

To the Eugene City Council, 12-10-2013

Additional comments about the proposed Storm water Ordinance changes.

First I would like to say that I appreciate the Council and or the Public Works department removing the requirement to treat storm water on any existing lots that were created prior to the original ordinance being adopted, which I believe was in 2006. That was the only correct thing to do, given the various negative consequences from implementing such a requirement.

Also, agreeing to allow new subdivisions to install subdivision wide mechanical water treatment systems, which will be turned over for Public maintenance, like what has been done in the past, was also the only correct thing to do, again for a variety of reasons. This ends the cost of creating and maintaining thousands of individual, single lot, privately installed and privately maintained mechanical storm water treatment systems.

Regarding the ordinance as proposed, I still have some concerns and questions and believe that the proposed ordinance needs additional clarification and explanation from the Public Works Department and also needs additional input from private engineers.

Contrary to City's notes on the submitted amendments, some, but not, "most of Mr. Iversons concerns were addressed."

Amendment to EC 9,.6791. a. Since I am not an engineer I would like a private engineer to examine whether there are any cost or implementation issues with using the "Rational Method flow calculation", and also have the City explain why they are requiring the method. I don't know whether this requirement is "bad or good", but it needs an explanation both to the Public and also the City Council, before adoption.

b. In item number (4) There needs to be clarity as to whether they are talking about natural "onsite retention or detention", which would use up large areas of available land within the subdivision, which could otherwise be used for housing or whether they are talking about "mechanical" retention or detention methods.

Also given the past history of storm water implementation in Eugene. Before possible implementation of this ordinance, the City of Eugene, needs to supply to the public, specifics on what would be required for the natural onsite implementation of this requirement and also give information as to several specific mechanical systems that they would approve for implementation of this requirement.

When the original storm water management ordinance was passed there were also no specifics supplied with the ordinance, as far as system approval for onsite water treatment, nor did the City have any list of approved mechanical storm water treatment systems. We went down to ask for information and assistance on what was needed to be done, their comments were "We don't have the money or the time to supply that information, go check with Portland and see what they have approved, give us the information and we will see if we are willing to approve it." This should not have happened and we

should learn from past mistakes and make sure that IT DOES NOT HAPPEN AGAIN. The private sector should not be responsible for doing what the Public sector should have done in the first place.

There are currently several mechanical storm water treatment and retention and detention systems available, and the City should be able to tell us which of these systems they approve, prior to possible implementation of these amendments!!!!

Amendments to EC 9.7692 (1) Before implementation the City Council and the public should know and have an opportunity to comment on what is required to "submit a site development plan" and what is involved in "delineating certain site conditions". This is a totally vague and nebulous statement, which needs to be clarified and specified so that the City Council and the Public know what these "certain site conditions" relate to and what costs are associated with preparing a "site development plan delineating "certain site conditions."!!

(4) The City Council should have and I would like specific clarity as to what "types of applications" are exempt? I read the proposed ordinance, and it is not clear to me. I would also like, in clear English, to know what "prioritizing the selections of storm water quality facilities based on the on-site filtration, off-site filtration and payment for off-site public infiltration or filtration hierarchy" actually means and also how they are "prioritized"? I've read the ordinance several times and it is totally unclear to me, what this means or what the consequences of this approach are. I also request that the City present what "payment" amount for off-site public infiltration or filtration" they are talking about?? This is also something that needs to be done prior to implementation, so that the City Council as well as the Public, knows what the associated costs and consequences, for this amendment are. No intelligent decision can be made without all of the information being supplied, to make that decision. There is not adequate clarity of what this ordinance actually means nor is there any information as to what costs are associated with this ordinance change.

EC 9.6797 (1) Clarify when "private maintenance of a facility" is required and specifically clarify and document what other "certain standards" will be required to treat run off "from public right of ways"

On the top of page 2 of the Eugene City Council Agenda Item Summary. I would like clarity as to what the third "hierarchy of low impact development practices" means, i.e. "Off-site publically designed infiltration and filtration facilities". Does this mean that the City is finally going to get serious about public treatment of storm water? And if so, why is this the last of the three items, with private property owners paying entirely for the first two??

EC. 9.6791 Question as to the meaning of this requirement and how to document which facilities "were designed to convey storm water runoff from vacant properties" and what if any "vacant properties" they were designed to accommodate.? Once again the meaning of this statement, as written below, and the consequences of this requirement, need to be clarified before potentially implementing this amendment.

“Development permits that are discharging storm water runoff into systems that were designated to convey the storm water runoff from vacant properties as if they were developed will not require additional submittal information for permit approval”

EC96792 #(4). Need information as to what “systems” are approved by DEQ and also what it takes and the costs and time involved in getting such a system “registered and approved by DEQ”. What areas of the City are the approval of these systems possible in? Who is it that inspects the systems to verify on going compliance and maintenance and who pays for these inspections?

#5. To allow for additional infill of existing larger lots and or smaller land parcels, within the City or the existing urban services boundary, I would propose an additional amendment to the “existing parcel exemption”, that would allow the division of properties, that do not create any additional public streets or additional private streets, (i.e., each newly created lot gains its access from the existing public or private street), be exempt from the storm water treatment requirements.

Please see real life example below, though there are hundreds of additional examples located within the City!!

The City is supposed to be encouraging better use of lots within the current City Boundaries but once again they penalize people for attempting to do this by creating rules and ordinances that make it financially unfeasible to do so.

Real life issue. Once again I'll use Aeries Park as an example. Aeries Park is a 28 lot subdivision with numerous large lots, several over 20,000 sq. feet in size, which could feasibly be divided into smaller lots without creating any additional roads or public expenditures. Only 4 homes have been built in the subdivision to date, but if someone goes to “redevelop” these lots by reducing the lots sizes and creating more lots, then they will be required to pay for individual lot, mechanical storm water treatment at a cost of \$10,000 to \$15,000 dollars, if this ordinance is passed. This then makes it financially unfeasible, along with the other additional costs, subdivision fees, cost of water meters and electric service, to do the division.

So without adjusting this criteria, you've just ended the opportunity to create additional housing, on smaller less expensive lots, mainly because of the expense of storm water treatment. As mentioned, there are hundreds of smaller lots and parcels of land within the City limits that could be effectively redeveloped with no expense to the City for additional improvements and no additional impervious public improvements, but due to the Storm water requirements and other fees from the City associated with such divisions, it is highly improbable that they will.

Many studies have shown that the biggest reason for increased lot costs and new construction costs, is due to the cost of Government Regulations. The City has a moral and also a State mandated, obligation to try to keep home prices affordable, which the City is not fulfilling.

If the City implemented “at delivery” or “in process”, storm water treatment throughout the City, with the funds that they have received and are going to receive, then they would not have to put this

additional burden on individual home ownership. They would also increase their tax base and make “undevelopable” property “developable”, and increase monthly income from the existing storm water fees that would go along with this additional property ownership.

#(6) What does “which drain to treatment facilities constructed to treat runoff from streets and shared driveways and sized for adjoining lots/parcels” mean, and what process or criteria, has the City implemented, to determine whether this is applicable, in advance of submitting your proposal?

Also further questions regarding additional information included with item #6. In the first section, what “is required in a site development plan that “delineates site conditions that indicate whether infiltration facilities would be “suitable..” The City has supplied no criteria or guidelines to document what needs to be done to accomplish this goal!! These criteria or guidelines need to be developed by the City, analyzed by Private engineers and developers, with ability to comment on the requirements and then in turn analyzed for appropriateness by the City Council PRIOR, to NOT AFTER, this code revision!

Also in the second section, the City seems to be saying that a developer would need to size the system for his development with enough capacity to service “the adjoining lots/parcels. It also states that “the lots/parcels created by a land division application will be required to address storm water quality at the time of the development permit application.” The City needs to clarify, if this means at the time of PUD or Subdivision submission, or at a later date? But once again the specific “criteria” that need to be met, need to be specified in the code amendment, not at a later date!

Other questions that I still have, that have not been answered, but should be answered for the public and the City Council , to make an informed analysis and or an informed decision, prior to authorizing approval of these amendments.

Do the impervious improvement requirements relate to repair of City Streets and all Publicly owned buildings such as City and County owned buildings, schools, and etc., and if so what is the potential cost to the Tax payers of Eugene.

I still would like to have information on what credits will be given to developers or private landowners who pay to treat their own storm water. Currently there is no storm water SDS or building permit credits for paying to treat your own storm water and as per the last meeting with Peggy Keppler, the City was considering increasing the SDC fees for storm water treatment, not giving credits to developers or private landowners, who paid for their own treatment.

I see no discussion in this ordinance for compensation for private “storm water treatment expenses” and I also see no discussion in this ordinance about the City’s current analysis to raise rather than lower current storm water SDC fees, even in the case where the private landowner is paying for the entire cost to treat any storm water created on their site!! There should be a credit established and that credit should be a part of this discussion and also a part of this code amendment.

I was also serious about getting an answer from the City as to what if any “storm water treatment” facilities have been built with the millions of dollars paid by developers and property owners. No

discussion has been entered into and new explanation from the City Public Works department, as to why "City wide or area wide Storm Sewer Treatment" systems have not been implemented with the funds provided from SDC Storm water fees and the monthly storm water assessment fees.? This deserves and requires an answer.

I would also still like an answer to my question, of why all of the costs of storm water treatment for new projects are being paid for by the private sector, and what, of the various options that I presented in my original letter, the City is going to pursue, to meet the requirements of "their" Storm Water Sewer System Discharge Permit, and what percentage of the millions of dollars that they will continue to receive in the form of SDS fees and storm water fees will be used to treat storm water off site, at the point of discharge or along the way?!

The City needs to respond to this request and take responsibility for the moneys that they have received, rather than continuing to put the largest burden on private developments and property owners. This only continues to unnecessarily increase the price land and in turn the cost of housing for the Citizens of Eugene. As per the State of Oregon Goals, the City has the responsibility to provide housing for all income levels and also since they are at this time essentially refusing to add additional land for development outside of the Urban Services Boundary and are proposing to increase densities and use the land available within the current Urban Service Boundary, they need to quit putting barriers to development, but rather encourage it.

One additional, specific issue that should also be addressed is the City's requirement for infill housing to create mechanical treatment facilities, paid for with private money, without the ability to have the City take over maintenance of said facilities. The City instead requires ongoing private maintenance and public inspection of those systems and have hired several additional personal to "police" these systems. These people aren't in charge of fixing the systems, only of inspection them. It would be more cost effective and fairer, to have the City take over maintenance once the system is installed and approved, like what is being done in subdivisions, with mechanical, storm water treatment systems. Obviously, once again the city is receiving large amounts of money from private parties, so they should use some of these moneys to maintain the systems that the City is requiring them to install!!! They should also give SDC credits for higher density "infill housing", since all of the public services needed for such projects, already exist, and there is no cost to the City for this type of infill!!

Finally, once all of the above information is supplied to the Public and also the City Counselors and the appropriate people have the time to analyze this information before many additional comments and or decisions are made on the merits of approval for the proposed amendments, there should be a reasonable time delay for implementation, so that the people who have purchased and or own development property prior to the enactment of these new requirements, or are proposing improvements to existing "impervious areas", have a chance to submit their proposals, without the additional costs and requirements associated with these amendments.

A reasonable time line for ultimate implementation of the above amendments, after the appropriate clarifications and adjustments are made, would be 6 to 9 months after the decision to implement is made by the City Council.

Thank you for taking the time to listen to my concerns. I would be glad to talk to any of you individually or jointly, regarding my comments, if you so desire.

A handwritten signature in black ink that reads "Boyd Iverson". The signature is written in a cursive, flowing style.

Boyd Iverson

1872 Willamette St.

Eugene, Or. 97401

541-686-8275

[boydiverson@hotmail.com](mailto:boydiverson@hotmail.com)