

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

August 2, 2007
7:00 p.m.

Annexation of Territory to the City of Springfield (Horton)

IV.B. BC File C SP 07 – 34

Initiated by Resolution 07-25 by the City of Springfield with consents from property owners/electors

Action under ORS 199.490(2)(a)(B) of the boundary commission law

Received June 28, 2007

Action to be taken by September 26, 2007

Description

The annexation area includes a portion of one tax lot located in south Springfield, north of Mt. Vernon Road, east of S 57th Street, south of Ridge Court, and west of Weyerhaeuser Booth-Kelly Road

Property owners¹: Don and Lauren Horton (780 S 57th St, Springfield)

Tax lot: part of 5300, T18S R02W S04 Map 11

Acres: ± 1.25

Estimate of existing population: 4 (one residential unit)

Existing land use: Residential, vacant

Existing zoning in Lane County: LDR/UF-10, low-density residential with urbanizing fringe 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 (Springfield School District 19), roads (Lane County, City of Springfield), fire (Willakenzie Rural Fire Protection District contracting with the City of Springfield), wastewater (onsite individual subsurface sewage disposal system)

Reason for Annexation

The property owners are requesting annexation to prepare the site for additional residential development. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

¹ Property owner means the owner of the title of real property or the contract purchaser of real property as shown on the last available complete assessment roll. ORS 199.415(13)

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 Eugene Register-Guard on July 12, 2007.* 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,² as described in the petition,³ not more than 15 days before the hearing. *In this case, notice of the hearing was sent to the affected property owners (Don and Lauren Horton, owners of the property proposed for annexation) on July 20, 2007.* 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 Springfield city hall, and at the Lane County courthouse on June 18, 2007.*

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 August 2, 2007.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(2)(a)(B), initiated by Resolution No. 07-25 by the City of Springfield. Prior to initiating the annexation, the City of Springfield received written consent from the property owners (Don and Lauren Horton) requesting annexation. At the time the annexation was initiated by the city, there was one elector⁴ registered within the annexation area consenting for the annexation. The statutory provision to receive consents from owners and electors is met.

The proposal was filed with the boundary commission on June 28, 2007, and boundary commission action must occur by September 26, 2007 (90-day statutory time frame). If the annexation is approved by the boundary commission on August 2, 2007, it will become effective upon passage of the final order.

The proposed annexation area includes one tax lot (refer to Maps No. IV-B-1 and IV-B-2). The annexation area is currently developed with one residential unit. Annexation to Springfield will allow additional low-density residential development to occur. A portion of the tax lot is already annexed to the City of Springfield and is not included in this request.

The annexation area is contiguous to the main body of the City of Springfield along its northern boundary and is located within the urban growth boundary (UGB). The UGB is located approximately 2,000 feet southwest of the annexation area. The annexation area is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and is zoned LDR/UF-10, low-density residential with urbanizing fringe overlay, in Lane

² Affected territory means the territory described in the petition. ORS 199.415(3)

³ Petition means the documents required to initiate a boundary change and includes, but is not limited to, an initiating document, legal description, cadastral maps, and information form. ORS 199.415(14), ORS 199.490(4), and OAR 191-006-0000(3)

⁴ Elector means an individual registered to vote at an address within the affected territory. ORS 199.490(1) and (5) and ORS 199.505

County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the annexation area will be zoned city LDR consistent with the plan designation.

The annexation was initiated by the City of Springfield by passage of Resolution No. 07-25 on June 4, 2007. An Annexation Agreement between the city and the property owners outlining the agreements between the city and the owner for the provision of urban services and financing responsibility.

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, and Willakenzie Rural Fire Protection District.

No referral responses were received as of July 25, 2007.

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 August 2, 2007. 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.

The proposed annexation area is within the Willakenzie Rural Fire Protection District (RFPD). The fire district contracts with the City of Springfield for fire services within its boundaries. Upon the effective date of the annexation, the annexation area will be automatically withdrawn from the fire district in accordance with ORS 199.510(2)(a) and the city will provide fire services directly to the annexed property.

The Metro Plan identifies the city as the ultimate provider of urban services within the UGB. Policy #18, page II-C-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 Springfield is consistent with the Metro Plan, which likely will result in the elimination of several special districts within the urbanizable area.

Upon annexation, the area 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.

Upon annexation, the area will be annexed automatically into the Willamalane Park and Recreation District, which provides park and recreation facilities and services to territory within the City of Springfield.

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 area in this annexation proposal is located within the acknowledged UGB of the Metro Plan. Territory within the UGB ultimately will be within the City of Springfield. Springfield is the unit of government identified in the Metro Plan to provide urban services to territory in this area. The proposed annexation is contiguous to the main body of the City of Springfield.

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. In the long term territory within this

geographic area will be annexed to Springfield. Annexation to the city fulfills the policies adopted in the Metro Plan of annexing out to the urban growth boundary.

This proposal to annex territory to the City of Springfield 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-C-4) and recognizes that ultimately, all territory within the urban growth boundary will be annexed to an existing city (policy #16, page II-C-6).

The annexation area is designated low-density residential in the Metro Plan. If the annexation is approved, the tax lotted property will be rezoned to a LDR, a city zoning district consistent with the plan designation.

The annexation area will take advantage of urban service delivery systems that are already in place to serve this area. The following facilities and services are either available or can be extended to this annexation area.

Water – Springfield staff indicates there is an existing 16-inch water line located in S 57th Street. Service to new development within the annexation area can be provided by this line.

Electricity – Springfield Utility Board (SUB) provides electric service to developed properties in this area of south Springfield. New development in the annexation area will be served by SUB.

Police services – Springfield staff indicates that police currently provide service to other properties in this general area already inside the city. After annexation, this proposal area 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 this area.

Fire and emergency services – Fire protection is currently provided to the annexation area by the Willakenzie RFPD. This special district contracts with the City of Springfield for fire services to territory within the district's boundaries. Upon annexation, the annexing area will be withdrawn from the fire district and Springfield will provide fire services directly to the annexation area. Springfield fire stations are located near S 47th Street and Main Street, and S 68th Street and Main Street.

Emergency medical transport (ambulance) services are provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County. The annexation 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 to provide backup coverage for each other's jurisdictions.

Parks and recreation – Upon annexation area to the City of Springfield, the annexing area will also be annexed to the Willamalane Park and Recreation District. Park and recreation services are provided to the City of Springfield by the park district. Indoor recreation facilities, such as the Willamalane Park Swim Center, Lively Park Swim Center, Memorial Building Community Center, and Willamalane Adult Activity Center will be available to residents as new development occurs. The park district offers various after-school and other programs for children at schools and parks throughout the community. Also available are pathways and several categories of parks, including community parks, sports parks, special use parks, and natural area parks. The closest parks are the William S. Fort Memorial Park and Bluebelle Park. Additionally, there are future park and open space facilities being developed nearby in the Jasper Meadows neighborhood.

Schools – Springfield School District 19 serves this area. Existing schools—Mt. Vernon elementary, Agnes Stewart middle and Springfield high—serve this neighborhood and can accommodate students resulting from new development occurring within the annexation area.

Wastewater – The city indicates that wastewater service can be made available to the annexation area from an existing 8-inch wastewater line located in S 57th Street and an 8-inch wastewater connection and cleanout is stubbed to the site near the southeast corner at S 58th Street. Approximately one-half of the property will be served by the S 57th Street wastewater line and the eastern half will be served from S 58th Street. The city's wastewater system will be upgraded and extended to accommodate the increasing levels of sewage as this area of Springfield develops. Under the terms of the Annexation Agreement, the developer is required to pay a proportionate share of constructing the future Jasper Road wastewater trunk line that will serve the region, including the annexing property. The portion of S 57th Street adjacent to the annexing property is not inside the city limits. Any extension of the wastewater lines outside the city limits will require boundary commission approval prior to extension. Boundary commission approval for the extension of the wastewater line is not part of this application.

Upon the annexation effective date, the area will be annexed automatically to the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)].

Stormwater – Springfield staff indicates that roof runoff is directed onto the site where it infiltrates. Future development of the annexing property will require installation of urban stormwater facilities. Under the terms of the Annexation Agreement, the developer will be responsible for constructing a public stormwater management system to handle the drainage from the site.

Streets – The annexation area abuts S 57th Street and S 58th Street. S 57th Street from Ridge Court has not been annexed to the city. S 58th Street has been annexed. Springfield staff indicates that both streets are fully improved with curb, gutter, and sidewalk, but has not included any of S 57th Street in the annexation application. S 58th Street is proposed for extension from the southeast corner of the property to its west boundary with a connection to S 57th Street.

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 future development in this area.

Land use controls – The property is within Springfield’s portion of the urban growth boundary. Through an intergovernmental agreement between Lane County and the City of Springfield, 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 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 and proposed uses are consistent with the long-range plan for the area and will 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 staff recommends that the proposed annexation to the City of Springfield (BC File C SP 07 – 34) be approved as submitted 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 as submitted. If the boundary commission modifies or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the boundary commission by the City of Springfield after receiving consents from the property owner and electors on June 28, 2007, in accordance with ORS 199.490(2)(a)(B). The proposal was found to be a valid filing under OAR 191-006.
2. The proposed annexation, as submitted, included a portion of one tax lot (T18S R03W S04 Map 11 part of tax lot 5200) comprising approximately 1.25 acres and was owned by Don and Lauren Horton. The annexation area was developed with one single family residence and was contiguous to the main body of the City of Springfield.
3. The land use designation for the annexation area was low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).
4. The annexation area was zoned LDR/UF, low-density residential with urbanizing fringe overlay, in Lane County. After the annexation effective date, the property was zoned LDR consistent with the land use designation.

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)

5. The boundary commission held a public hearing on August 2, 2007. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
6. Upon annexation to the city, the annexing area was withdrawn from the Willakenzie Rural Fire Protection District [ORS 199.510(2)(a)] and fire services were provided directed by the City of Springfield.
7. Upon the effective date of the annexation, the area was annexed automatically to the Lane County Metropolitan Wastewater Service District in accordance with ORS 199.510(2)(c).
8. Upon the effective date of the annexation, the area was annexed automatically to the Willamalane Parks and Recreation District in accordance with ORS 199.510(2)(c).
9. 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)

10. Annexation to the City of Springfield was identified in the acknowledged Metro Plan as the preferred method for providing key urban facilities and services to the area within Springfield's portion of the urban growth boundary.
11. 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).
12. 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 property fulfilled the Metro Plan policies of annexing out to the urban growth boundary.
13. 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)

14. The annexation area was 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 tax lotted property assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary.
15. The Metro Plan recognized annexation to the City of Springfield as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas.
16. The proposed use (residential) was consistent with the policies in the Metro Plan requiring urban levels of development within the urban growth boundary.
17. The City of Springfield indicated that the required services outlined in Metro Plan policy #8, page II-C-4 and defined on page V-3, were either available or can be provided in a timely manner.
18. 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)

19. 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 proposed use was consistent with the long-range plan for the area and fulfilled the growth policies in the Metro Plan and in Oregon law.

20. This request was consistent with this standard.

Reasons:

1. The proposal was supported by the City of Springfield and the property owners and electors.
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 to the City of Springfield.
5. The proposal was consistent with boundary commission administrative rule policies.

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