



MEMORANDUM

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401-2793
(541) 682-5010
(541) 682-5414 FAX
www.eugene-or.gov

Date: March 30, 2006

To: Mayor Piercy and City Council

From: James R. Carlson, 682-5524
Assistant City Manager

Subject: CITY COUNCIL ASSIGNMENT RESPONSE: STREET ANNEXATIONS

Councilor Ortiz requested an explanation of why the City annexes streets, in response to public testimony by Rob Handy, chairperson of the River Road Community Organization, on March 13, 2006.

The short answer is that cities are the logical providers of urban services and most urban services are provided on, under, or via the street right-of-way.

It is important to recognize that the City's practices related to street annexations apply citywide. There is increased impact and awareness in the River Road and Santa Clara areas because that is where the majority of annexations to Eugene occur, and where the fragmented city limits pattern increases the need for coherent services within the street rights-of-way.

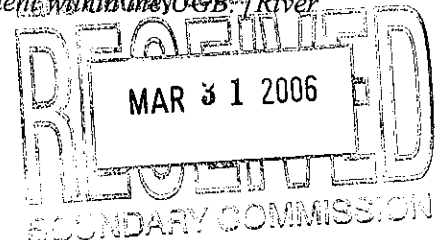
Street right-of way is essential to the delivery of urban services. Many urban services and facilities are provided within the street rights-of-way in addition to transportation services, such as water, wastewater collection, stormwater, cable and other communication networks, fire hydrants and street lights. Emergency service providers also operate within the rights-of-way, including police and fire and emergency medical service.

Currently, all annexations of private property are initiated by the property owner, usually because of a desire to divide the property into multiple development sites, build or start a new use on the property, or request services that only the city can provide. The City reviews each annexation application and, based on the circumstances, recommends to either the applicant or the Boundary Commission whether the City is requesting the inclusion of segments of street. The Lane County Local Government Boundary Commission makes the final decision on all annexations.

Regulatory Framework

The basis of the City's street annexation recommendations stem from fundamental principles and policies contained in the Eugene-Springfield Metro Plan:

The Metro Plan is based on the premise that Eugene and Springfield, the two existing cities, are the logical providers of services accommodating urban levels of development within the UGB. The River Road and Santa Clara areas are located within the Eugene UGB.]



To effectively control the potential for urban sprawl and scattered urbanization, compact growth and the urban (UGB) service area concepts are, and will remain, the primary growth management techniques for directing geographic patterns of urbanization in the community. In general, this means the filling in of vacant and underutilized lands, as well as redevelopment inside the UGB.

The Metro Plan and most of its elements are oriented to and require that urban development occur in a compact configuration within a prescribed urban service area.

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.

Annexation to a city through normal processes shall continue to be the highest priority.

Ultimately, land within the urban growth boundary shall be annexed to a city and provided the required minimum level of urban services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.

The Metro Plan also contains policies that require the annexation of properties to the city if new development is proposed or new demand to city services are requested.

Urban Transition Intergovernmental Agreements

In 1986, the cities of Eugene and Springfield entered into Urban Transition Agreements with Lane County that transferred from the County to the cities administration for building and land use within the urbanizable portion of the UGB, transferred Lane County-owned parks to the cities and entered into an agreement related to roads. The purpose of the transfer of administration of building and land use was to allow for a consistent urban form, and to find efficiencies in administration. The road agreement formed the basis of the current City-County Road Partnership agreement. The agreements require the cities to ask for the transfer of County roads to City jurisdiction. Many miles of roads which had been previously included in annexations were transferred to the cities.

All intergovernmental agreements between the City and County since then have recognized that roads would be annexed and that the City would request and the County would approve the transfer of jurisdiction to the City. Ultimately, all of the county roads inside the urban growth boundary (with the exception of Delta Highway) would be annexed and become the responsibility of the City.

The Metro Plan requires all new development to occur within cities. Therefore, annexation of properties within the UGB is the preferred method of allowing development to occur in a manner consistent with the adopted Metro Plan policies. It is the City of Eugene's practice (and Metro Plan policy) to pursue only voluntary annexations of private property where possible. There is a long history of noncontiguous annexations in the River Road and Santa Clara areas because noncontiguous annexations allow individual properties to develop without the need to annex other properties involuntarily.

Why annex streets?

It is the City's practice to request inclusion of appropriate and logical public street segments with annexation proposals. This practice has evolved over the years, in part, because by not doing so created an even worse patchwork of disconnected street segments. The practice of annexing appropriate and logical public street segments aids in the delivery of urban services to incorporated properties, is a logical part of the transition from

County and Special District to City services within the UGB, and simplifies the development review process (e.g., only one set of standards will apply for the applicant, only one government from which to obtain permits, etc.).

Service Impacts of Street Annexations

- **Transportation**

The primary reason for annexing streets for the transportation system is ultimately for increased maintenance efficiency. Lane County and the City have an excellent road maintenance agreement which describes services being provided by both parties and splits up the entire UGB (not just River Road and Santa Clara) based on road miles which have been annexed to even out the costs to both parties. However, the maintenance agreement does not resolve all issues which are ultimately resolved by having a single jurisdiction responsible for the street system. For example, on county roads in Santa Clara, the County issues all facility permits in the roadway including access to the City's water and wastewater lines. It is easier to coordinate traffic signals along a road (e.g. River Road) if all of the signals are in the city. The City provides a higher level of service for some road related services such as sidewalk hazard abatement and street tree and median maintenance.

- **Water Service**

EWEB has intergovernmental transition agreements with River Road and Santa Clara Water Districts. EWEB provides essentially all services related to the water supply system for the two districts that do not have staff of their own. Prior to annexation, EWEB is required to get written approval for any repair or other service performed in excess of \$1000. The two water districts are reluctant to approve repairs to their water system and often do not respond to requests from EWEB. This results in inefficiency and redundant review. After annexation to the City, water service and maintenance to the annexed area becomes the responsibility of EWEB upon the next regular billing date. Street lights and fire hydrants become the property of the City.

- **Wastewater System**

The City owns, operates and maintains the wastewater system in the River Road and Santa Clara area based on provisions in the Metro Plan and previous action by the Boundary Commission allowing extraterritorial extension of this service. However, in the Santa Clara area, the City or a developer is required to get a Lane County facility permit if it is necessary to work within a county road. After annexation, the City requests transfer of jurisdiction of the street. Once Lane County has transferred jurisdiction, the City issues all facility permits resulting in a more efficient development process.

- **Stormwater System**

Lane County Public Works is responsible for the stormwater system associated with county roads but not for facilities outside the right-of-way. The City stormwater system is more comprehensive. Overall, the stormwater needs to be managed as a functioning system. Lane County and the City have an intergovernmental agreement to coordinate the development of the NPDES Phase II permit for the River Road and Santa Clara area. Annexation of streets shifts the responsibility for the stormwater system from Lane County to the City. The City is better equipped to handle stormwater issues through its stormwater utility system.

- **Emergency Services**

Police services and fire and emergency medical services are often provided within the right-of-way, for example when there is an automobile accident. The computer-aided dispatch system has the ability to recognize whether site addresses are inside or outside the city limits and

therefore who the appropriate responder is for a particular call. Calls referring to the right-of-way are more difficult and therefore it is important that logical street segments or the entirety of streets are inside the city to make it easier to dispatch the correct units.

The transfer of fire hydrants to the City as the result of the annexation and subsequent withdrawal from the water districts also enables a more efficient means of maintaining and testing the hydrants.

What street segments are requested for annexation?

In reviewing an annexation application, the City considers several factors, including the following to determine whether to request the addition of street segments:

1. Is the street segment appropriate and logical?
2. Does the street segment abut the subject site? To facilitate development of a site, streets providing immediate access to site should be annexed. On corner lots both streets are considered.
3. Does the street segment have logical ends, preferably street intersections? Typically the segment should be at least one block long.
4. Does the annexation help police or fire and emergency medical response or avoid confusion?
5. Would the street segment improve access to the development site along a logical network of city streets? Are City standards for speed, access, or connectivity preferred near the development site? If so, annexation of an entire street length will be considered.
6. Look for opportunities to provide logical service connections between separate incorporated areas (e.g., an unincorporated street should not be the only separation between two city areas). Street segments that will provide improved access and more seamless services to more than one incorporated area would be recommended.

Summary

While recognizing that current annexation procedures in River Road and Santa Clara create certain short-term issues, the overall process is logical if viewed from the premise that the River Road and Santa Clara areas will eventually annex entirely to the City, as planned in the Metro Plan.

The Metro Plan generally anticipates that all lands within the Urban Growth Boundary will eventually be served by the City, that the City will eventually provide all services. Annexation of appropriate and logical public street segments helps knit together the "Swiss cheese" effect of long-term individual noncontiguous annexations into a recognizable pattern that helps provide better, more consistent transportation, utilities, and emergency services for growing urban areas.

Please contact me at 682-5524 or via e-mail (james.r.carlson@ci.eugene.or.us) if you have questions or need additional information.