

STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

(99 East Broadway, Suite 400, Eugene, OR 97401-3111)

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

April 6, 2006
7:00 p.m.

Annexation of Territory to the City of Eugene (Eugene School District 4J/Spring Creek Drive/Irvington Drive/Crocker Road/Blackfoot Avenue/W Hilliard Lane/Marion Lane)

IV.H. BC File C EU 06 – 27

Initiated by property owner petition

Action under ORS 199.490(1)(c) of the boundary commission law

Received March 7, 2006

Action to be taken by June 5, 2006

Description

This application includes three separate annexation areas: **Area 1** includes one tax lot and a portion of Spring Creek Drive located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of Spring Creek Road, west of Scottdale Street—the portion of Spring Creek Drive included in Area 1 is between River Road and Scenic Drive; **Area 2** includes one tax lot and portions of Irvington Drive, Crocker Lane, and Blackfoot Avenue located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, south of Irvington Drive, north of Blackfoot Avenue, and east of Crocker Lane—the portion of Irvington Drive included in Area 2 is between the Northwest Expressway and Byron Street, the portion of Crocker Lane is between Irvington Drive and Blackfoot Avenue, and the portion of Blackfoot Avenue is between Crocker Lane and River Road; **Area 3** includes three tax lots and portions of W Hilliard Lane and Marion Lane located in the River Road region of north Eugene, south of Beltline Road, east of River Road, south of W Hilliard Lane, north of Marion Lane, and east of Hoover Lane—the portion of W Hilliard included in Area 3 is between River Road and the east property line of tax lot 2100 and the portion of Hoover Lane is located between River Road and Hoover Lane

Property owner: Eugene School District 4J (200 N Monroe St, Eugene)

Tax lots: 500, T17S R04W S02 Map 13 (**Area 1**)

5502, T17S R04W S02 Map 30 (**Area 2**)

2100, T17S R04W S24 Map 23 and 8301 and 8500, T17S R04W S24 Map 24
(**Area 3**)

Acres: ± 16.90 (± 13.54 acres in TL 500; ± 3.36 acres in rd r/w) (**Area 1**)

± 25.91 (± 11.84 acres in TL 5502; ± 14.07 acres in rd r/w) (**Area 2**)

± 12.00 (± 8.54 acres in TLs 2100, 8301, 8500; ± 3.46 acres in rd r/w) (**Area 3**)

Estimate of existing population: 0

Existing land use: Elementary schools, road rights-of-way

Existing zoning in Lane County: PL/UL, public land with urbanizable lands overlay;
AG/UL, agriculture with urbanizable lands overlay
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan
(acknowledged in August 1982 and has been subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County
Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Santa
Clara Water District, River Road Water District), fire (Santa Clara RFPD, Lane
Rural Fire/Rescue), park (River Road Park and Recreation District), wastewater
(City of Eugene)

Reason for Annexation

The property owner—Eugene School District—is requesting annexation to the city in order to receive urban services only provided by the city, such as the Safer Schools program through the Eugene police department. These are the remaining three remaining schools in the north Eugene area that are not within the city. Existing road rights-of-way are included to facilitate the provision of urban services to annexed or annexing properties. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. “Affected territory” as defined by ORS 199.415(3) means the territory described in the petition. The “petition” includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Eugene School District 4J, owners of the tax lotted properties proposed for annexation and initiators of this annexation request) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

In conformance with OAR 191-005-0065(3), these staff notes are incorporated as part of the record of the boundary commission public hearing of April 6, 2006.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owner—Eugene School District 4J. Beth Gerot, board chairperson and George Russell, superintendent, on behalf of the school district. The annexation areas include five tax lots owned by the Eugene School District 4J and portions of Spring Creek

Drive, Irvington Drive, Crocker Road, Blackfoot Avenue, W Hilliard Lane, and Marion Lane. The school district's written consent initiated the annexation request, which included their tax lots and the existing road rights-of-way. The proposal was filed on March 7, 2006, and boundary commission action must occur by June 5, 2006 (90-day statutory time frame).

When property owners initiate an annexation, the affirmative decision of the boundary commission made at a public hearing is subject, if requested, to a remonstrance within the affected territory. If, within 45 days of the commission's action, 10 percent or 100 whichever is lesser, of the electors in the affected territory sign a remonstrance petition, an election will be conducted within the territory. "Affected territory" as defined by ORS 199 means the territory described in the petition. In this case, it is tax lot 500, T17S R04W S02 Map 13 (**Area 1**); tax lot 5502, T17S R04W S02 Map 30 (**Area 2**); and tax lot 2100, T17S R04W S24 Map 23 and tax lots 8301 and 8500, T17S R04W S24 Map 24 (**Area 3**) and portions of Spring Creek Drive, Irvington Drive, Crocker Road, Blackfoot Avenue, W Hilliard Lane, and Marion Lane rights-of-way. The end of the 45-day remonstrance period on this annexation request, if approved, is May 22, 2006. At the time of submittal, there were no electors registered within the annexation area.

Included in the annexation application was a letter from George Russell expressing the district's desire to annex these three schools, which are the only remaining schools within Eugene's portion of the urban growth boundary that are not within the city limits. Since these schools are not within the city limits they are not able to use the resources of Eugene police department's school resource officer that is assigned to the north Eugene region. Mr. Russell explains that all of the subject properties are currently developed with operating schools and currently receive many urban services. Annexing these three elementary schools will allow them to be provided with police services from the City of Eugene including the school resource officer consistent with other schools in the region.

This annexation request includes three separate areas. At the request of the property owner, all three areas were included in one application to the boundary commission. This annexation was initiated by property owner petition by the Eugene School District 4J. Following is a description of each annexation area.

Area 1

This area is located in the Santa Clara region of north Eugene, north of Beltline Road, east of River, south of Spring Creek Drive. It includes one tax lot (tax lot 500, T17S R04W S02 Map 13) totaling approximately 13.54 acres in size and Spring Creek Drive right-of-way totaling approximately 3.36 acres (refer to Maps No. IV-H-1 and IV-H-2). The annexation area totals approximately 16.90 acres and is currently developed with Awbrey Park Elementary School and existing road right-of-way. The tax lotted portion of the annexation area is owned by Eugene School District 4J. With the consent of the school district, Spring Creek Drive right-of-way was included in the annexation area.

The annexation area is not contiguous to the main body of the City of Eugene, but will connect several previously annexed noncontiguous portions of the city. The annexation area is located

within the urban growth boundary (UGB). The UGB is located approximately 1,600 feet to the north and about 1,200 feet to the east of the annexation area. The school district property is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and government and education in the River Road-Santa Clara Urban Facilities Plan. It is zoned AG/UL, agriculture with urbanizable lands overlay, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the property will be zoned AG. A separate zone change process would be needed to change the zone to a low-density residential zoning district consistent with the plan designation.

The city reviewed this annexation request to determine the appropriateness of including existing road right-of-way. The city determined that it was appropriate to include the Spring Creek Drive between River Road and Scenic Drive in this annexation application.

Eugene public works staff indicates that this segment of Spring Creek Drive right-of-way is approximately 2,640 feet long and connects several previously annexed properties on both sides of the roadway. The segment of right-of-way is a county road and is identified by the city as a neighborhood collector (county designation is urban minor collector). As a county road, the city will not take immediate jurisdictional responsibility of the roadway. A separate jurisdictional transfer of rights-of-way under the provisions of ORS 373.270 will be processed after annexation. This segment of roadway is not fully improved to city standards and no local improvements are planned at this time. Unimproved and partially improved rights-of-way are subject to street improvement assessments when it is determined that 50 percent or more of the adjacent property owners have initiated a need for a local improvement district (LID). The city's current expectation of an "appropriate" street segment would be, at a minimum, the full street width adjacent to the property being annexed, with logical termini, usually intersection streets or logical block lengths. The city reviews each application for logical connections to other city streets and previously annexed area. Annexation of Spring Creek Drive is an appropriate and a logical connection of the existing transportation and stormwater systems serving this area.

If approved as submitted, the annexation will create two islanded areas. One of the possible islanded areas is located adjacent to and north of Spring Creek Drive and includes one tax lot, owned by Caroline Packnett, 125 Spring Creek Drive, Eugene, Oregon (tax lot 200, T17S R04W S02 Map 21; refer to Map No. IV-H-2). **This tax lot is not included in the proposed annexation.** The property owner was sent a copy of this staff report.

The seconded possible islanded area is existing Oroyan Avenue right-of-way located along the south boundary of the school site. After the annexation was received by the boundary commission, it was determined that this remaining segment of Oroyan Avenue (0.24 acres) was not included in the annexation area. The City of Eugene is requesting that the boundary commission modify the annexation application to include this segment of roadway (refer to Exhibit IV-A-1). The city notes that Oroyan Avenue was improved to city standards in 2005 as part of The Commons development project south of the school district property. This segment of roadway is a local access road and is operationally maintained by Lane County. If this segment of local access road is included in the annexation area, the city will take jurisdictional responsibility for the roadway upon the effective date of the annexation. If the boundary

commission does not include this segment of roadway in this annexation request, it will be totally surrounded by the Eugene city limits.

Area 2

This area is located in the Santa Clara region of north Eugene, north of Beltline Road, east of River, south of Spring Creek Drive and includes one tax lot (tax lot 5502, T17S R04W S02 Map 30) totaling approximately 11.84 acres and portions of Irvington Drive, Crocker Road, and Blackfoot Avenue rights-of-way totaling approximately 14.07 acres (refer to Maps No. IV-H-1 and IV-H-3). The annexation area totals approximately 25.91 acres and is currently developed with Spring Creek Elementary School and existing road rights-of-way. The tax lotted portion of the annexation area is owned by the Eugene School District 4J. With the consent of the school district, Irvington Drive, Crocker Road, and Blackfoot Avenue rights-of-way were included in the annexation area.

The annexation area is not contiguous to the main body of the City of Eugene, but will connect several previously annexed noncontiguous portions of the city. The annexation area is located within the urban growth boundary (UGB). The UGB is located along the northerly boundary of the annexation area which is the north right-of-way Irvington Road. The UGB proceeds northwesterly along the easterly right-of-way of the Northwest Expressway. The school district property is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and government and education in the River Road-Santa Clara Urban Facilities Plan. It is zoned PL/UL, public land with urbanizable lands overlay, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the property will be zoned PL consistent with the plan designation.

The city reviewed this annexation request to determine the appropriateness of including existing road right-of-way. The city determined that it was appropriate to include the following segments of existing road right-of-way: Irvington Drive from the Northwest Expressway east to Byron Street, Crocker Road from Irvington Drive south to Blackfoot Avenue, and Blackfoot Avenue from Crocker Avenue east to River Road.

Eugene public works staff indicates that the segment of Irvington Drive included in the annexation area is approximately 6,012 feet long and connects several previously annexed properties on both sides of Irvington Drive. This segment of roadway is a county road and is identified by the city as a minor arterial street (county designation is urban minor arterial). As a county road, the city will not take immediate jurisdictional responsibility of the roadway. A separate jurisdictional transfer of rights-of-way under the provisions of ORS 373.270 will be processed after annexation. This segment of right-of-way is improved to city standards so no additional local improvements are planned at this time.

City staff continues indicating that the segment of Crocker Lane right-of-way being annexed is approximately 950 feet long and borders Spring Creek Elementary School along much of its westerly boundary. This segment of right-of-way is a county road and is identified by the city as a neighborhood collector street (county designation is urban minor collector). As a county road,

the city will not take immediate jurisdictional responsibility of the roadway. A separate jurisdictional transfer of rights-of-way under the provisions of ORS 373.270 will be processed after annexation. This segment of roadway is not fully improved to city standards and no local improvements are planned at this time. Unimproved and partially improved rights-of-way are subject to street improvement assessments when it is determined that 50 percent or more of the adjacent property owners have initiated a need for a local improvement district (LID).

In addition, city staff indicates, that the segment of Blackfoot Avenue right-of-way being annexed is approximately 2,500 feet long, extending from Crocker Road east of River Road. It abuts the southerly 600 feet of the Spring Creek Elementary School site. This segment of right-of-way is a local access road and is identified by the city as a neighborhood collector street (county designation is urban minor collector). As a local access road, the city will take jurisdictional responsibility of the road upon the effective date of the annexation. This segment of roadway is not fully improved to city standards and no local improvements are planned at this time. Unimproved and partially improved rights-of-way are subject to street improvement assessments when it is determined that 50 percent or more of the adjacent property owners have initiated a need for a local improvement district (LID).

City staff notes that the city's current expectation of an "appropriate" street segment would be, at a minimum, the full street width adjacent to the property being annexed, with logical termini, usually intersection streets or logical block lengths. The city reviews each application for logical connections to other city streets and previously annexed areas. Annexation of Irvington Drive, Crocker Road, and Blackfoot Avenue are an appropriate and logical connection of the existing transportation and stormwater systems serving this area.

If approved as submitted, the annexation will create three islanded areas. One of the possible islanded areas is located south of Irvington Drive, west of Crocker Lane, and east of Spring Creek Elementary School. It includes five tax lots—tax lot 5500, T17S R04W S02 Map 30, owned by Lane County Owned Lands Department, Lane County Courthouse, Eugene, Oregon; tax lot 5501, T17S R04W S02 Map 30, owned by Joyce Tuski, 610 Irvington Drive, Eugene, Oregon; tax lot 5503, T17S R04W S02 Map 30, owned by Shannon and Teresa Johnson, 3587 Crocker Road, Eugene, Oregon; tax lot 5506, T17S R04W S02 Map 30, owned by Susan Debates, 3561 Crocker Road, Eugene, Oregon; and tax lot 5507, T17S R04W S02 Map 30, owned by Jack and Tamra Claman, 1337 David Avenue, Eugene, Oregon.

The second possible islanded area is located north of Irvington Drive and Willowbrook Street and includes two tax lots. Tax lot 2601, T17S R04W S03 Map 40 is owned by Jerry and Anne Glenn, 1033 Irvington Drive, Eugene, Oregon. Tax lot 2602, T17S R04W S03 Map 40 is owned by Irving Grange No. 377, 1011 Irvington Drive, Eugene, Oregon; refer to Map No. IV-H-3.

The last possible islanded area is located south of Irvington Drive, west of Arrowhead Street, and east of Korbel Street and includes two tax lots—tax lots 200 and 300, T17S R04W S03 Map 34, owned by Jerry and Mary Lou Finigan, 1250 Irvington Drive, Eugene, Oregon; refer to Map No. IV-H-3.

None of these tax lots are included in the proposed annexation. The property owners were sent a copy of this staff report.

Area 3

This area is located in the River Road region of north Eugene, south of Beltline Road, east of River, south of W Hilliard Lane. It includes three tax lots (tax lot 2100, T17S R04W S24 Map 23; and tax lots 8301 and 8500, T17S R04W S24 Map 24) totaling approximately 8.54 acres in size and portions of W Hilliard Lane and Marion Lane rights-of-way totaling approximately 3.46 acres (refer to Maps No. IV-H-1 and IV-H-4). The annexation area totals approximately 12 acres and is currently developed with River Road Elementary School and existing road rights-of-way. The tax lotted portion of the annexation area is owned by the Eugene School District 4J. With the consent of the school district, W Hilliard Lane and Marion Lane rights-of-way were included in the annexation area.

The annexation area is contiguous to the main body of the City of Eugene at the intersections of River Road and W Hilliard Lane and River Road and Marion Lane. The annexation area is located within the urban growth boundary (UGB). The UGB is located about one mile to the northeast of the annexation area. The school district property is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and government and education in the River Road-Santa Clara Urban Facilities Plan. It is zoned PL/UL, public lands with urbanizable lands overlay, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the properties will be zoned PL consistent with the plan designation.

The city reviewed this annexation request to determine the appropriateness of including existing road right-of-way. The city determined that it was appropriate to include the segment of W Hilliard Lane between River Road and west boundary of tax lot 2100 and a segment of Marion Lane between River Road and Hoover Lane in this annexation application.

Eugene public works staff indicates that the segment of W Hilliard Lane right-of-way being annexed is approximately 1,211 feet long and connects the school district property to the main body of the City of Eugene. This segment of right-of-way is a county road and is identified by the city as a medium volume local street (county designation is urban local street). As a county road, the city will not take jurisdictional responsibility of the roadway. A separate jurisdictional transfer of rights-of-way under the provisions of ORS 373.270 will be processed after annexation. This segment of roadway is not fully improved to city standards and no local improvements are planned for this roadway at this time. Unimproved and partially improved rights-of-way are subject to street improvement assessments when it is determined that 50 percent or more of the adjacent property owners have initiated a need for a local improvement district (LID).

The segment of Marion Lane being annexed was platted and dedicated as public road in the Kindler Addition, Book 15, Page 16 and is approximately 1,750 feet long. It connects the school district property and other previously annexed portions of the city to the main body of the City of Eugene. This segment of right-of-way is a county road and is identified by the city as a medium volume local street (county designation is urban local street). As a county road, the city will not

take jurisdictional responsibility of the roadway. A separate jurisdictional transfer of rights-of-way under the provisions of ORS 373.270 will be processed after annexation.

The city's current expectation of an "appropriate" street segment would be, at a minimum, the full street width adjacent to the property being annexed, with logical termini, usually intersection streets or logical block lengths. The city reviews each application for logical connections to other city streets and previously annexed area. Annexation of W Hilliard Lane and Marion Lane rights-of-way are an appropriate and a logical connection of the existing transportation and stormwater systems serving this area.

If approved as submitted, the annexation will create one islanded area located adjacent to River Road, W Hilliard Lane, the school district property, and Marion Lane. Three of the tax lots in this potentially islanded area are owned by Farid and Fatima Hassan, 1020 River Road, Apt 1, Eugene, Oregon (tax lots 8300, 8302, and 8400, T17S R04W S24 Map 24). The four tax lot is owned by Lynne Wilson, 1000 River Road, Eugene, Oregon (tax lot 8501, T17S R04W S24 Map 24; refer to Map No. IV-H-4). **These tax lots are not included in the proposed annexation.** The property owners were sent a copy of this staff report.

Islanded Areas

Oregon law allows a city to initiate the annexation of "island" areas without the consent of the property owners or electors. Eugene planning staff made the following comments regarding the islanded areas. The River Road and Santa Clara areas have a long, unique history of development, incremental annexations to the city, and provision of urban services. The city tries to respect this unique history while allowing growth according to current regional policies. The area is within Eugene's portion of the urban growth boundary and, thus, is expected to urbanize over time. Metro Plan policies give priority to annexation as the means to provide urban services needed for new development. Thus, if a property owner wants to build new dwellings or a new business, or divide property to facilitate new dwellings and businesses, then annexation to the city is required. Currently, it is the practice of the city to not pursue annexation of properties where development is not proposed and where the owners have not requested annexation. It is the city's current practice to allow "island" annexations and annexations that result in islands of unincorporated or unannexed properties. Because these unconnected islands make it awkward to provide certain services, such as emergency response and street maintenance, the city welcomes annexation of properties adjacent to a proposed island annexation if desired by the owners, and the city will support action by the boundary commission to expand the annexed area to include willing properties at little or no additional expense to those owners. At this time, the city does not encourage annexation of unincorporated islands against the will of the owners. Typically, contractual arrangements among service providers smooth the irregularities caused by the incremental annexation practices.

BOUNDARY COMMISSION REFERRALS

Boundary commission referrals were sent to the Lane County Land Management Division, Lane County Environmental Health Division, Lane County Board of Commissioners, Lane Rural

Fire/Rescue, Santa Clara Rural Fire Protection District (RFPD), Santa Clara Water District, River Road Water District, and River Road Park and Recreation District.

The Santa Clara Water District submitted a letter (attached as Exhibit IV-H-2) objecting to the proposal because the district will lose customers if the property is annexed to the City of Eugene. The district notes street lighting and the Santa Clara Civic Center as services that could have been supported by funds from existing and future customers. Staff responds that the water district does not currently levy taxes on any property within its boundaries, but derives its revenue directly from user fees. The properties are developed with existing elementary schools. Development to urban densities can only occur with the provision of urban services. Urban services are provided to developing properties through annexation to the City of Eugene. Without annexation to the city, the potential for new development at urban densities does not exist under the existing metropolitan policy framework. The existing schools will continue to operate after annexation to the city and will not result in new development. The school district wishes to provide public safety services to these schools and can only do so by annexing them to the city.

The water district also noted that development in the annexation areas will be served by water mains that belong to and are maintained by the water district. The district currently has an intergovernmental agreement with the Eugene Water & Electric Board (EWEB), which contemplates annexations and service transfers in the River Road-Santa Clara area. That agreement addresses the issues of ownership and maintenance of the water transition facilities in annexing areas. Consistent with the agreement, EWEB maintains all lines within the district boundaries. The agreement acknowledges that water service to annexed areas shall become the responsibility of EWEB and EWEB agrees that annexation of portions of the district will not affect supply of water or service to remaining customers of the district. Discussion about compensation to the district for expenses incurred as a result of past water system construction would most appropriately occur between the water district and EWEB. The existing intergovernmental agreement is renegotiated periodically and could provide a forum for the two bodies to discuss this issue.

The Santa Clara Rural Fire Protection District (RFPD) submitted written objections to the annexation (attached as Exhibit IV-H-3) and stated that the annexation of this property would cause severe financial hardship to the district and jeopardize service to the remainder of the district. The district stated that prior to July 1, 2002, the district received funds through an agreement with the City of Eugene to offset losses in tax revenue. The agreement was not renewed and the district estimates the loss of revenues to be more than one-fifth of its annual revenue stream. The district requests that properties be allowed to develop and that annexation be delayed until it is determined that the Eugene city boundary be extended out to the urban growth boundary. The district requests that the annexation of the segments of Spring Creek Drive, Irvington Road, Crocker Lane, and Blackfoot Avenue included in this annexation be removed because the city has not provided an objective argument for the inclusion of these roadways. If the city deemed annexation of the streets was necessary, a separate application with justification could be submitted by the city.

In response to the district's referral comments, prior to the termination of the intergovernmental agreement between the city and the district, the two governments were involved in a cooperative effort to plan for the transition to the provision of fire services by the city. A contract was drafted and proposed by representatives from both agencies to create a joint service area, with the southern portion (south of Irving Road/Hunsaker Road) served by the city and the northern portion (north of Irving Road/Hunsaker Road) served by the district. It would have allowed the district to operate more efficiently by placing all of its resources at its Fire Station 62 (located south of Spring Creek Road) and serving a smaller area. The city was to pay the district an amount based on the difference in the total assessed value of the areas served. Both agencies would have sent fire suppression units to all structure fires in the area, improving the response times and ensuring a high level of fire fighting capability to all properties. During public testimony at the district board meetings, numerous district residents objected to the proposed agreement on the basis that the city would be providing service to district properties. The board withdrew its support for the proposed contract, and the two parties were unable to reach agreement on a new contract.

The City of Eugene purchased property on Santa Clara Avenue in the Santa Clara area and built a permanent fire station there. A City of Eugene fire engine, staffed 24 hours a day, has been in place at that location since July 1, 2002, for the purpose of providing primary fire and emergency medical first response to the annexed properties in the Santa Clara area. In addition, the city and the district have negotiated an automatic mutual aid agreement which provides for each agency to respond to emergency calls in the other's jurisdiction in the event the primary engine company is already committed on another call or otherwise unavailable for service.

The Metro Plan requires annexation to the city before urban services and facilities can be extended and development can proceed—without annexation to the city, new development is not possible. This policy document has been in place since 1982 and identifies the ultimate provider of urban services and facilities to be the city. The Metro Plan acknowledges that single service providers will be affected by the growth of the city through annexation and that over time, special districts within the urban growth boundary will be dissolved. Inclusion of existing road rights-of-way in annexation areas assists in fulfilling the Metro Plan policies of annexing out the urban growth boundary and aids in the provision of urban services to areas within the city.

No other referral responses were received as of March 29, 2006.

BOUNDARY COMMISSION STANDARDS - STAFF ANALYSIS

In this section of the staff notes, each applicable boundary commission standard is addressed. These standards are derived from ORS 199 and the boundary commission's policy administrative rule (OAR 191, Division 30).

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of governments. ORS 199.410(1)(b) and 199.410(3)(c)

This annexation request was filed in accordance with provisions in ORS 199 and was determined to be a valid filing in accordance with OAR 191-006 (adopted administrative rule on boundary commission filing requirements). The item was placed on the boundary commission's agenda for April 6, 2006. Notice of the boundary commission's public hearing has been published in accordance with Oregon law. Any person may attend and will be given a reasonable opportunity to be heard.

Two of the annexation areas (Area 1 and Area 2) are within the Santa Clara Water District. If the annexation is approved, the annexation areas will be withdrawn from the water district through separate proceedings by the City of Eugene in accordance with ORS 222.

The Santa Clara Water District contracts with the EWEB for services, including water supply, distribution, storage, maintenance, billing, and administration. The water district does not currently levy taxes on any property within its boundaries. Withdrawal of the annexation area will reduce revenues currently received by the district because the district derives its revenue directly from user fees and the proposal areas are developed with elementary schools. In the long term, continued annexations in the Santa Clara area will reduce the service area of the water district. The Metro Plan recognizes that existing service districts within the urban growth boundary will, over time, be dissolved (policy #18, page II-B-6). Intergovernmental agreements are one method that can be used by the district and the city to address transition issues raised by annexation.

Area 3 is within the River Road Water District and the River Road Park and Recreation District. Following annexation, the annexation area will remain in both districts until withdrawn through separate proceedings by the City of Eugene in accordance with ORS 222.

The River Road Water District contracts with the Eugene Water & Electric Board (EWEB) for operation and maintenance of the district's distribution facility. EWEB also provides the water supply to the district and is responsible for providing installation and maintenance of street lighting through contract with the water district.

The River Road Water District contracts with the City of Eugene for fire protection services within its boundaries. This annexation area will not impact the continued provision of fire service by the City of Eugene. Tax revenues received by the water district cover the fire service contract with the city. Water revenues are derived through user fees. If the annexation is approved and the annexation area is subsequently withdrawn from the district, the water district will no longer provide services nor receive fees from the properties. Water and fire services will then be provided directly by the City of Eugene.

Area 3 of the annexation request is in the River Road Park and Recreation District. In accordance with the intergovernmental agreement between the district and the city, the city pays the district an in-lieu-of tax payment and the district continues to make park and recreation facilities and programs available to annexed properties in the River Road area. The current intergovernmental agreement pays the district \$100,000 per fiscal year. The agreement is reviewed each year by the district and the city.

The intergovernmental agreement, which exists with the park district, is in keeping with the boundary commission's administrative rule on policies [OAR 191-030-0020(20)]:

(20) This policy encourages cities to enter into intergovernmental agreements with special districts on the urban fringe to mitigate the negative financial impact of city annexation on those districts.

Area 1 and a portion of Area 2 are within the Santa Clara RFPD. Upon the annexation effective date, the areas will be automatically withdrawn from the Santa Clara RFPD in accordance with ORS 199.510(2)(a) and the city will provide fire protection and emergency medical services to the proposed annexation area. Prior to July 1, 2002, the district and the City of Eugene had an intergovernmental agreement that provided for an in-lieu-of tax payment to the district when properties were withdrawn due to annexation to the city. The two governments were involved in a cooperative effort to plan for the transition to the provision of fire services by the city. Negotiations for a revised agreement were unsuccessful and the intergovernmental agreement that had existed between the city and district for approximately 20 years terminated on June 30, 2002. As annexations to the city continue, the size of the district will be reduced. At some point in the future, the district likely will be unable to continue to provide fire and emergency medical services efficiently and economically within its boundaries.

A portion of Area 2, about the westerly 390 feet of Irvington Road right-of-way, is within Lane Rural Fire/Rescue fire district. Upon the annexation effective date, the right-of-way will be automatically withdrawn from the fire district in accordance with ORS 199.510(2)(a) and the city will provide fire protection and emergency medical services to the proposed annexation area. Prior to July 1, 2002, the district and the City of Eugene had an intergovernmental agreement (IGA) that provided for an in-lieu-of tax payment to the district when properties were withdrawn due to annexation to the city. Under that agreement, the district provided fire protection to city annexed properties that had formerly been in the district. This IGA was terminated when the city placed an engine company at a temporary station at 119 Santa Clara Avenue and began providing this service directly to annexed properties. Construction of a permanent station was completed in 2005.

Lane Rural Fire/Rescue provides fire protection and first response emergency medical service to all properties within its boundaries, while the City of Eugene provides the corresponding services to all annexed properties that were formerly in the district. The two agencies have adopted an automatic aid agreement providing for joint coverage of all properties currently in the portion of the district within Eugene's portion of the urban growth boundary and all properties currently in the city, but not contiguous with the main body of the city that were formerly in the district. This response agreement applies to all structure fire and wildland fires. Medical first response and other single-unit responses are handled by the agency of the respective jurisdiction.

The Metro Plan identifies the city as the ultimate provider of urban services within the UGB. Policy #18, page II-B-6, in the Metro Plan recognizes that as annexations to the city occur, existing special service districts within the UGB will be dissolved. The continued annexation of

properties to the City of Eugene is consistent with the Metro Plan, which likely will result in the elimination of special districts within the urbanizable area. Perhaps in the future, the city and districts will be able to develop intergovernmental agreements addressing transition issues including the orderly dissolution of the district.

Upon annexation, the areas will be annexed automatically into the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)]. This special district was formed to provide the financing for the regional wastewater treatment plant serving wastewater users within the cities of Eugene and Springfield and other users within the urbanizable area.

This request is consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

The areas in this annexation proposal are located within the acknowledged urban growth boundary of the Metro Plan. Territory within the UGB ultimately will be within the City of Eugene. Eugene is the unit of government identified in the Metro Plan to provide urban services to territory in this area. Areas 1 and 2 are not contiguous to the main body of the City of Eugene; however, Area 3 is contiguous to the main body of the City of Eugene. Annexation of tax lotted property and existing road rights-of-way fulfills the policies adopted in the Metro Plan of annexing out to the urban growth boundary.

Noncontiguous annexations are allowed by state annexation law and provided for in the Metro Plan if certain criteria are met. The Metro Plan policy for noncontiguous annexation (policy #12, page II-B-5) requires that noncontiguous annexations meet the following criteria:

- a. The area to be annexed will be provided urban service(s), which is (are) desired immediately by the residents/property owners.
- b. The area to be annexed can be serviced (with a minimum level of services, as directed in the Metro Plan) in a timely and cost-efficient manner and is a logical extension of the city's service delivery system.
- c. The annexation proposal is accompanied by support within the area proposed for annexation from the owners of at least half the land area in the affected territory.

The incremental process of annexation causes short-term boundaries to be established. The acknowledged comprehensive plan in this area identifies the City of Eugene as the unit of government that will provide urban services to this urbanizable area within the UGB. In the long term, territory within this geographic area will be annexed to Eugene. Including existing road

rights-of-way in the annexation areas will connect together other previously annexed road segments and noncontiguous portions of the city.

This annexation is consistent with boundary commission administrative rule implementing policies (1), (2), (5), and (7) which recognize annexation to an existing city as the preferred method of servicing urbanizable land.

- (1) This policy recognizes cities as the logical providers of urban levels of service within urban growth boundaries when consistent with the comprehensive plan.
- (2) This policy expresses the commission's preference for providing urban services through annexation to a city in order to provide urban services to urbanizable lands.
- (5) This policy encourages the provision of urban levels of service within urban growth boundaries.
- (7) This policy expresses the commission's preference for annexation to an existing city over all other alternatives as a means of extending services to urbanizable lands.

Implementing policy (3) recognizes that in order to meet the long-term objectives of annexing out to an acknowledged urban growth boundary, short-term boundaries are created which are logical within the context of the future service boundary.

This proposal to annex territory to the City of Eugene is consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b) and (d)

The proposal is within the Metro Plan urban growth boundary. The Metro Plan was acknowledged by the Land Conservation and Development Commission (LCDC) in August 1982 and has been subsequently amended. The Metro Plan recognizes annexation as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas (policies #8 and #10, page II-B-4) and recognizes that ultimately, all territory within the urban growth boundary will be annexed to an existing city (policy #16, page II-B-6).

Annexing road rights-of-way implements the Metro Plan goal (page II-A-2) of creating a street system to serve the existing and future arrangement of land uses with efficient, safe, convenient, and economic transportation systems for the movement of people and goods. The city notes that the practice of allowing noncontiguous annexations, which is necessary to accommodate planned

growth in a manner consistent with the Metro Plan, has resulted in a fragmented and inefficient service delivery system. The city wants to provide more logical relationships between the streets and properties being annexed to the city. Streets provide physical access to the annexing property and often contains easements for water, wastewater, electric, cable, and other urban services necessary to serve the developing property. Therefore, the city recommends that appropriate street segments be annexed with the developing property, with the expectation that urban services will be provided in a more coordinated and connected system.

The tax lotted portions of the annexation areas are designated low-density residential in the Metro Plan and government and education in the River Road-Santa Clara Urban Facilities Plan. If the annexation is approved, Area 1 will be rezoned to AG and Areas 2 and 3 will be rezoned to R-1. Area 1 could be rezoned to a zoning district consistent with the plan designation through a separate zone change process.

The annexation areas will take advantage of urban service delivery systems that are already in place to serve this area. Inclusion of existing road rights-of-way will help fulfill the policies in the Metro Plan of annexing out to the urban growth boundary. It will also facilitate with the provision of urban facilities and services to territory already in the city and territory that is in the process of annexing to the city.

The following facilities and services are either available or can be extended to this annexation area.

Water – Through an intergovernmental agreement with the Santa Clara Water District, EWEB currently provides water service to developed properties in the Santa Clara area. In addition, EWEB is responsible for the day-to-day operations, maintenance, and billing functions of the Santa Clara Water District. Following annexation, the City of Eugene will withdraw the properties from the Santa Clara Water District in accordance with ORS 222 and EWEB will provide services directly to the annexation areas. The city indicates there is a 6-inch water main located in Spring Creek Drive and an 8-inch water main located in Oroyan Avenue serving Area 1 (Awbrey Park Elementary School). Area 2 (Spring Creek Elementary School) is provided water service from water lines located in Irvington Drive (8-inch), Crocker Road (8-inch), and Blackfoot Avenue (6-inch).

The River Road Water District provides water service to developed properties in the River Road area through an intergovernmental agreement with EWEB. Following annexation, the City of Eugene will withdraw the properties from the River Road Water District in accordance with ORS 222 and EWEB will provide services directly to the annexation area. Water service to Area 3 (River Road Elementary School) is available from a 6-inch water main in W Hilliard Lane and a 4-inch water main in Marion Lane.

Electricity – EWEB provides electric service to developed properties in the River Road and Santa Clara areas and will continue to provide service to the annexation areas.

Police services – Police protection can be extended to the annexation area upon annexation consistent with service provision throughout the city. Police currently provide service to other properties in this general area already inside the city. Service will be provided to the annexation area consistent with the call and response method used by the city. After annexation, these areas will receive police services on an equal basis with properties inside the city. Infill annexations and development in this area will increase the efficiency of service delivery to these areas. The existing schools will also be able to take advantage of the services of the school resource officer assigned to this north Eugene region.

Fire and emergency services – Fire protection is currently provided to the two of the annexation areas (Area 1 and 2) by the Santa Clara RFPD and Lane Rural Fire/Rescue. If approved and upon the effective date of the annexation, the proposal areas will be withdrawn automatically from the fire districts in accordance with ORS 199.510(2)(a) and the city will provide fire protection to the annexation areas.

The City of Eugene purchased property on Santa Clara Avenue in the Santa Clara area and has built a permanent fire station there. A City of Eugene fire engine, staffed 24 hours a day, has been in place at that location since July 1, 2002, for the purpose of providing primary fire and emergency medical first response to the annexed properties in the Santa Clara area. In addition, the city and the districts have negotiated automatic mutual aid agreements that provides for each agency to respond to emergency calls in the other's jurisdiction in the event the primary engine company is already committed on another call or otherwise unavailable for service.

Fire protection is currently provided to the River Road area by the River Road Water District via a contract with the City of Eugene. The city will provide fire protection services directly to Area 3 after annexation from stations located on Santa Clara Avenue and Chambers Connector. If the annexation is approved, the area will be withdrawn from the water district by the City of Eugene in accordance with ORS 222.

Emergency medical transport (ambulance) services are provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the Santa Clara area. The area will continue to receive this service consistent with the adopted ambulance service area (ASA) plan. Mutual aid agreements have been adopted by the three regional ASA providers (Eugene, Springfield, and Lane Rural Fire/Rescue) to provide backup coverage for each other's jurisdictions.

Parks and recreation – A minimum level of park services can be provided to the proposal areas as prescribed in the Metro Plan. Awbrey Park is located on River Road, just north of Spring Creek Drive; and Arrowhead Park is located on Arrowhead Street, just south of Irvington Drive. Emerald Park, a community park and recreational facility, is located between Howard Avenue and Horn Lane off Lake Drive. An additional regional park system is located on the west side of the Willamette River in the River Road area.

The city is continuing to explore possibilities for additional acquisitions of land for future park sites in the River Road-Santa Clara area. There are two city owned regional facilities, Hileman

and Whitely boat landings, located along the eastern edge of Santa Clara. Other regional park and recreation facilities are located throughout the metropolitan area. City of Eugene parks, recreation and cultural services programs are available to city residents in the River Road and Santa Clara areas on an equal basis with residents throughout the city.

The need for additional park and recreation sites and facilities, after a majority of Santa Clara area is annexed, has been identified in the city's Parks Master Plan. All subdivisions occurring in the Santa Clara area are being reviewed by city parks planning staff to determine if land should be reserved for future park sites. In addition, the Santa Clara area is included in the park land acquisition plan being prepared by city parks planning staff. Systems development revenues generated by development on these sites will help to fund future park acquisition and development throughout the city.

Following annexation, the Area 3 will be withdrawn from the River Road Park and Recreation District through separate proceedings by the City of Eugene. Through an intergovernmental agreement with the City of Eugene, the River Road Park and Recreation District will continue to provide services to the Area 3 and will receive an in-lieu-of tax payment from the city.

Schools – The annexation areas are within the Eugene School District 4J and are existing elementary schools located in the River Road and Santa Clara areas—River Road Elementary School, Spring Creek Elementary School, and Awbrey Park Elementary Schools. These elementary schools will continue to serve students in this north Eugene region. Annexation to the city will allow these elementary schools to take advantage of the services of the Eugene police department school resource officer assigned to north Eugene.

Wastewater – Wastewater service is provided to Area 1 (Awbrey Park Elementary School) from an existing 12-inch line in Spring Creek Drive. Area 2 (Spring Creek Elementary School) is provided service from a 12-inch line in Irvington Drive, an 8-inch line in Crocker Road, and 8-inch line in Blackfoot Avenue. Area 3 (River Road Elementary School) is provided service from an 8-inch line in W Hilliard Lane. Upon the annexation effective date, the areas will be annexed automatically to the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)].

Stormwater – Site plans for all new development must provide for drainage to an approved system consistent with the adopted Comprehensive Stormwater Management Plan (CSWMP). The three annexation areas are already development with elementary schools and no additional development is planned. Existing stormwater facilities, open waterways, or drywell systems will continue to serve the existing development.

Streets – The three annexation areas are already developed as elementary schools. Access has already been provided to the school sites and there are no plans for additional development. Area 1 has frontage on Spring Creek Drive and Oroyan Avenue. Both roads are county roads and if annexed to the city will remain under Lane County jurisdiction until a separate jurisdictional transfer consistent with ORS 373.270 is processed after annexation. Lane County public works staff had no objections to the concept of annexing the adjacent roads. Area 2 has frontage on

Irvington Drive, Crocker Road, and Blackfoot Avenue. Irvington Drive and Crocker Road are under Lane County jurisdiction. If annexed to Eugene, these two roads will remain under the county's jurisdiction until a separate jurisdictional transfer consistent with ORS 373.270 is processed after annexation. Blackfoot Avenue is a local access road and if annexed, the city will take jurisdictional responsibility of the road once the annexation is effective. Lane County public works staff had no objections to the concept of annexing the adjacent roads. Area 3 has frontage on W Hilliard Lane, Hoover Lane, and Marion Lane. Both W Hilliard Lane and Marion Lane are county roads and if annexed, will remain under Lane County's jurisdiction until a separate jurisdictional transfer consistent with ORS 373.270 is process after annexation. The annexation areas currently provided access to a transportation infrastructure that will continue to serve the sites after annexation to Eugene.

Annexation to Eugene does not change the "operational maintenance" responsibilities for roads in River Road and Santa Clara areas. A 2005 intergovernmental agreement between the City of Eugene and Lane County recognizes a need to meet requirements to safeguard public welfare and increase efficiencies in public facility maintenance. The agreement describes the responsibilities for operational maintenance of the street system within the Eugene area. Generally, the agreement requires Lane County to provide operational maintenance for all streets east of River Road and north of Beltline Road, and west of River Road and north of Maxwell Road. Operational maintenance includes any shoulder and surface maintenance, drainage maintenance, bridge and structure maintenance, snow and ice control, guard rails, right-of-way permitting authority and enforcement, maintenance of existing markings, signing, and operations of traffic signals.

Solid waste management – Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

Communication facilities – Various providers offer both wire and wireless communication services in the Eugene-Springfield metropolitan area. Existing providers and those entering the market have the capability to provide service to this area.

Land use controls – The properties are within Eugene's portion of the urban growth boundary. Through an intergovernmental agreement between Lane County and the City of Eugene, the city already has planning and building jurisdiction for this property. The city will continue to administer land use controls after annexation.

The minimum level of key urban facilities and services, as defined on page V-3 of the Metro Plan, are either immediately available or can be provided within a reasonable future time frame as needed. This request is consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The annexation proposal, which includes three existing elementary schools and existing road rights-of-way, is consistent with the Metro Plan, as it is an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The existing uses are consistent with the long-range plan for the area. Annexing existing road rights-of-way will facilitate the provision of urban facilities and services to fulfill the growth policies in the Metro Plan and in Oregon law.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission received a request to modify Area 1 (Awbrey Park Elementary School) to include the segment of Oroyan Avenue that is not within the city limits. The city notes that Oroyan Avenue was improved to city standards in 2005 as part of The Commons development project south of the school district property. This segment of roadway is a local access road and is operationally maintained by Lane County. If this segment of local access road is included in the annexation area, the city will take jurisdictional responsibility for the roadway upon the effective date of the annexation. If the boundary commission does not include this segment of roadway in this annexation request, it will remain outside the city and will be totally surrounded by the Eugene city limits.

The boundary commission staff recommends that the boundary commission modify Area 1 to include the segment of Oroyan Avenue right-of-way south of Awbrey Park Elementary School to ensure that all of this roadway is within the city limits.

The boundary commission staff recommends that the modified annexation to the City of Eugene (BC File C EU 06 – 27) be approved based on the following findings and reasons.

The findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request with one modification. If the boundary commission makes other modifications or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the Lane County Local Government Boundary Commission by the property owners on March 7, 2006, in accordance with ORS 199.490(1)(c). The proposal was found to be a valid filing under OAR 191-006.
2. The proposed annexation, as submitted, included three areas. Area 1 included one tax lot (T17S R04W S02 Map 13 tax lot 500), which comprised about 13.54 acres and was owned by Eugene School District 4J. Tax lot 500 was developed with Awbrey Park Elementary School. Scenic Drive right-of-way (approximately 3.36 acres) was included

in this area. The annexation area included a total of approximately 16.90 acres and was not contiguous to the main body of the City of Eugene.

Area 2 included one tax lot (T17S R04W S02 Map 30 tax lot 5502), which comprised about 11.84 acres and was owned by Eugene School District 4J. Tax lot 5502 was developed with Spring Creek Elementary School. Portions of Irvington Drive, Crocker Road, and Blackfoot Avenue rights-of-way (approximately 14.07 acres) were included this area. Area 2 included a total of approximately 25.91 acres and was not contiguous to the main body of the City of Eugene.

Area 3 included three tax lots (T17S R04W S24 Map 23 tax lot 2100 and T17S R04W S24 Map 24 tax lots 8301 and 8500), which comprised about 8.54 acres and was owned by Eugene School District 4J. This area was developed with River Road Elementary School. Portions of W Hilliard Lane and Marion Lane rights-of-way (approximately 3.46 acres) were included in this area. Area 3 totaled approximately 12 acres and was contiguous to the main body of the City of Eugene.

3. At the request of the City of Eugene, Area 1 was modified to include a segment of Oroyan Avenue, totaling approximately 0.24 acres. Inclusion of this right-of-way ensured that the entirety of this roadway was within the City of Eugene. As modified, Area 1 totaled about 17.14 acres.
4. The land use designation for the three annexation areas was low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and government and education in the River Road-Santa Clara Urban Facilities Plan.
5. Area 1 was zoned AG/UL, agriculture with urbanizable lands subdistrict, in Lane County. Areas 2 and 3 were zoned R-1/UL, low-density residential with urbanizable lands subdistrict, in Lane County. After the annexation effective date, the areas were zoned AG and R-1. A separate zone change process for the property in Area 1 zoned AG could occur to apply a different zoning district, if needed.
6. As a result of the annexation, 14 tax lots were totally surrounded by the city limits ("islands"). In Area 1, one tax lot (tax lot 200, T17S R04W S02 Map 21) was totally surrounded by the city limits. In Area 2, nine tax lots were totally surrounded by the city limits (tax lots 5500, 5501, 5503, 5506, 5507, T17S R04W S02 Map 30; tax lots 2601 and 2602, T17S R04W S03 Map 40; and tax lots 200 and 300, T17S R04W S03 Map 34). In Area 3, four tax lots were totally surrounded by the city limits (tax lots 8300, 8302, 8400, and 8501, T17S R04W S24 Map 24). These tax lots were not included in the annexation area.

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

7. The boundary commission held a public hearing on April 6, 2006. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
8. Upon the annexation effective date, the annexation areas were withdrawn from the Santa Clara Rural Fire Protection District and Lane Rural Fire/Rescue [ORS 199.510(2)(a)] and fire services were provided by the City of Eugene.
9. Withdrawal of the annexation areas from the Santa Clara Water District and River Road Water District had some financial impact because the water districts derive its revenue from user fees and the annexation areas were developed with elementary schools. The annexation areas would be withdrawn from the Santa Clara Water District and River Road Water District through separate proceedings by the City of Eugene in accordance with ORS 222. On behalf of the City of Eugene, the Eugene Water & Electric Board would then provide service directly to the annexation areas.
10. One of the annexation areas (Area 3) was in the River Road Park and Recreation District and would be withdrawn from the park district by the City of Eugene in accordance with ORS 222. Consistent with an intergovernmental agreement between the City of Eugene and the park district, River Road park district programs and services would continue to be available after annexation to the city.
11. Upon the effective date of the annexation, the areas were annexed automatically to the Lane County Metropolitan Wastewater Service District in accordance with ORS 199.510(2)(c).
12. This request was consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

13. Annexation to the City of Eugene was identified in the acknowledged Metro Plan as the preferred method for providing key urban facilities and services to the River Road-Santa Clara area in policies in Chapter II, sections B and D.
14. Annexation to an existing city was the method for extending urban facilities and services to urbanizable land in the boundary commission's policy administrative rule, implementing policies (1), (2), (5), and (7).
15. Areas 1 and 2 were not contiguous to the main body of the City of Eugene. The proposed annexation met the criteria for noncontiguous annexations in the boundary commission law and the Metro Plan.

16. The proposed annexation was the means of boundary change outlined in the Metro Plan and the boundary commission administrative rules for ultimately providing urban facilities and services to this territory. Annexation of tax lotted properties and existing road rights-of-way fulfilled the Metro Plan policies of annexing out to the urban growth boundary.
17. This request was consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

18. The annexation areas were within the urban growth boundary of the acknowledged Metro Plan [Land Conservation and Development Commission (LCDC) action in 1982 and as subsequently amended]. Annexation of the tax lotted properties and existing road rights-of-way assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary.
19. The Metro Plan recognized annexation to the City of Eugene as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas.
20. The existing uses (elementary schools/road rights-of-way) were consistent with the policies in the Metro Plan and River Road-Santa Clara Urban Facilities Plan requiring urban levels of development within the urban growth boundary.
21. The City of Eugene indicated that the required services outlined in Metro Plan policy #8, page II-B-4 and defined on page V-3, were either available or could be provided in a timely manner. After annexation to Eugene, the elementary schools would take advantage of services of the school resource officer assigned through the Eugene police department to schools in the north Eugene region within the city limits.
22. This request was consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

23. The annexation proposal was consistent with the Metro Plan, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The existing uses were consistent with the long-range plan for

the area. Annexing existing road rights-of-way facilitated the provision of urban facilities and services to fulfill the growth policies in the Metro Plan and in Oregon law.

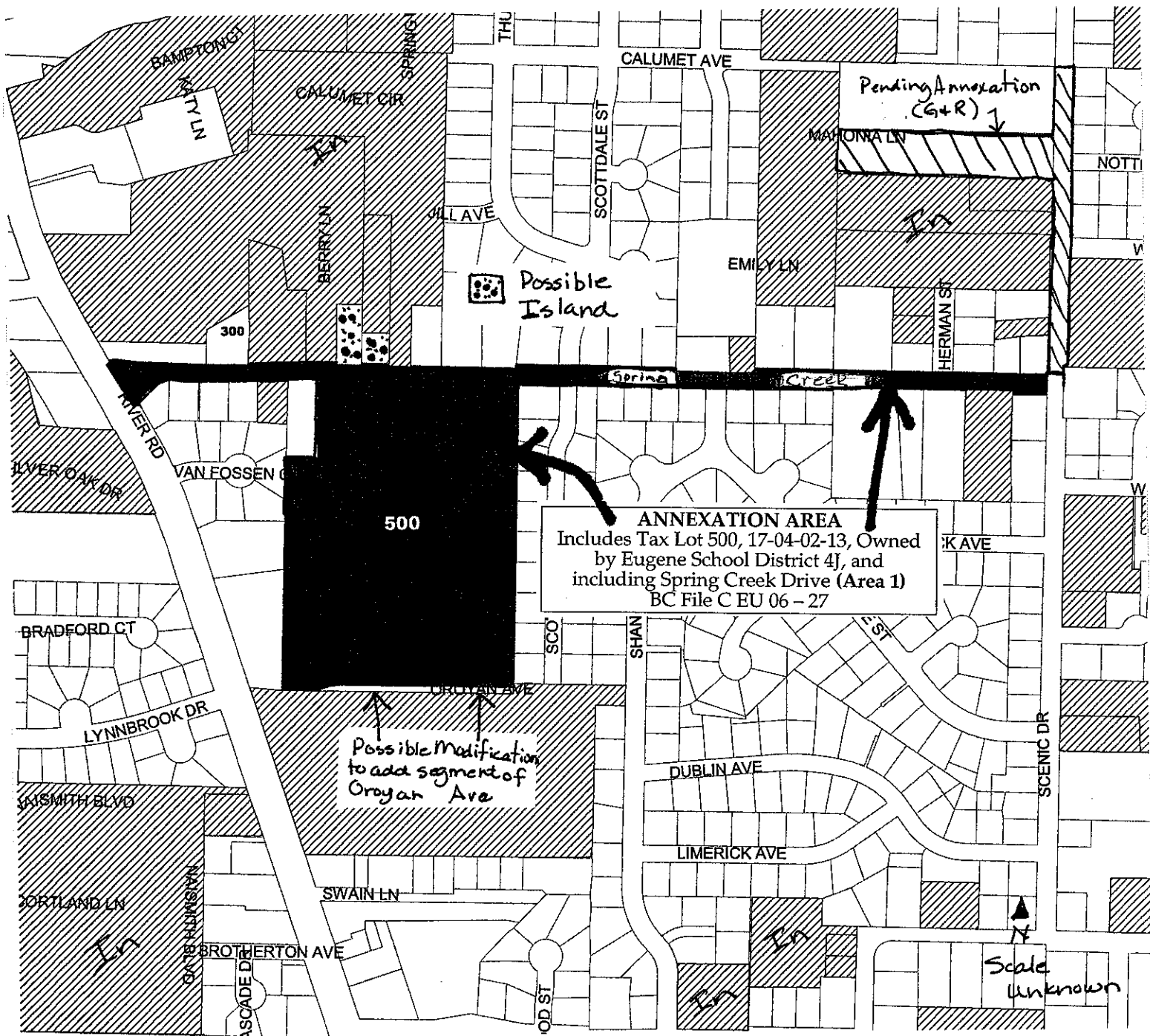
24. This request was consistent with this standard.

Reasons:

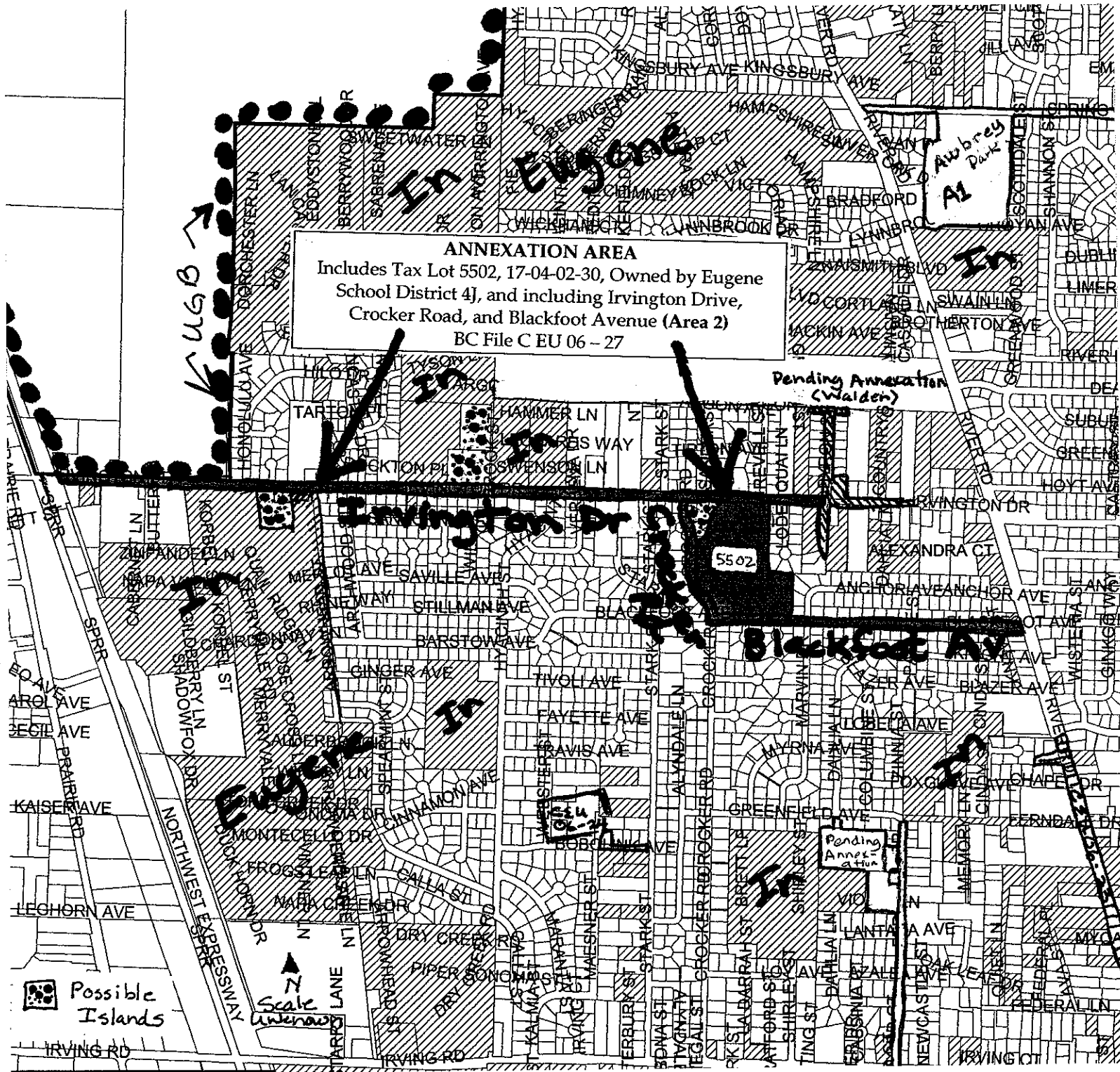
1. The proposal was supported by the City of Eugene and the property owner.
2. The proposal was consistent with the LCDC acknowledged Metro Plan.
3. The services required in the Metro Plan were either available or could be provided in a timely manner when needed.
4. The proposal was consistent with past boundary commission actions supporting annexation of territory in River Road and Santa Clara to the City of Eugene.
5. The proposal was consistent with boundary commission administrative rule policies.

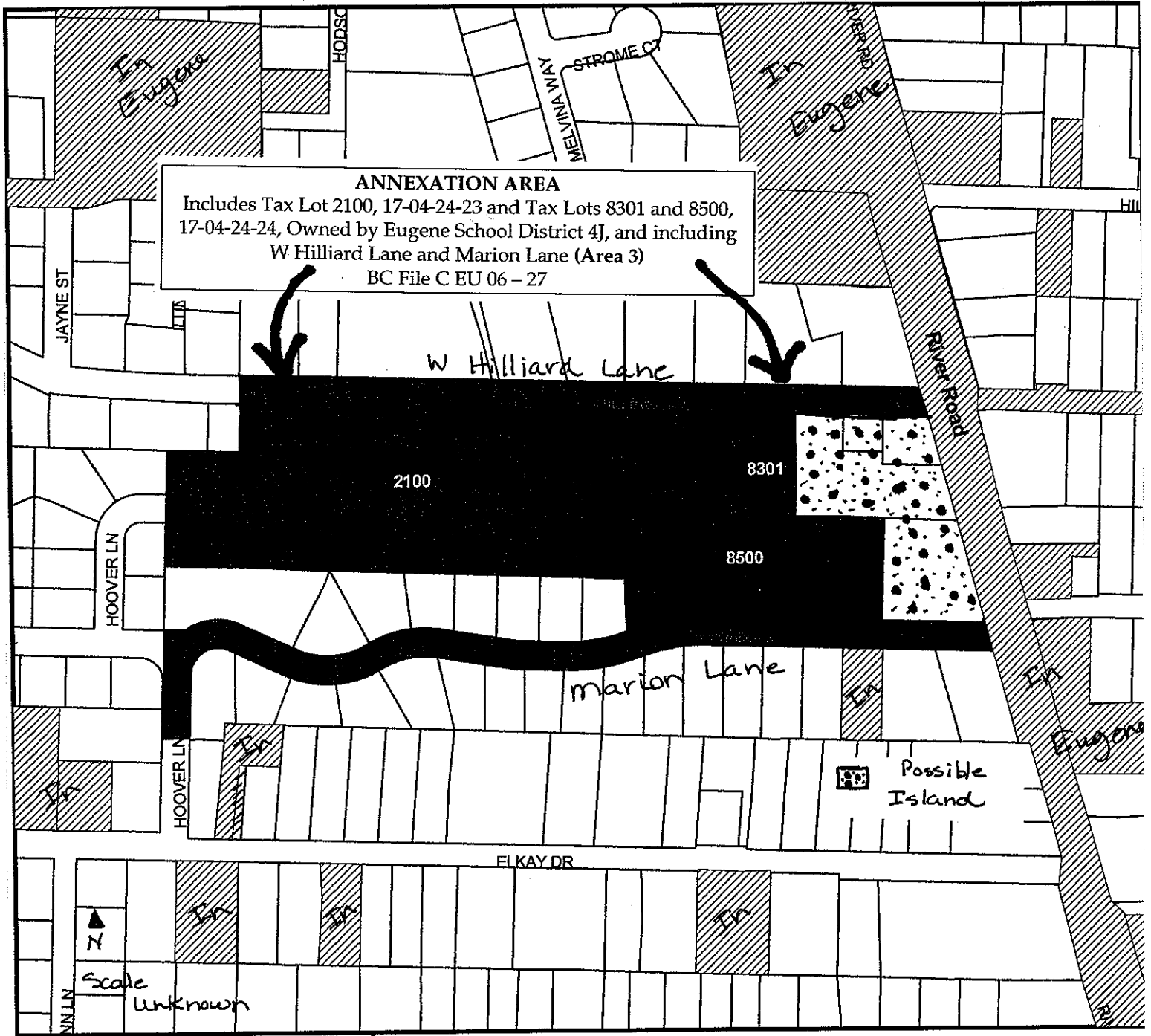
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Last Saved: April 1, 2006*

Map No. IV-H-2 Site Map
 Annexation to Eugene – Area 1
 (Eugene School District 4J/Spring
 Creek Dr)
 C EU 06 – 27



Map No. IV-H-3 Site Map
 Annexation to Eugene – Area 2
 (Eugene School District 4J/Irvington
 Drive/Crocker Rd/Blackfoot Ave)
 C EU 06 – 27







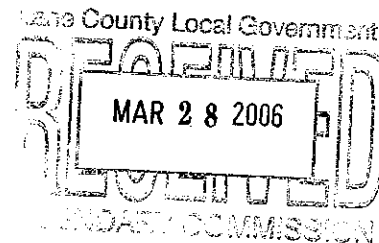
Public Works
Engineering

City of Eugene
858 Pearl Street
Eugene, Oregon 97401
(541) 682-5291
(541) 682-5032 FAX

March 24, 2006

Lane County Boundary Commission
99 East Broadway Avenue, Suite 400
Eugene, OR 97401

Attention Paula Taylor, Executive Officer:



Based on the information provided in the following paragraphs, the City of Eugene would like the Boundary Commission to consider modifying an owner initiated annexation proposal submitted by the 4J School District for property located at 17-04-02-13, TL: 500, City file number A 06-08, for inclusion of Oroyan Avenue right-of-way as described in the attached legal description and resulting in annexation of an additional 0.24 acres.

This segment of right of way is a strip land the School District dedicated for public right of way in 2004. Annexation of above mentioned lot will isolate this short segment of roadway and it is in the best interest of the adjacent properties to annex this right of way. This segment of right of way is a local access road and is operationally maintained (i.e. snow and ice control) by the county. Oroyan Avenue was improved to city standards in 2005 as part of The Commons (Ray's Food Place) development project (SR05-04, ST04-26, SF05-13, PEPI 2006-503, GJN 4321).

Annexation does not change the "operational maintenance" responsibilities. A 2005 Intergovernmental Agreement between the City of Eugene and Lane County recognizes a need to meet requirements to safeguard public welfare and increase efficiencies in public facility maintenance. The agreement describes the responsibilities for operational maintenance of the street system within the Eugene area. Generally, the agreement requires Lane County to provide operational maintenance for all streets east of River Road and north of Beltline Road, and west of River Road and north of Maxwell Road. Operational maintenance includes any shoulder and surface maintenance, drainage maintenance, bridge and structure maintenance, snow and ice control, guard rails, right-of-way permitting authority and enforcement, maintenance of existing markings, signing, and operations of traffic signals.

Annexation of rights of way adjacent to developable property under consideration for annexation to the City of Eugene is consistent with the following principles identified in the Eugene-Springfield Metro Plan:

The Metropolitan 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 urban growth boundary.

Metropolitan Goals (p.II-A-2) further provides that Transportation services: Serve the existing and future arrangement of land uses with efficient safe, convenient, and economic transportation systems for the movement of people and goods. Our practice of allowing noncontiguous annexations, which is necessary to accommodate planned growth in a manner consistent with the Metro Plan, has resulted in a fragmented and inefficient service delivery system. The city wants to provide more logical relationships between the streets and properties being annexed to the City. Streets provide physical access to the subject property and often contain easement for the water, wastewater, electric, cable, and other urban services necessary to serve the property. Therefore the City recommends that appropriate street segments be annexed with the developing property, with the expectation that urban services will be provided in a more coordinated and connected system.

The City's current expectation of an "appropriate" street segment would be, at a minimum, the full street width adjacent to the property being annexed, with logical termini, usually intersection streets or logical block lengths. The City reviews each application for logical connections to other City streets and previously annexed areas. Annexation of Oroyan Avenue right of way is an appropriate and a logical connection of the existing transportation and stormwater systems serving this area. Inclusion of Oroyan Avenue right of way will result in annexation of 0.24 total acres.

Sincerely,

Peggy Keppler, P.E., P.L.S.
Engineering Development Review Manager

SANTA CLARA WATER DISTRICT

P.O. Box 10086 • Eugene, Oregon 97440
(541) 726-0681

March 22, 2006

Lane County Local Government Boundary Commission
99 East Broadway – Suite 400
Eugene, Or 97401

Re: CEU06-17, 21, 23, 24, 25, 26 and 27.

The Santa Clara Water District has received seven notices that the owners of these parcels of real estate have filed petitions to annex their property into the City of Eugene and withdraw the same from our area.

Again, we have several reasons for opposing these withdrawals from our district and some of them are as follows: We would like to have all public officials realize that water that will be supplies to homes that will be constructed on these properties must pass through water mains that belong to and are maintained by Santa Clara Water District. Still, no one has ever made a suggestion or an offer to reimburse us for our costs.

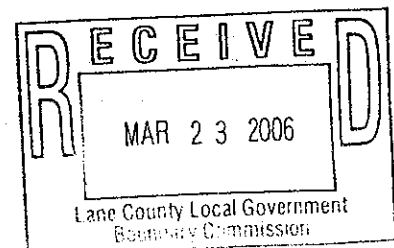
Santa Clara Water District will loose three existing water customers and a minimum of two hundred potential new customers that would help us provide funds to continue to maintain the Santa Clara Civic Center building we provide to approximately ten non profit groups to use in our community and to maintain and expand the street lighting system we now have.

Santa Clara Water District is hereby going on record as protesting these petitions and we call for a public hearing on all of these petitions.

We also request that a copy of this protest be furnished to the Executive Director of the Lane County Local Boundary Commission and to each one of the Board members prior to the next Board meeting.

Yours very truly,


Richard E. Rice, Clerk



**SANTA CLARA
RURAL FIRE PROTECTION DISTRICT**

**2600 RIVER ROAD
FIRE/EMERGENCY 911**

EUGENE, OREGON 97404-2069

BUSINESS (541) 688-3697

March 23, 2006

Lane County Local Government Boundary Commission
99 East Broadway, Suite 400
Eugene, Oregon 97401-3111


SUBJECT: ANNEXATION, File C EU 06-27. 45

NOTES:

This annexation includes the annexations of Spring Creek Drive, and portions of Irvington Road, Crocker Lane and Blackfoot Avenue. The written documentation notes this is with the consent of the original applicant. The applicant has no reason to pursue or remonstrate against this inclusion by the City and this application should stand alone as originally submitted. If the City deems annexation of streets and rights-of-way necessary they should submit a separate application with justification.

In the Annexation Consistency Review, under the signature of Kurt Yeiter, it states "*The city recommends that appropriate streets or street segments be annexed along with developing property with the expectation that the eventual product will be a more coordinated and connected system of urban services.*" There is no objective argument that inclusion of these streets affects the delivery of any services in any way. The commission should question the entire statement as to its meaning and how it would affect both city and county residents living along those streets.

Sincerely,



Submitted by the authority of the Board of Directors
Skip Smith, Fire Chief

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