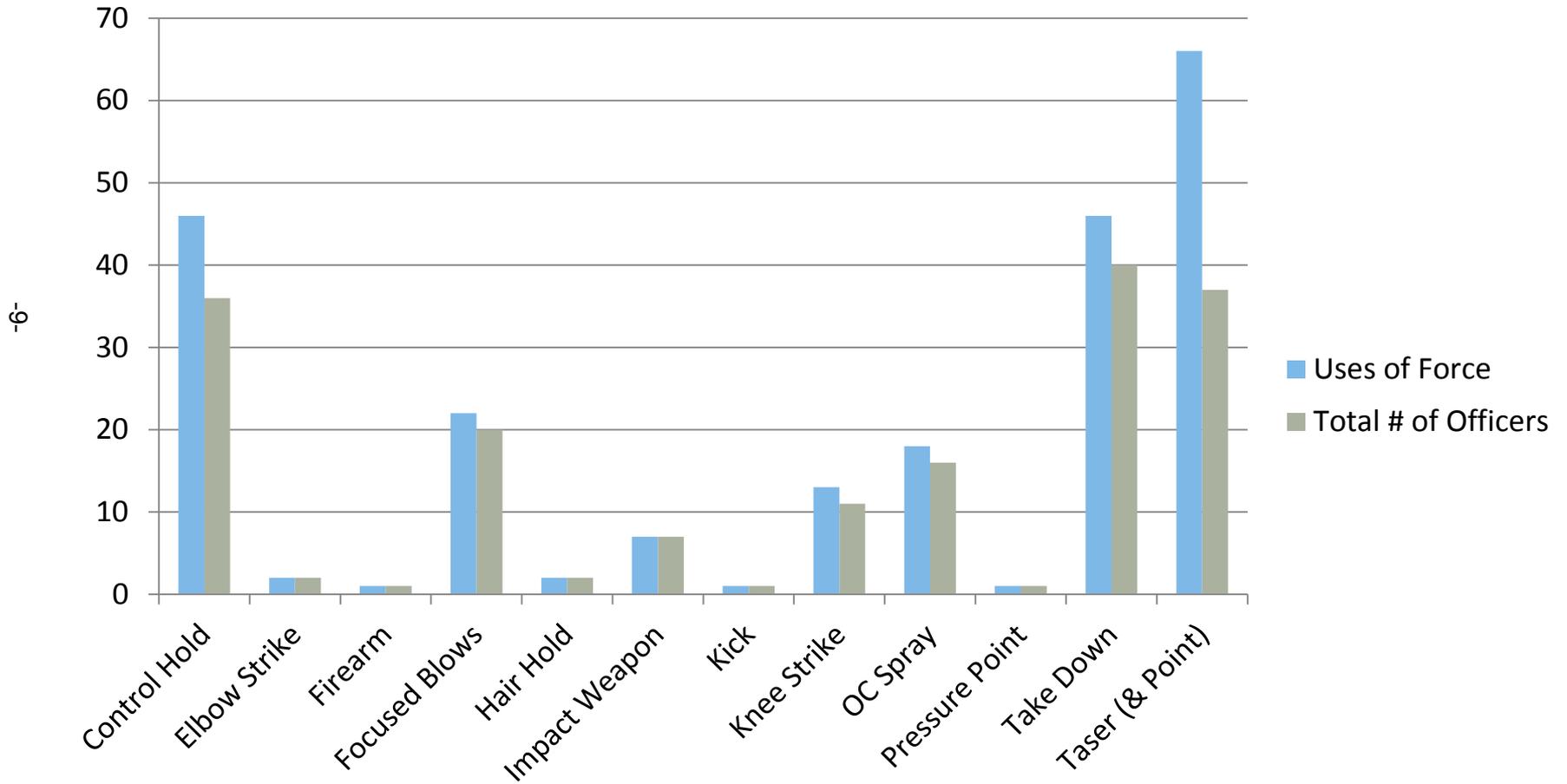


# Tasers





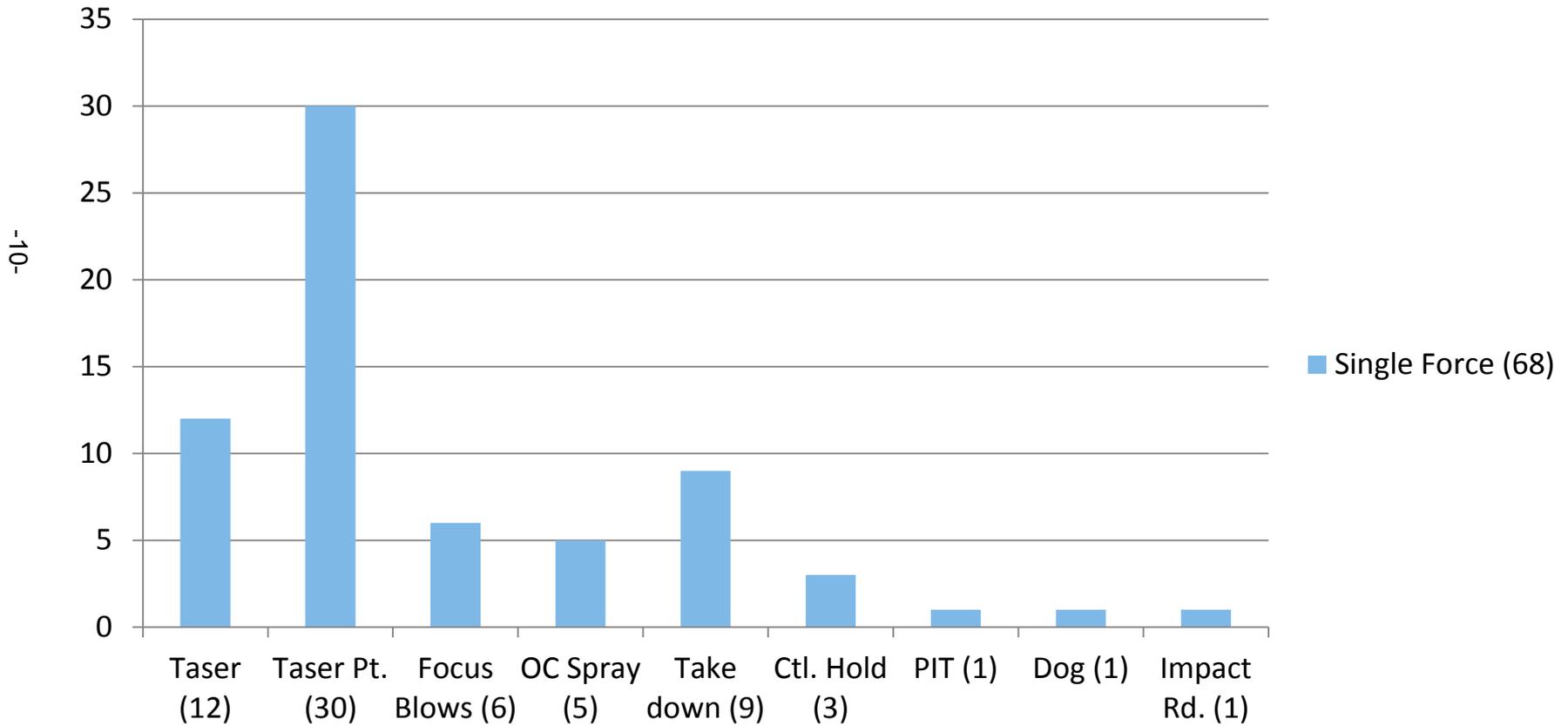
# Uses of Number of Officers





# Single Force (of 130 Incidents)

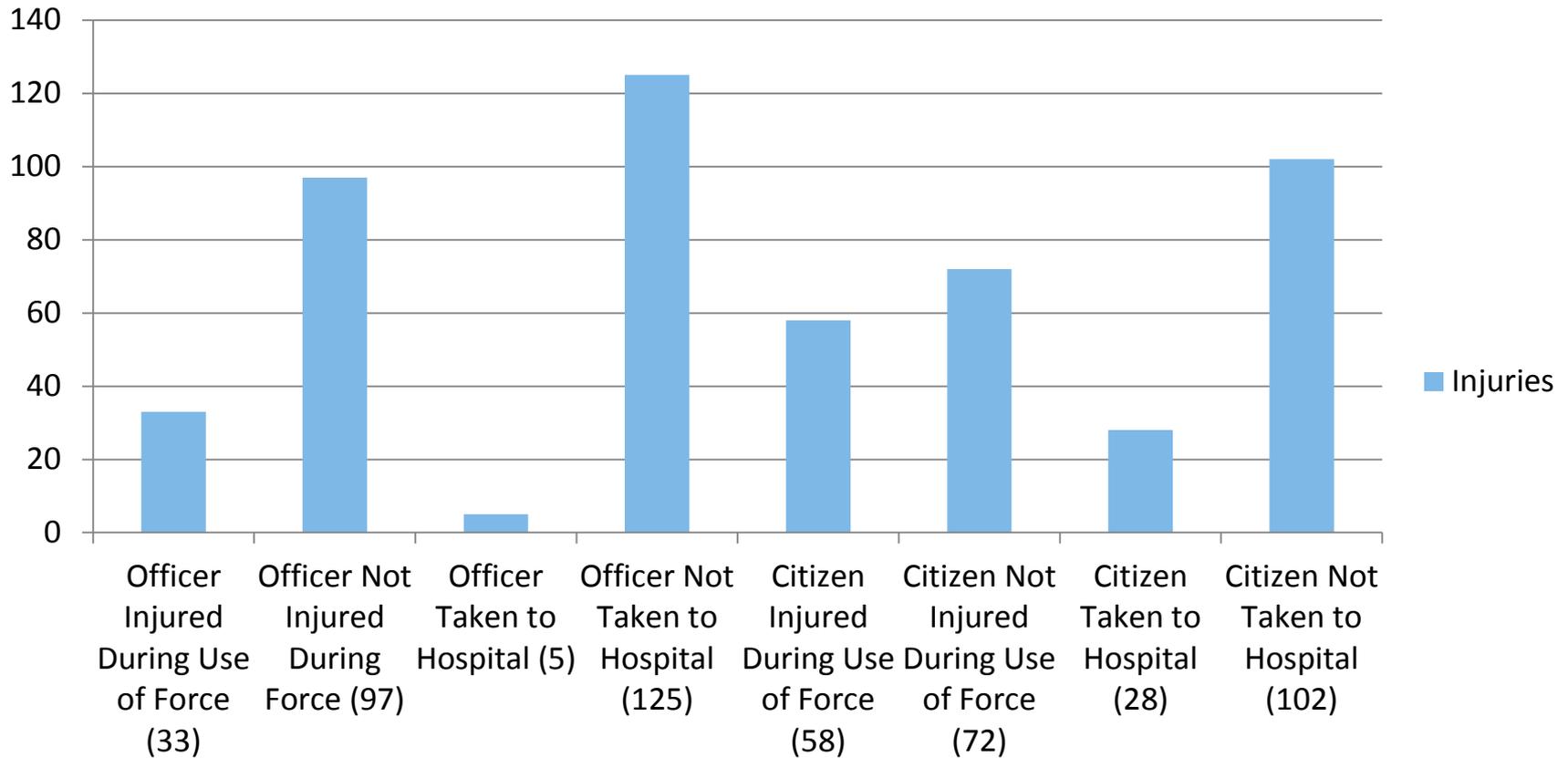
## Single Force (68)





# Injuries to Officers and Arrestees

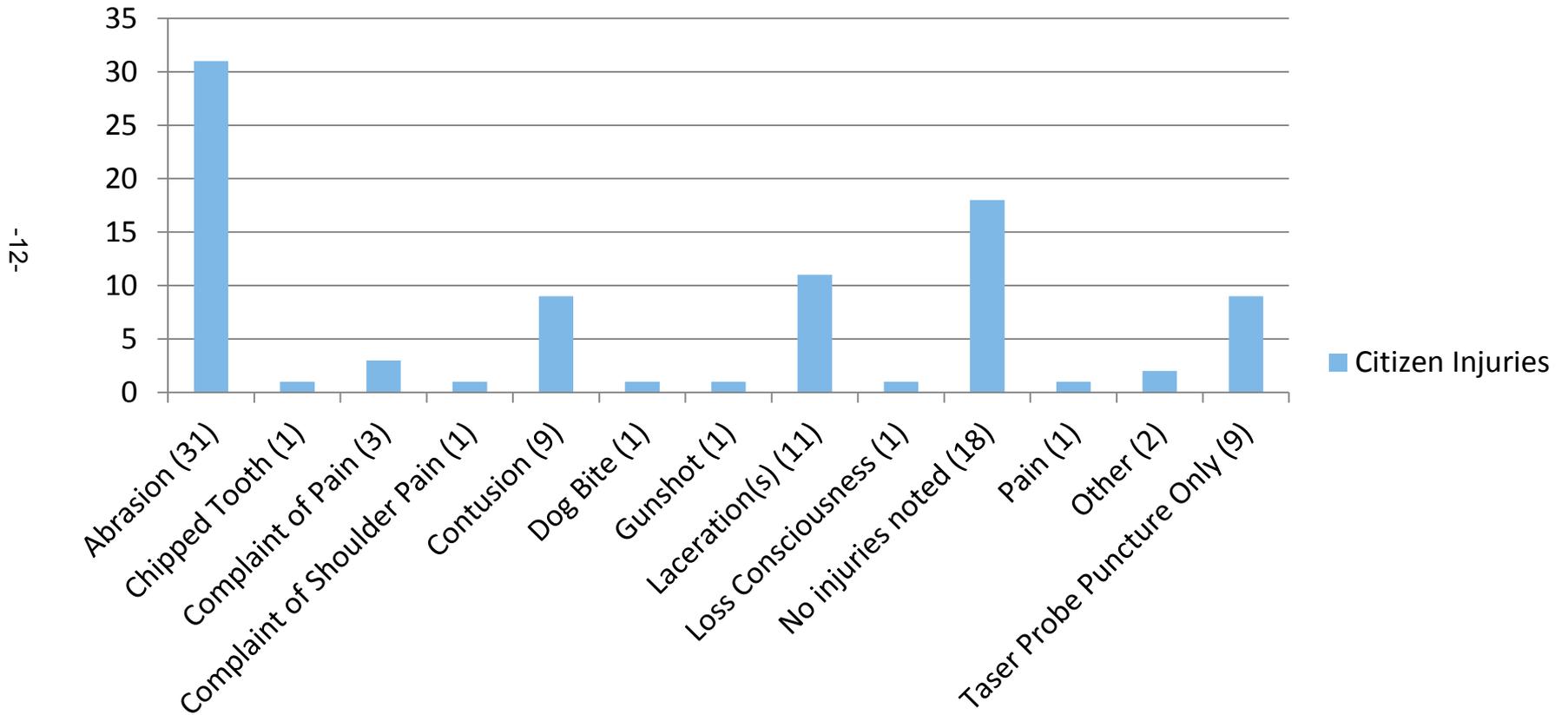
## Injuries





# Community Member Injuries

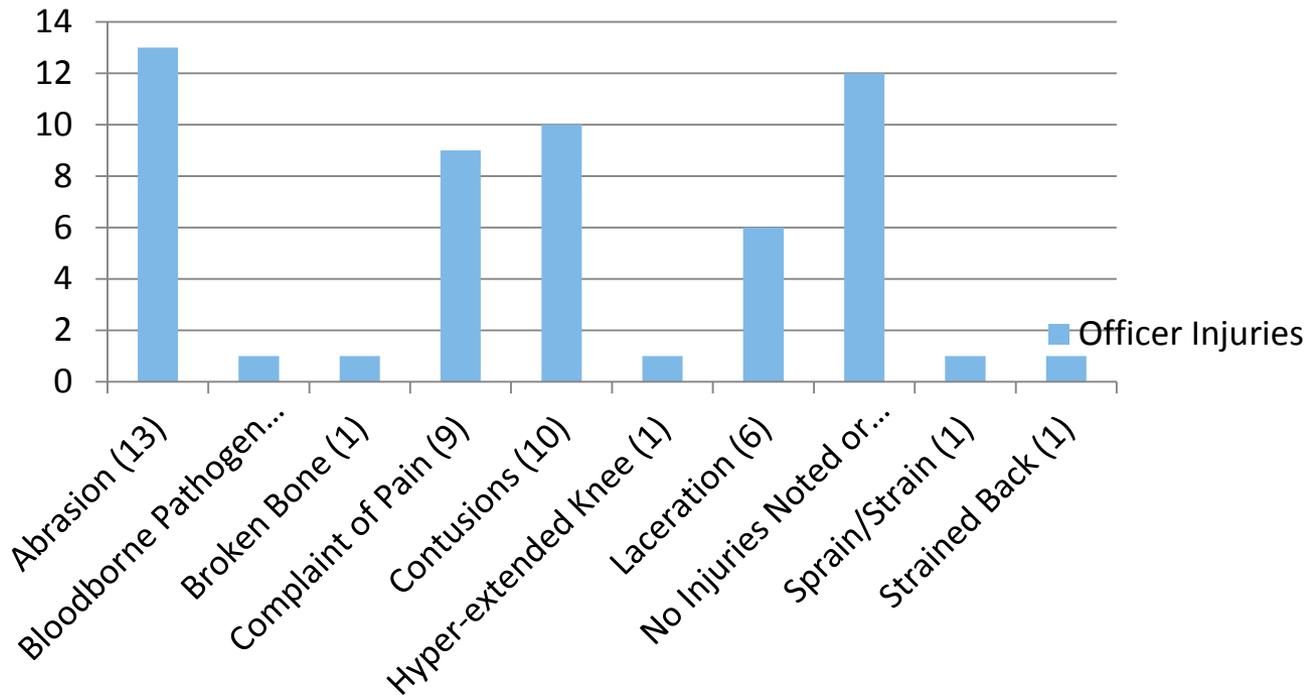
## Injuries





# Officer Injuries

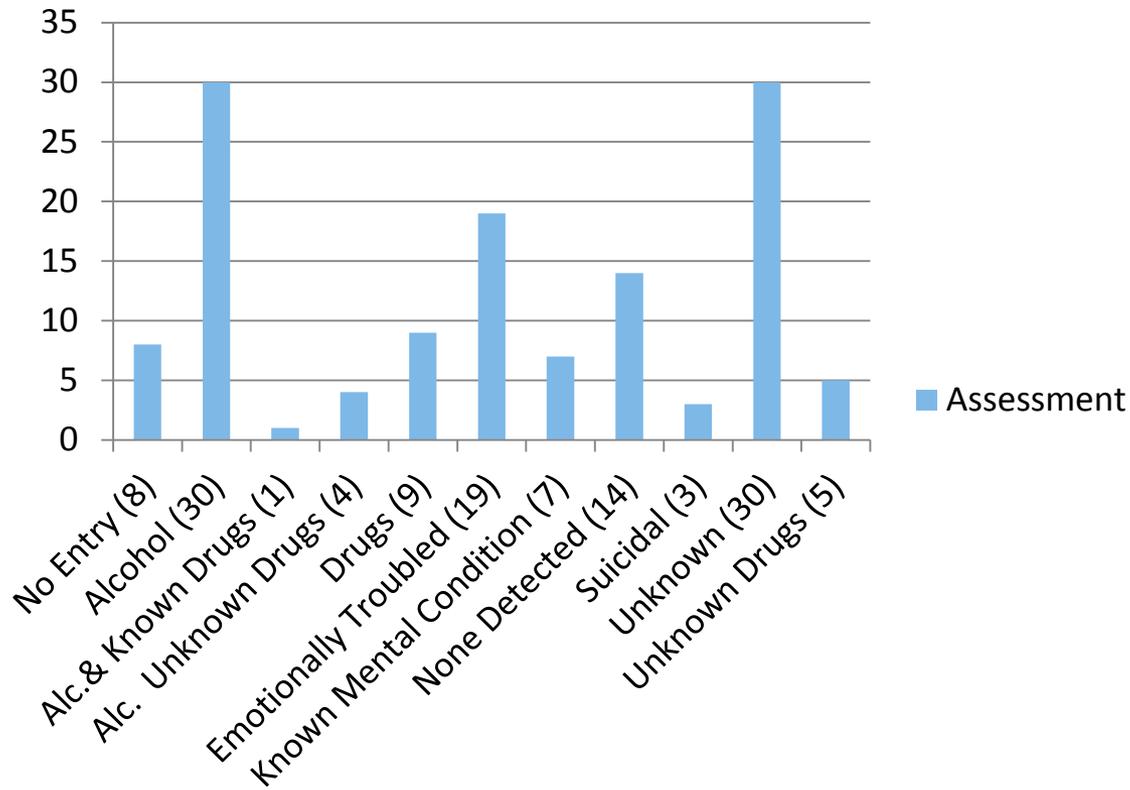
Officer Injuries





# Officer Assessment of Person's Condition

Assessment

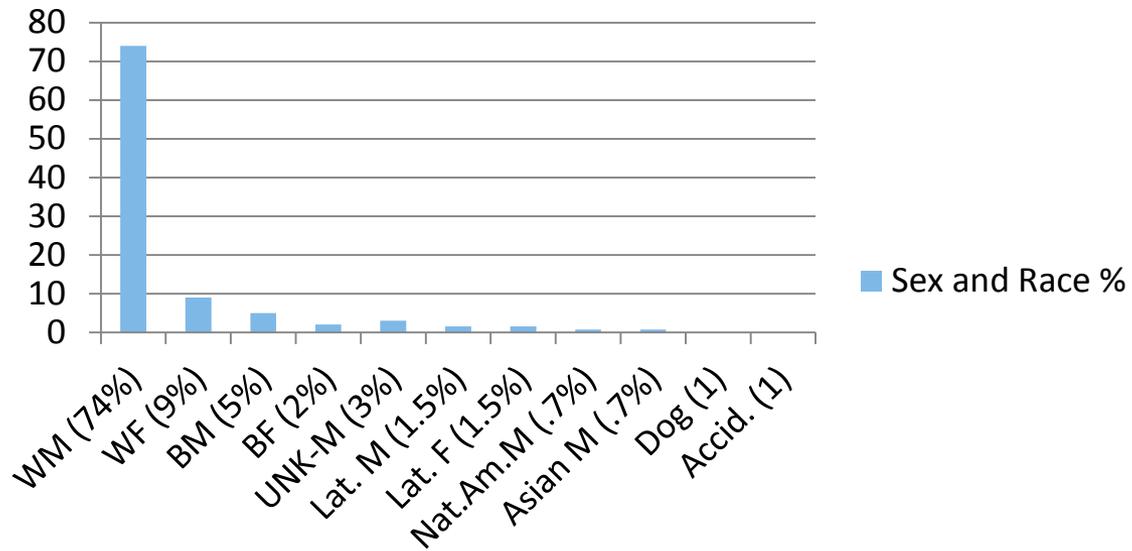






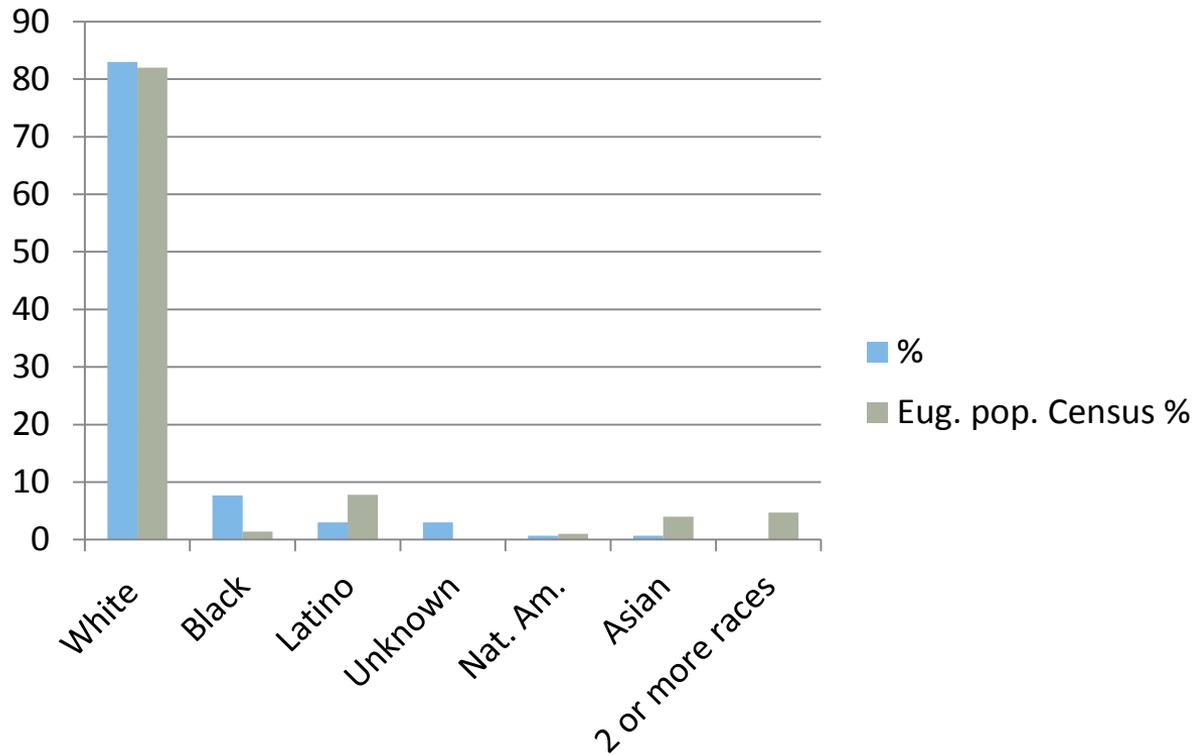
# Sex and Race (%)

Sex and Race %





# Race/Ethnicity





## Race/Ethnicity – A Glance at 2014

- Less than 0.1% (or about one per 1,000) of all physical arrests of African-Americans results in a reportable use of force, including Taser points.
- Less than 0.02% (or about one per 4,000) of all physical arrests of Latinos results in a reportable use of force, including Taser points.



# Questions?



# City of Eugene

## Police Auditor Review

### Eugene Police Department Use of Force

### April to December 2013

April 22, 2015



## **Auditor Review of 2013 Eugene Police Department Use of Force April to December, 2013**

### **Introduction**

In April 2013, the Eugene Police Department (EPD) initiated changes to the use of force reporting process as a result of the acquisition of “Blue Team” software.

The Independent Police Auditor (IPA) Office’s goal, working with EPD through the shared databases, is to be a leader in the collection and analysis of use of force data and to continually improve the quality of both processes. Recognizing the intricacies of uses of force, examining use of force outcomes is an important part of assessing our services to the community. The current data base for Internal Affairs and the Auditor’s Office, and purchased by the Auditor’s Office is called IAPRO. A component of IAPRO that became available is called “Blue Team.” It is incident specific software used by supervisors to record incidents in a timely manner. The implementation of “Blue Team” became fully operational in April, 2013.

Prior to the implementation of “Blue Team,” when officers used force, they filled out reports and submitted them for review by their supervisors. Thus, supervisors were not required to respond to the scene and/or produce the use of force report. The individual officer had the primary reporting responsibility for reporting their own use of force.

With the implementation of “Blue Team” supervisors now must respond to a use of force (usually considered something that begins with resistive handcuffing) and document the incident utilizing the “Blue Team” software system. It is expected that the supervisor will briefly interview involved officers, the arrestee, and document any pertinent information. The supervisor also takes photographs when feasible and ensures that if anyone is injured, medical assistance is provided. Then, the “Blue Team” information moves electronically through the chain of command protocols for review. The independent police auditor and internal affairs have complete access to all “Blue Team” entries and information. Anyone from the reporting supervisor or the chain of command can recommend that the police auditor initiate an allegation of misconduct based on a “Blue Team” preliminary investigation.

One of the responsibilities of the Auditor’s Office is to: “Perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community.”

### **Methodology:**

In 2014 the police auditor’s office took on the task of reviewing all use of force “Blue Team” entries for the period April 2013 to December 2013. In total, there were 130 use of force “Blue Team” entries (each community member or visitor taken into custody is counted as one) for this time period out of approximately 9,000-10,000 arrests and misdemeanor citations. Thus, in about 1.4% of the arrests, some level of force was used. In our review of other jurisdictions and in consultation with force experts, a percentage “goal” is 5% or less in which force is used during arrests. (There is some subjectivity per jurisdiction in reporting as there is no national standard for force reporting.)

All “Blue Team” entries are reviewed by the Auditor’s office, usually on a daily basis. This was not possible prior to the implementation of the “Blue Team” software system. Prior to “Blue Team” use of force was only reviewed when we received an external or internal complaint.

Several cases involved multiple uses of force, sometimes involving multiple officers. In cases where several force methods were applied, the auditor’s opinion about what was the most effective method was considered the primary force used. Thus, there is some subjectivity to the analysis.

## **Definitions:**

### **Types of Resistance**

**Static and Passive Resistance:** A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer’s control efforts.

**Active:** A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control.

**Ominous:** Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. A subject engages in ominous resistance when presenting behaviors that constitute an assault or the circumstances reasonably indicate that an assault or injury to any person is likely to occur at any moment.

**Lethal:** Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

### **Types of Force:**

**Control Hold:** Taking control of a resistive person through the use of escort holds, arm bars, wrist, arm and shoulder locks, hair holds to control an individual.

**Takedown:** Reducing an individual’s ability to resist arrest by taking a person to the ground which is tactically required by the officer and objectively reasonable within proper force parameters.

**Pressure Points:** Application of pressure to various nerve points on the body which short circuits the recipient’s thought process of resistance or aggression by the introduction of momentary pain stimulus.

**Elbow Strikes:** Forearm, vertical back strikes; powerful strikes limited to close quarter combat situation.

**Knee Strike:** The knee strike is delivered by driving the knee forward forcefully.

**Focus Blows:** Using the hand(s), open or closed, to deliver a forceful blow to facial or body area. A closed fist strike poses a risk injury when the hand impacts a hard surface causing injury to supporting bones in the back of the hand.

**ASP:** An expandable metal baton (ASP) is low profile, and appears less threatening to the public.

**OC Spray:** Chemical weapon commonly known as pepper spray.

**Taser:** Less-lethal device employing electronic muscular disruption technology that briefly causes loss of voluntary muscle control.

**Taser Point:** Withdrawing a Taser, pointing a Taser beam or threatening the use of a Taser without actual activation.

**Impact Munitions**—extended-range impact weapon such as the shotgun that fires a bean-bag round.

n (number of incidents between April 2013 and December 2013) = 130

**Analysis:**

Of 130 cases in which force was used, 12, or 9% involved either a report of a gun or actual guns. 9 more involved knives, 9 involved objects that could be used as weapons, 9 involved a person actually striking an officer with fists or kicks.

Of 130 cases, 66 different officers were the primary officer responding or considered to have used the first level of force.

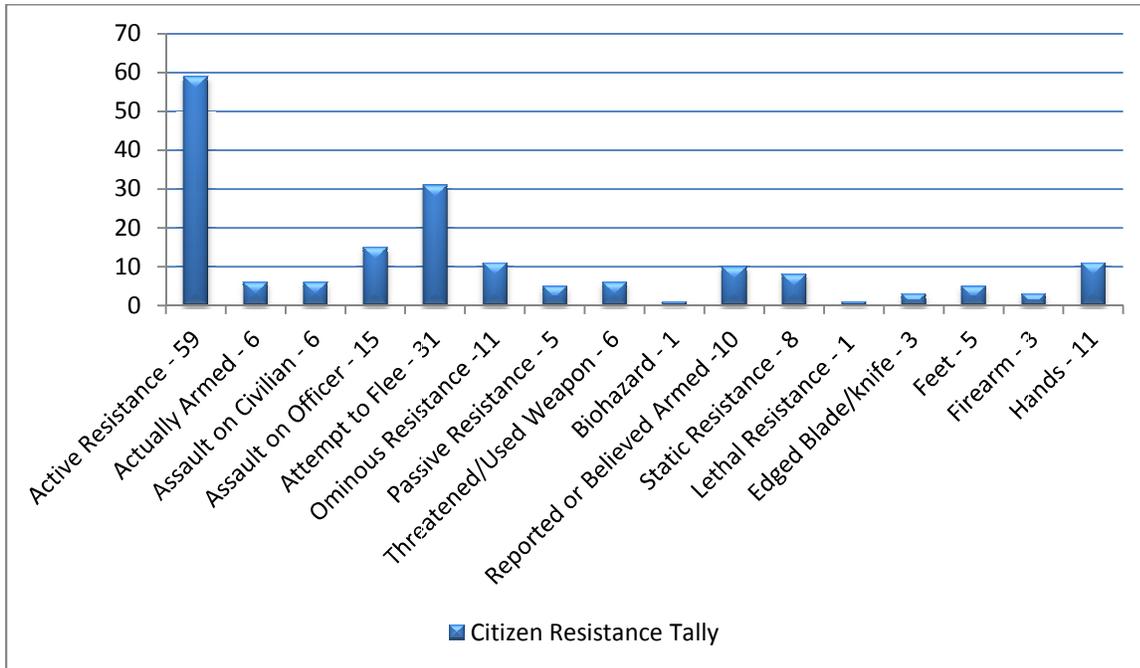
Of 130 cases, 74 (57%) involved a use of force by one officer only.

15 people were specifically identified as experiencing a significant mental health issue by the author of the report. Several others appeared to be suffering from emotional or mental health issues.

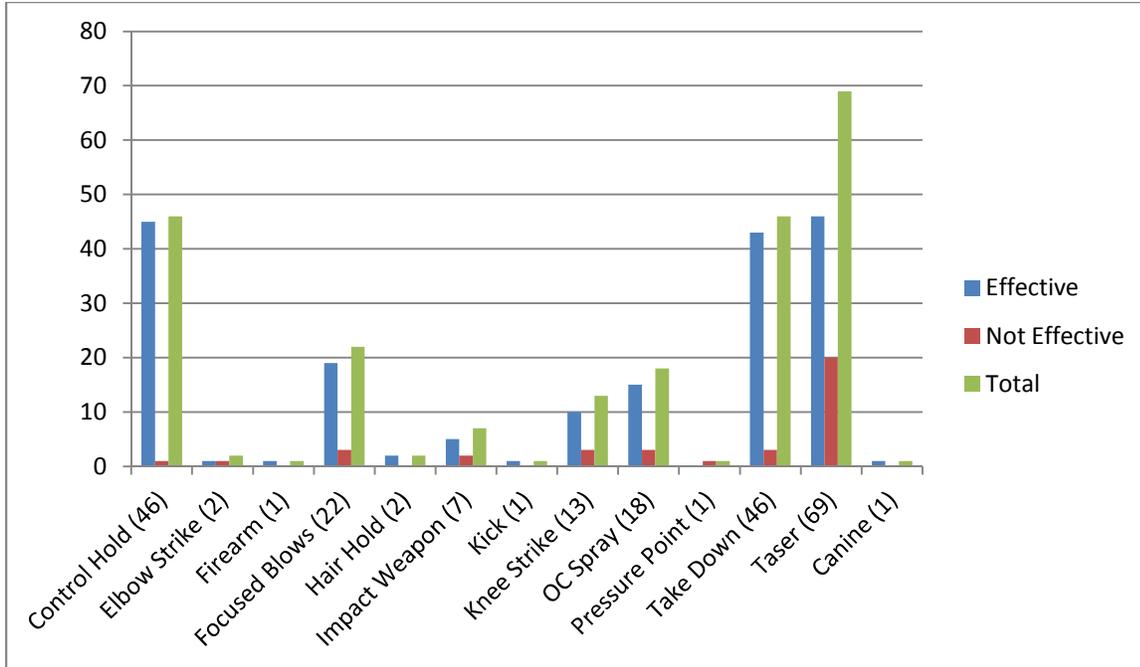
Average years of experience for the “primary” officer was 9.4 years.

**Charts:**

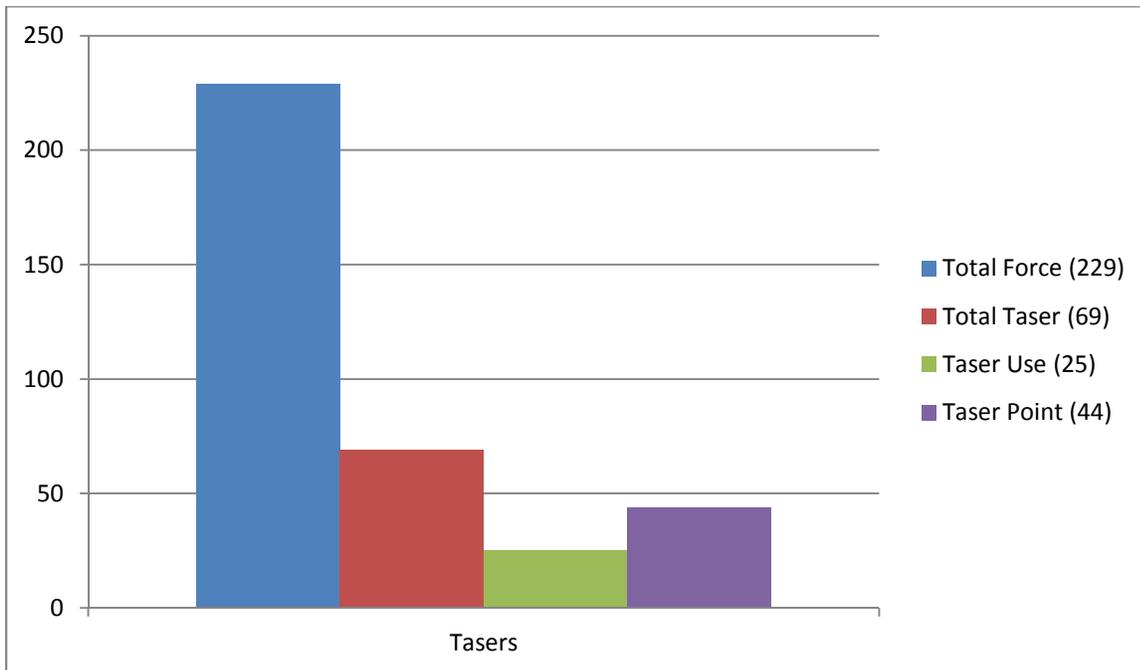
**Community Member or Visitor Resistance Tally: (181 total from 130 incidents)**



**Type of Force Tally; 130 Incidents, 229 Total Force Used Tally:**



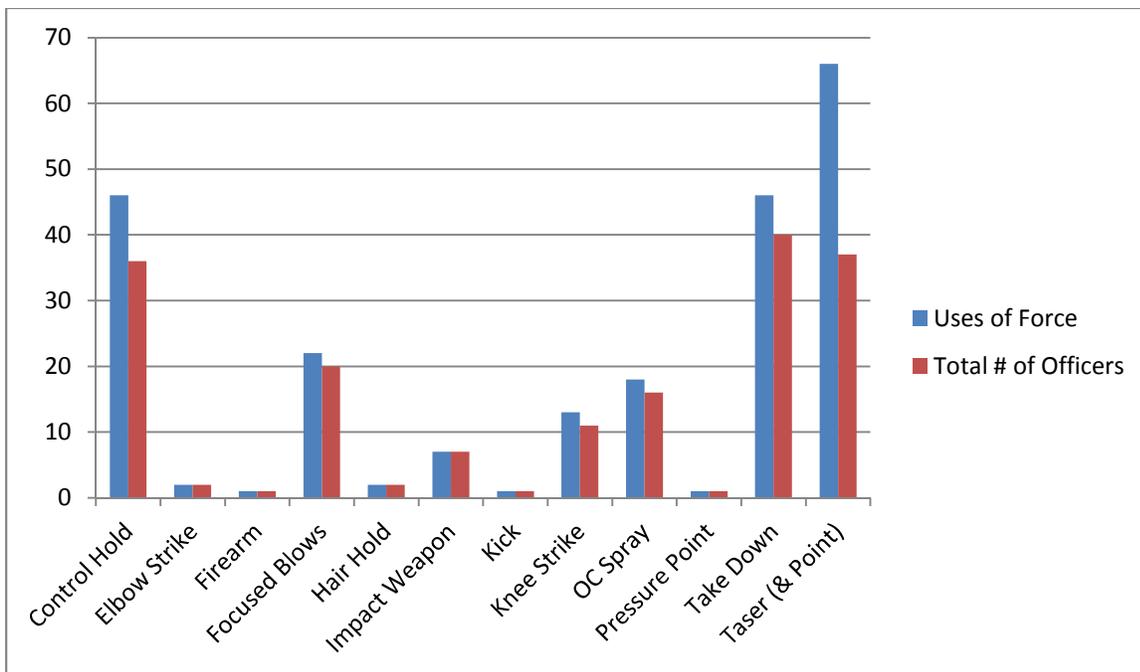
### Taser Usage



30% of all reported uses of force involved the Taser. 11% of reported uses of force involved actual deployment of the Taser and 19% involved only the pointing of the Taser. Of the 44 Taser points, 30, or 68% was the sole reported force used. For the cases studied, a Taser point only was an effective tool to gain compliance of a resistive or non-compliant arrestee when used in 2/3 of encounters involving a Taser point. This does not mean it will be as effective in the future as each event is independent of all others.

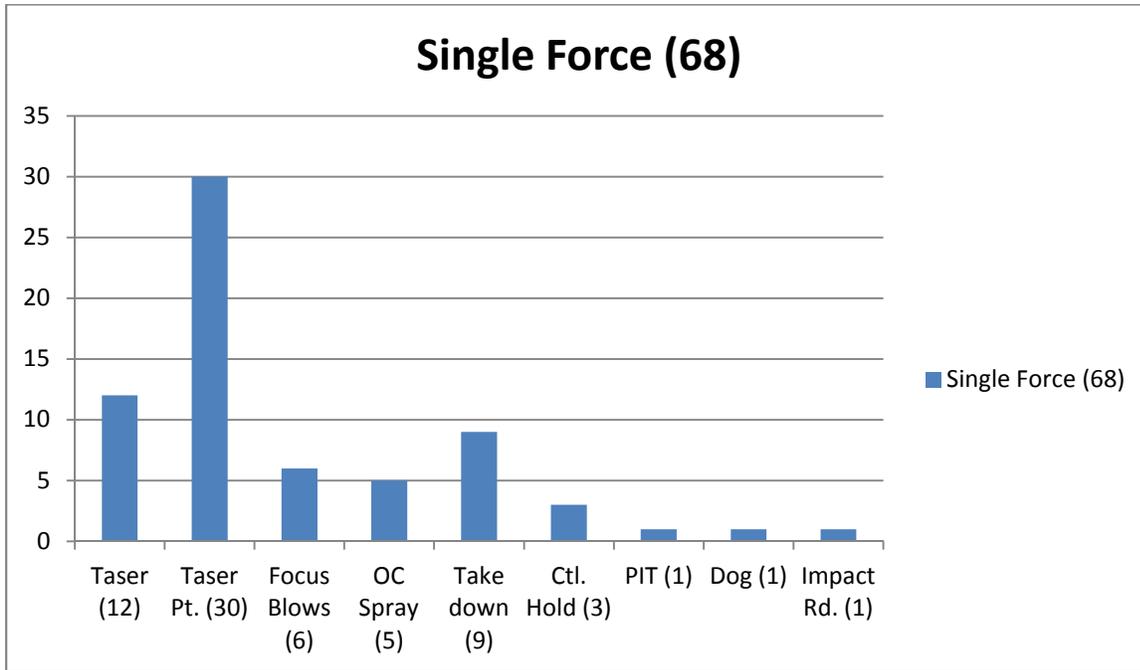
An actual Taser deployment was used in 0.28% of custody arrests and misdemeanor citations.

Of interest to the Auditor’s office is whether there are specific officers identified more often in uses of force. There were only two officers with greater than average Taser points or warnings. A Taser point or warning, while considered a use of force, involves no physical contact. (See chart below.)

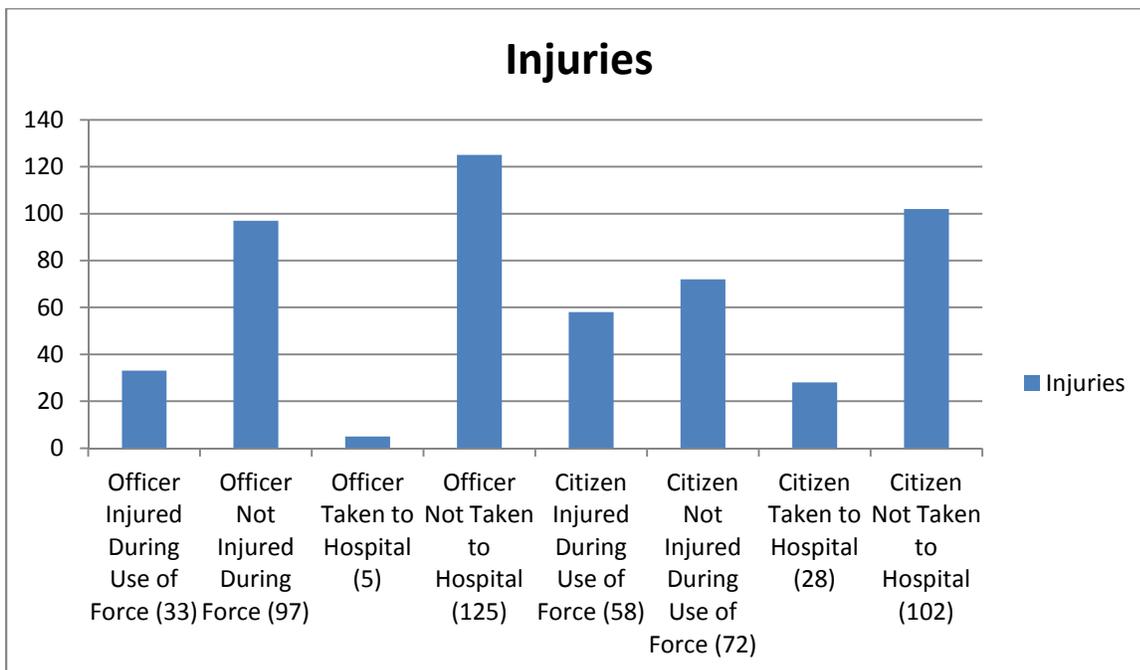


### Single Use Force to Affect Arrest

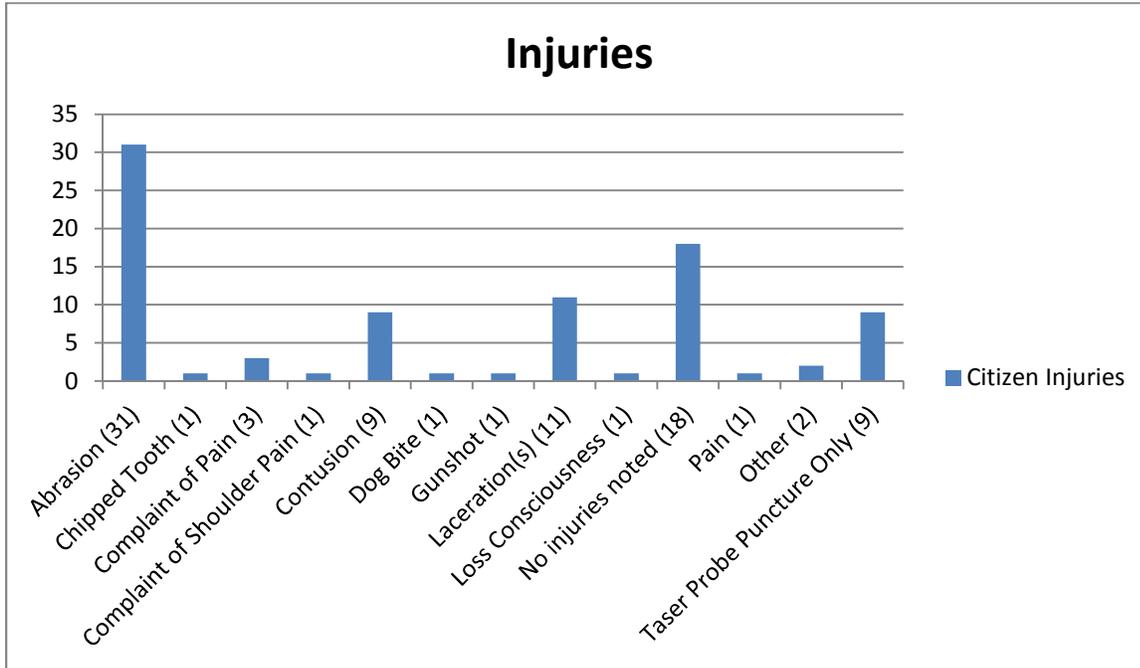
Of the 130 cases, one level of force only was used in 68 cases, or 52%. These are categorized below.



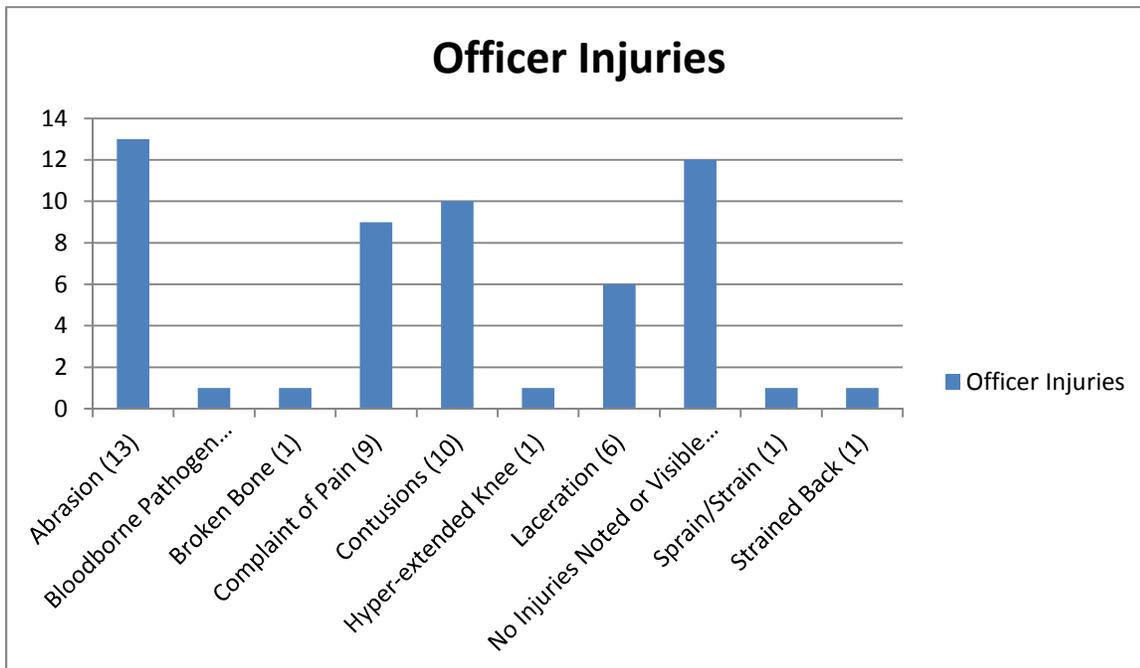
### Injury Comparisons



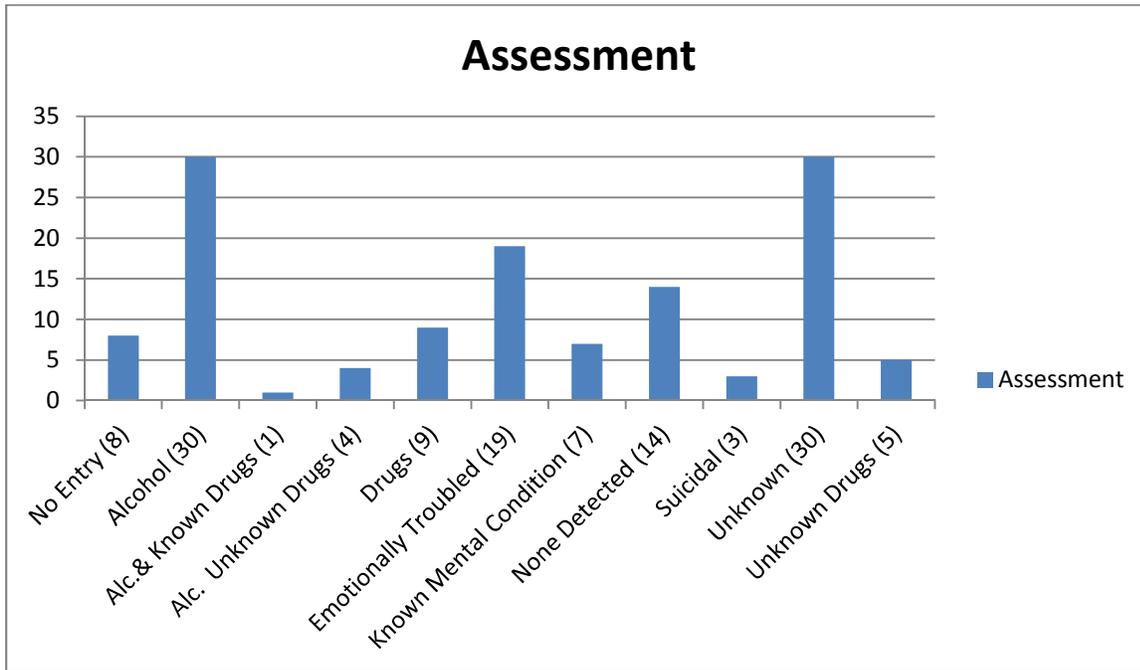
**Community Member Tally of Injuries:**



**Officer Tally of Injuries:**



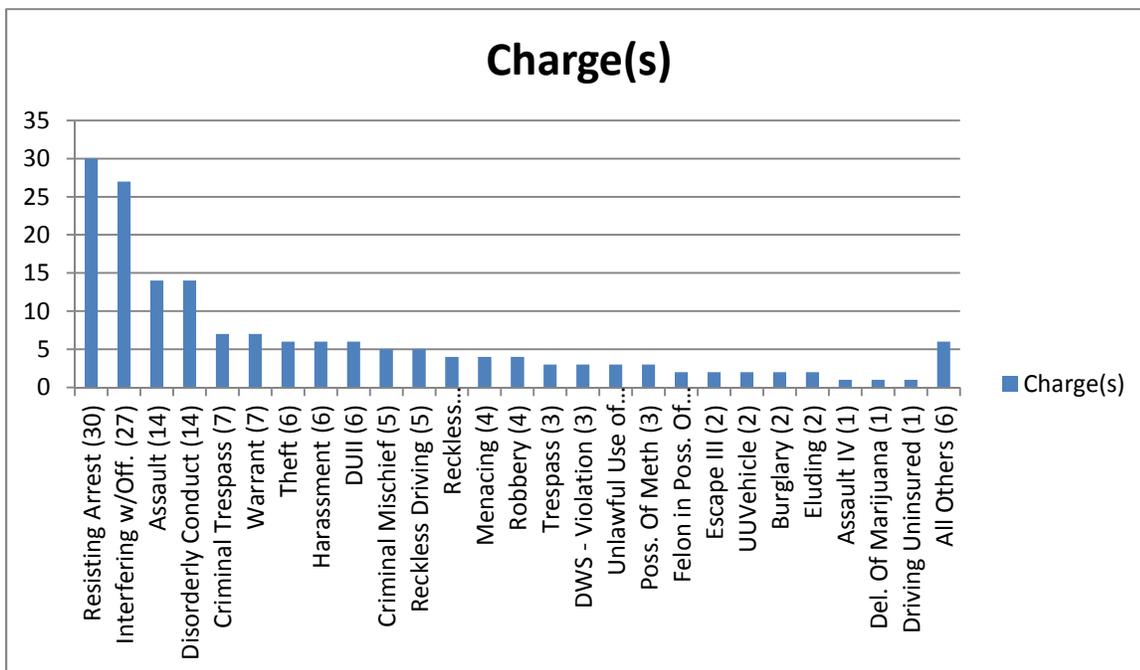
Officer Assessment of Community Member or Visitor Condition at the Time Force Was Used



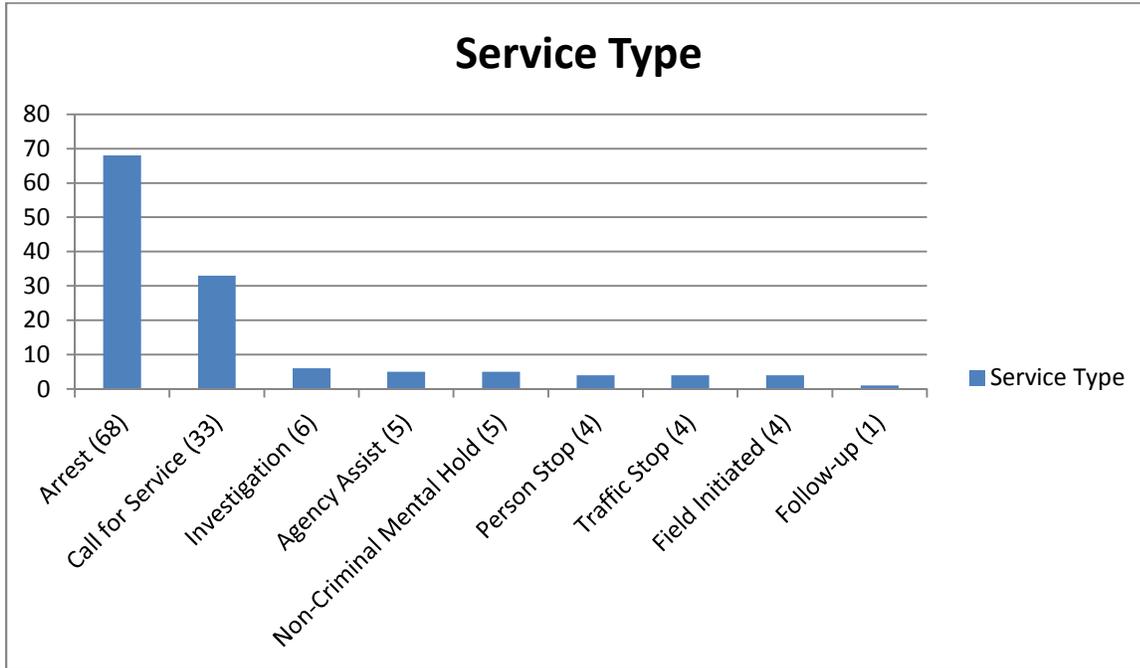
Community Member or Visitor Arrested in Conjunction with Use of Force: 106

Community Member or Visitor Not Arrested in Conjunction with Use of Force: 24

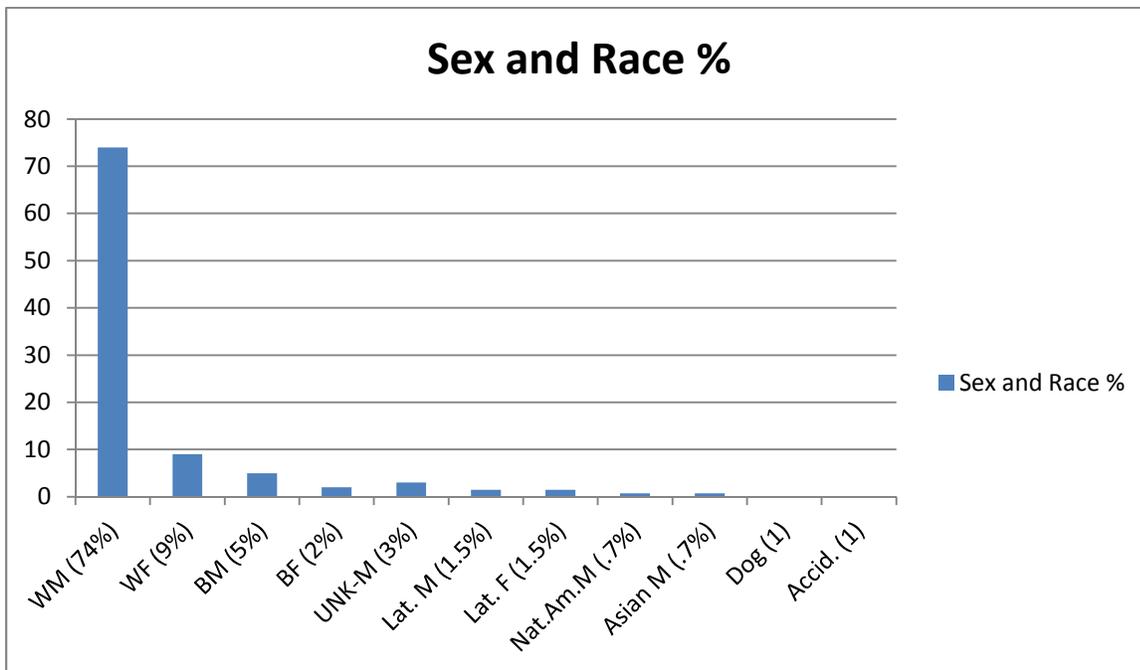
Tally of Charges Against Involved Community Member or Visitors (171 total)



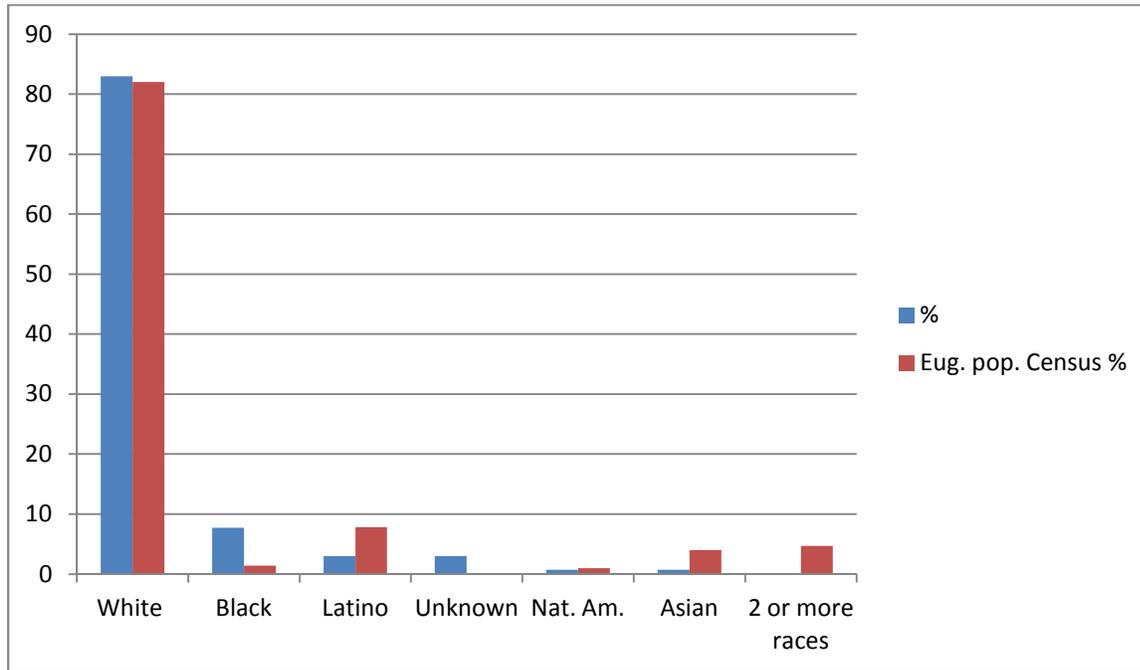
**Nature of Police Service Involving Use of Force (n=130):**



**Race and Sex Data**



**Race Only (1<sup>st</sup> column: % of uses of force: 2013; 2 column pop. Census %: 2010)**



In two of the cases involving African-Americans males, both were not from Eugene and allegedly committed armed robbery and were in a vehicle pursuit. One was apprehended by a K-9 and the other by getting hit in the back with a flashlight. Both were believed to be armed with guns.

We found no pattern among individual officers of using force against minorities. Given the small sample size for cases involving identified non-whites, (10 black or African-American, 4 Latinos, 1 Asian and 1 Native American) each case was analyzed based on officers involved, the type of force used, and whether there were “repeat” officers. Only one officer of 179 sworn personnel was identified as the primary or secondary officer in 2 uses of force involving African-Americans. One instance as described below involved an extremely volatile situation and another involved the threat of a Taser use only.

**Cases involving African-Americans:**

In the 1<sup>st</sup> instance, 4 officers and 2 sergeants responded to a hotel regarding a possible delusional male in the bathtub. The male, was naked in the bathtub with several metal objects he had torn off the walls. His father was in the room with him and had called for help. The officer was directed by a sergeant to fire his Taser. Medics were on scene and administered a sedative.

In the 2<sup>nd</sup> instance, the same officer was making a traffic stop. When the man began to flee, the officer stated he would use the Taser if he did not stop. The man stopped.

Three uses of force involved African-American females. In the first arrest officers responded to a woman hitting a gas station sign with a stick. When they attempted to arrest her, she struck one officer in the face with a closed fist. Officers used a one-second burst of OC spray and a focus blow to the midsection. In the

second arrest, a woman, suffering from mental health issues went to her neighbor's house nude. She entered the residence and was destroying property. Officers arrived and confronted her inside the residence. Officers each grabbed an arm and took her to the ground with a takedown and then into a control hold for handcuffing. EMS transported her to UDH on a police mental hold. In the third event, a woman and a man were physically fighting. When officers attempted to intervene, the couple fought with officers. OC spray, control holds and focus blows were used to control the couple.

An arrest of an African-American male involved the use of a Taser point (not an actual deployment) and a take down to arrest a home invasion suspect. In another event, a man was alleged to have pointed a weapon at another person. Officers went to his parents' home where they were given permission to enter. He barricaded himself in a room, then officers were able to apprehend him using a Taser point and a knee strike. In another event, an African-American male was in a restaurant with a knife. The officer warned him he would be Tasered, the man surrendered without incident.

#### **Cases Involving Latinos:**

1<sup>st</sup> Case: A man was fighting with his brother and threatened to kill his sister. He acquiesced to arrest after the officer warned him he would deploy his Taser.

2<sup>nd</sup> Case: Officers responded to a domestic violence call in which the caller stated a woman was armed with two guns. Officers used a takedown to control her.

3<sup>rd</sup> Case: Officers responded to a 911 about a man armed with a rifle, seen dragging his mother inside of a house while yelling that he was going to take her hostage and kill her. They used bean bag rounds to subdue him.

#### **Use of Force Sustained Findings**

In addition, there were two sustained findings (that an officer's use of force violated policy). One involved an officer at the jail. His probationary status was terminated. The second incident involved an officer who delivered a focus blow to the back of a man who had resisted arrest after the man had been handcuffed. This happened less than one second after the handcuffing and the officer self-reported.



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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### Work Session: Systems Development Charges Overview

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Meeting Date: April 22, 2015  
 Department: Public Works  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: C  
 Staff Contact: Mark Schoening  
 Contact Telephone Number: 541-682-5243

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#### **ISSUE STATEMENT**

The purpose of the work session is to provide the City Council information on Systems Development Charges (SDCs) in Eugene with respect to policy framework, purpose, use of funds, and opportunities for SDC investments related to Envision Eugene.

#### **BACKGROUND**

##### Council Action History

The last major update to Eugene SDCs was in May, 2007, when the council adopted the SDC Methodologies by Resolution No. 4900, updating the parks SDC methodology and rates. Resolution No. 4900 has subsequently been amended by Resolution Nos. 4929 (inflationary adjustment to parks system rates effective April 3, 2008), 4943 (inflationary adjustment to regional wastewater rates effective July 1, 2008), 4977 (administrative fee adjustments effective January 1, 2010), 4991 (amendment of regional wastewater SDC methodology effective January 1, 2010), 4998 (inflationary adjustments to all local system rates effective April 1, 2010), 5031 (inflationary adjustment to parks system rates effective June 1, 2011), 5092 (inflationary adjustments to all local system rates effective July 1, 2013), and 5100 (amendment of stormwater SDC methodology effective March 1, 2014).

In addition, inflationary adjustments of system rates were adopted by Administrative Order Nos. 58-07-08-F (regional wastewater system effective August 20, 2007), 58-08-02-F (transportation, local wastewater and stormwater systems effective April 3, 2008), 58-09-08-F (regional wastewater system effective July 1, 2009), 58-11-01-F (transportation, local wastewater and stormwater systems effective June 1, 2011), 58-11-12-F (regional wastewater system effective January 1, 2012), 58-13-08-F (regional wastewater system effective July 1, 2013), and 58-14-08-F (all local and regional system rates effective July 1, 2014).

##### Purpose and Uses of SDCs

SDCs are intended to provide an equitable means of funding capital improvements that provide capacity in infrastructure systems needed to serve growth. SDCs collected in Eugene fund capital projects in five primary infrastructure systems: wastewater, stormwater, parks, transportation

and water. The wastewater SDC consists of both local collection system and regional treatment system SDCs; the regional wastewater SDC is collected by the City with all revenues passed through to Metropolitan Wastewater Management Commission (MWMC). The water system SDC is collected directly and administered by Eugene Water & Electric Board (EWEB). Similar to SDCs, a construction excise tax is imposed by the Bethel School District to help fund capital improvements for school facilities.

Two forms of SDCs, reimbursement and improvement fees, recognize that capacity to meet the needs of growth is provided in two forms – new capacity-increasing capital improvements, and reimbursement for extra capacity built in the past in systems and paid for by the general community. SDCs must be expended on capital projects related to the system for which they are collected. Improvement fee SDCs may be spent only on capacity-increasing projects. Reimbursement fees may also be spent on rehabilitation projects. The City has a combination of both reimbursement and improvement fee elements in each system's SDC.

Examples of the types of projects funded in part by SDCs include: pavement preservation on arterial and collector streets; traffic signals and other intersection improvements; off-street bicycle paths; parks land acquisition and development; wastewater facilities rehabilitation; and, stormwater facilities construction.

The amount of SDC revenue varies considerably from year-to-year, depending on the volume and nature of development, which are tied to local economic conditions. Over the past five fiscal years annual revenues have ranged from \$2.2 million to \$7.5 million. Expenditures also vary in relation to the types and SDC-eligible costs of capital projects funded as well as the amount of available funding. Over the past five fiscal years annual expenditures have ranged from \$1.1 million to \$3.5 million.

#### Financial implications for development projects

SDCs are one-time charges, often of a sizeable dollar amount, and can represent a significant percentage of a development project's total cost, ranging from a few percent to twenty percent or more. The amount of SDCs for a development is variable depending on several factors including size and type of development and available SDC exemptions or credits. SDCs are proportionate to a development's claim on system capacity and thus vary by development type and size. For example, a restaurant may have a relatively large impact on wastewater system capacity as compared to an office building of the same size. Attachment A provides a comparison of SDCs to project construction value for several example development types, prior to any credits.

SDCs are paid, or an agreement to pay is executed, at the time of issuance of a building permit as provided in Eugene Code section 7.720. City financing of SDCs allows for semi-annual payments over a 10-year period, with the first payment due approximately six months after permit issuance. Contracted payments are typically secured by a lien on the property being developed, with other forms of security allowable.

SDC credits and exemptions provide some potential incentives for low-income housing, mixed-use, infill and redevelopment as well as development in the downtown core. In 1997, the council adopted an exemption of local SDCs to qualified projects providing housing to low-income

persons. This exemption has provided approximately \$1.7 million in assistance to 24 housing projects over the past 17 years. SDC credits account for reduced impacts of certain development projects as well as credits for improvements built by a developer that would otherwise have been funded by the City with SDC revenues. For redevelopment of existing sites, SDC credits are provided for prior uses at the site, reducing and sometimes eliminating SDCs for a project. Additionally, development in nodal or mixed-use development centers receives a 10 percent reduction in the street-related transportation SDC. For development in the downtown, redevelopment involving intensification of use of pre-existing spaces is not charged a transportation SDC.

### Financial Considerations

SDCs provide a funding mechanism to account for the costs and value of infrastructure system capacity required by new development. The SDC Methodologies adopted by the council provide for periodic adjustments to SDCs to further account for changes in construction and land costs. Periodic adjustments allow SDCs to more closely reflect current costs of providing system capacity to new development. Staff is regularly monitoring the health of the SDC capital and administrative funds in order to prepare and administer budgets with balanced revenues and expenditures.

### Envision Eugene SDC Investment Strategies

SDC investments, by themselves, are not likely to meet the development objectives of Envision Eugene. However, SDC investments considered as part of a package of investment programs may help meet the objectives of Envision Eugene to: stimulate targeted development that otherwise wouldn't happen on its own, promote/support desired development happening sooner that it might otherwise, and/or influence the character of development. The following paragraphs describe several strategies and provide recent examples of when the strategies were used.

Alternative Funding – This strategy involves paying the SDCs for a particular development from an alternative funding source. The SDCs for the development of the Oregon Community Credit Union were paid with Riverfront Urban Renewal District funds. The SDCs for the development of the Veterans Administration Clinic were financed through the City and will be paid back over time by the increase in property taxes resulting from the development of the property. The first payment will be made after the project is complete and on the Lane County tax rolls.

Alternative Financing Security – Normally, when the payment of SDCs are financed through the City, a lien is placed on the property as security for the unpaid balance. In the development of the Ninkasi Brewery an alternative form of security was accepted which provided the developer and its lenders the needed flexibility in financing the project.

Waiver of SDCs –The City Council may elect to waive the payment of SDCs to encourage a specific type of development. In 1997, the council adopted an exemption of local SDCs to qualified projects providing housing to low-income persons. Bascom Village is a recent low-income housing project that was exempted from local SDCs. The downside to exempting SDCs for certain types of development is the under collection of revenue to fully fund the project list on which the SDC methodology is based.

### **RELATED POLICIES**

Oregon has established statutory provisions for a uniform framework for the imposition of system development charges by local governments, to provide equitable funding for orderly growth and development in Oregon's communities. Chapter 223 of the Oregon Revised Statutes prescribes the rights and responsibilities of local governments in developing and assessing SDCs, and for expenditure of SDC revenues.

The Eugene Code, Chapter 7, sets forth local policy and the process for development, adoption and administration of SDCs, providing for adoption of methodologies related to SDCs consistent with statutory requirements. The council has adopted by resolution the SDC Methodologies which include detailed methods for establishing SDC rates and provide for periodic adjustment of Eugene's SDCs based on adopted cost indices.

Growth Management Policy 14, adopted by Resolution No. 4554, is directly related to implementation and modification of SDCs. The policy provides: *Development shall be required to pay the full cost of extending infrastructure and services, except that the City will examine ways to subsidize the costs of providing infrastructure or offer other incentives that support higher-density, in-fill, mixed-use, and redevelopment.*

The council has also established policy for expenditure of transportation SDC reimbursement fee revenues through Resolution No. 4717, which provides: *In preparing the proposed budget, the City Manager shall allocate transportation SDC reimbursement fee revenue to SDC-eligible capital improvement costs associated with preservation and maintenance of Eugene's arterial and collector streets.*

### **COUNCIL OPTIONS**

None; this is an information item only.

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

None; this is an information item only.

### **SUGGESTED MOTION**

None; this is an information item only.

### **ATTACHMENTS**

A. SDCs for Example Development Types

### **FOR MORE INFORMATION**

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## Attachment A

## Comparison of SDC to Project Value for Example Development Types

Example Development Types	Total SDC* (assumes no credits)	Estimated Construction Value**	SDC as Percentage of Value
Single Family Dwelling - 2,000 sq. ft.	\$9,494	\$255,900	3.71%
Multifamily - 60-unit Apartment	\$381,902	\$7,922,227	4.82%
Office Building - 20,000 sq. ft.	\$131,331	\$2,951,000	4.45%
Low Turnover Restaurant - 7,363 sq. ft.	\$260,090	\$1,119,029	23.24%
Supermarket 49,556 sq. ft.	\$1,172,377	\$5,270,281	22.25%

## Notes:

\* Total SDC includes local & regional SDCs and administrative fees

\*\* Estimated Construction Values based on mid-range of values per current building code standard valuation tables.

