

STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

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

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

October 5, 2006
7:00 p.m.

Annexation of Territory to the City of Eugene (Wolf)

IV.H. BC File C EU 06 – 60

Initiated by property owner petition

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

Received September 5, 2006

Action to be taken by December 4, 2006

Description

As submitted, the annexation area includes one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of Beacon Drive, and east of Scenic Drive

Property owners: Jason and Kristen Wolf (850 E. Beacon Dr, Eugene)

Tax lot: 200, T16S R04W S35 Map 44

Acres: ± 2.00

Estimate of existing population: 2 (one single family residence)

Existing land use: Residential

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in August 1982 and has been subsequently amended)

Existing public services to the annexation area as submitted: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), fire (Santa Clara Rural Fire Protection District), water (Santa Clara Water District), electric (Emerald Peoples Utility District), wastewater (City of Eugene)

Reason for Annexation

The property owners are requesting annexation in order to prepare the property for subdivision and future residential development. 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 September 14, 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 owners (Jason and Kristen Wolf, owners of the private property included in the annexation and initiators of this annexation request) on September 22, 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 September 20, 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 October 5, 2006.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owners—Jason and Kristen Wolf. The annexation area, as submitted, includes one tax lot. The property owners’ written consent initiated the annexation request. The proposal was filed on September 5, 2006, and boundary commission action must occur by December 4, 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 200, T16S R04W S35 Map 44. The end of the 45-day remonstrance period on this annexation request, if approved, is November 20, 2006. At the time of submittal, there was one elector registered within the annexation area.

As submitted, the proposed annexation area includes one tax lot totaling approximately 2.00 acres in size (refer to Maps No. IV-H-1 and IV-H-2). The annexation area is development with one single-family residence and is not contiguous to the main body of the City of Eugene.

After receipt of this annexation application, the City of Eugene submitted a written request asking the boundary commission to modify the annexation area to include the segment of Beacon Drive from the east property line of tax lot 200 to the intersection of River Road and the segment of Lester Avenue from the west property line of tax lot 200 to the intersection with Scenic Drive (refer to Exhibit IV-H-1 and Map No. IV-H-2). On August 30, 2006, the City of Eugene sent letters to the owners of property outside the city limits and inside the urban growth boundary adjacent to the segments of Beacon Drive and Lester Avenue under consideration for inclusion in this annexation request (refer to Exhibit IV-H-1).

The original annexation area and rights-of-way proposed for inclusion are located within the urban growth boundary (UGB). The UGB is along the outside edge of Beacon Drive and along

the easterly property line of tax lot 200. The privately owned portion of the original annexation area is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the River Road-Santa Clara Urban Facilities Plan and is zoned R-1/UL, low-density residential with urbanizable lands overlays, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the property will be zoned R-1 consistent with the plan designation.

If the annexation area is modified to include the Beacon Drive right-of-way and then approved, the annexation will create one islanded area consisting of one property that will remain outside of the city limits, but will be totally surrounded by the city limits. The property is owned by Martin and Sandra Martin (tax lot 5200, T16S R04W S35 Map 34) and is shown on Map No. IV-H-3. **This lot is not included in the proposed annexation.** The property owner was sent a copy of this staff report. This is the only islanded area that will be created if the annexation request is modified to include Beacon Drive.

Eugene planning staff made the following comments regarding the islanded area. 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.

Additionally, city staff indicated that Oregon law allows a city to initiate the annexation of "island" areas without the consent of the property owners or electors. The City of Eugene favors voluntary annexations by the property owner and is not proposing to initiate annexation of the unincorporated island. On August 30, 2006, the city provided written notice of the proposed right-of-way annexation to the property owner within the possible unincorporated island area (refer to Exhibit IV-H-1).

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, Santa Clara Water District, and Santa Clara Rural Fire Protection District (RFPD).

The Santa Clara Water District submitted a letter (attached as Exhibit IV-H-2) objecting to this proposal because the district will lose customers if the property is annexed to the City of Eugene. The district notes that street lighting and the Santa Clara Civic Center are services that could be supported by funds from existing and future customers. Boundary commission 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 property is developed with one single-family dwelling. 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 water district also noted that development in the annexation area will be served by water mains that belong to and are maintained by the water district without reimbursement for its costs. 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.

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 September 27, 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)

The original 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 October 5, 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. Any person may attend and will be given a reasonable opportunity to be heard. On September 22, 2006, a notice was sent by the boundary commission to owners of property outside the city limits, inside the urban growth boundary, and adjacent to the segments of Beacon Drive and Lester Avenue under consideration for inclusion in the annexation area.

The original annexation area and proposed modification areas are within the Santa Clara Water District, which 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. If the annexation is approved, the annexed area will be withdrawn from the water district through separate proceedings by the City of Eugene in accordance with ORS 22. Withdrawal of the annexation area will slightly reduce revenues currently received by the district because the district derives its revenue directly from user fees and the proposal area is developed with one residential unit. 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-C-6). Intergovernmental agreements are one method that can be used by the district and the city to address transition issues raised by annexation.

Upon the annexation effective date, the annexed area 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.

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 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 annexed 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.

The annexation as submitted, as well as a modified annexation areas, 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 original annexation area and the roadway modification areas 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. The annexation area, as submitted, is not contiguous to the main body of the City of Eugene. The UGB is located along the eastern property line of tax lot 200 and along the northern edge of Beacon Drive. Eugene planning staff confirms that the Metro Plan (policy 2, page II-C-4) requires that the UGB be located on the outside of existing rights-of-way that form a portion of the UGB so that the full right-of-way is within the UGB. Annexation of Beacon Drive and tax lot 200 will annex out to the UGB consistent with the policies adopted in the Metro Plan.

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. The acknowledged comprehensive plan 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.

The annexation as submitted, as well as a modified annexation area, 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 original annexation area and the roadway modification areas are 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).

Annexing road rights-of-way implements the Metro Plan goal (page II-B-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 supports the annexation of appropriate street segments with developing property, with the expectation that urban services will be provided in a more coordinated and connected system.

The privately owned portion of the annexation area is designated low-density residential with urbanizing fringe overlay in both the Metro Plan and the River Road-Santa Clara Urban Facilities Plan. If the annexation is approved, the annexed area will be rezoned to city R-1, low-density residential, zoning district consistent with the plan designation.

The annexation area as submitted or if modified 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. The following facilities and services are either available or can be extended to the annexed 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. The city indicates there is an existing 6-inch water main located in Beacon Drive and an existing 6-inch water main located in Lester Avenue. Development of the private property will require the extension of the water main in Lester Avenue to provide a loop

connection to Beacon Drive in accordance with EWEB's policies on water main extensions. New development within the annexation area can be served from the existing lines. Following annexation, the City of Eugene will withdraw the property from the Santa Clara Water District in accordance with ORS 222 and EWEB will provide services directly to the annexation area.

Electricity – EPUD staff indicates that it has facilities along the north edge of the private property and will be able to provide services as needed for future development.

Police services – Eugene planning staff indicates that police protection can be extended to the annexed area 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 annexed area consistent with the call and response method used by the city. The annexed 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 – The annexation area, as submitted, and the modification areas are within the Santa Clara RFPD. If approved and upon the effective date of the annexation, the annexed area will be withdrawn automatically from the fire district in accordance with ORS 199.510(2)(a) and the city will provide fire protection to the annexation area. The intergovernmental agreement that existed between the city and the fire district for approximately 20 years terminated June 30, 2002.

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 has negotiated an automatic mutual aid agreement 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.

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 River Road 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 to provide backup coverage for each other's jurisdictions.

Parks and recreation – Eugene planning staff indicates a minimum level of park services can be provided as prescribed in the Metro Plan. Awbrey Park is located on River Road, just north of Spring Creek Drive and is adjacent to the annexation area. Arrowhead Park is located on Arrowhead Street, just south of Irvington Drive.

The city is continuing to explore possibilities for additional acquisitions of land for future park sites in the River Road and Santa Clara areas. There are two county 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 Santa Clara area on an equal basis with residents throughout the city.

The need for additional park and recreation sites and facilities, after a majority of the 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.

Schools – Eugene School District 4J serves the original annexation area and the roadway modification areas. Existing schools—Awbrey Park elementary, Madison middle, and North Eugene high—serve this neighborhood and can accommodate students resulting from new development occurring within the developable portion of the annexed area.

Wastewater – Eugene public works staff indicates that with a few exceptions, wastewater basins are designed to accommodate anticipated development (as designated in the Metro Plan). This area is not identified in the current adopted capital improvement program (CIP) as a needed capital project. There is an 8-inch wastewater line located in Beacon Drive and an 8-inch wastewater line located in Lester Avenue. Service to new development can be provided from the existing lines. Upon the annexation effective date, the annexed area will be annexed automatically to the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)].

Stormwater – Currently, there are no public stormwater facilities available to serve the annexation area. Site plans for all new development must provide for drainage to an approved system consistent with the adopted Comprehensive Stormwater Management Plan (CSWMP). City of Eugene public works staff verifies that there is an open waterway along the easterly property line which may be used for stormwater service, dependent upon a development-related evaluation (such as post-development runoff, capacity of the receiving system, drainage easements, maintenance agreements, etc.). The entire property is mapped by FEMA as located within special flood zone areas. The city indicates that during the development process an acceptable stormwater proposal will be required. Private drywells may be an option, provided that the applicant: has a civil engineer certify the use and design with supporting information such as field-verified soil types and percolation rates; and registers the drywells as an underground injection control facility with the Department of Environmental Quality (DEQ).

Lane County public works staff indicated that stormwater runoff generated by new development must be accommodated onsite, or by some other approved means, but shall not be directed to the county road right-of-way, or to any other existing county stormwater facility.

Streets – The original annexation area is adjacent to Beacon Drive to the north and to Lester Avenue to the west. Lane County public works staff indicates that Beacon Drive is a Lane

County maintained road and this section is functionally classified as an urban local road. Lester Avenue is a Lane County local access road within the Eugene urban growth boundary. Local access roads are not maintained by the county. Access management guidelines dictate that when a property fronts two roads, access should be taken from the road with the lower functional classification, in this case, Lester Avenue. Lester Avenue should be included in this annexation proposal, as jurisdictional transfer would occur upon annexation, and the access needs of future development would be better served by not creating another intersection to Beacon Drive, particularly at this location. Until such time as jurisdiction of Beacon Drive is transferred to Eugene, a Lane County facility permit will be required for placement of facilities within its right-of-way. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placement, excavation, clearing, grading, culvert placement or replacement, stormwater facilities, or any other facility, thing, or appurtenance.

Eugene public works staff indicates that Beacon Drive is listed on the county road inventory and is functionally classified by the city as a residential street. Beacon Drive becomes a neighborhood collector as it intersects with Scenic Drive and extends west of the tax lot to River Road. The tax lot also abuts the east end of Lester Avenue, a local access road with a right-of-way 40 feet wide. Lester Drive intersects with Scenic Drive, another neighborhood collector. The segment of Beacon Drive right-of-way proposed for inclusion is approximately 4,500 feet long and the segment of Lester Avenue is approximately 225 feet long. Lester Avenue provides key urban services to the annexing tax lot, as well as access. If annexed, the city will not take immediate jurisdictional responsibility of the Beacon Drive. A separate jurisdictional transfer under the provisions of ORS 373.270 will be processed if Beacon Drive is annexed. As a local access road, the city will take immediate jurisdictional responsibility of Lester Avenue if it is annexed.

City staff explains that annexation to Eugene does not change the “operational maintenance” responsibilities for roadways in the modification 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, and 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 future development in this area.

Land use controls – The original annexation area and the modification area 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. The annexation as submitted, as well as a modified annexation area, is consistent with boundary commission policies and 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 original annexation area and the roadway modifications areas are consistent with the Metro Plan, as 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.

The annexation as submitted, as well as a modified annexation area, is consistent with boundary commission policies and this standard.

STAFF RECOMMENDATION

The boundary commission has the following options regarding this annexation request.

1. The commission can approve the annexation as submitted. The area annexed would include only tax lot 200, T16S R04W S35 Map 44, owned by Jason and Kristen Wolf.
2. The commission can modify the original annexation area to include segments of Beacon Drive and Lester Avenue and approve the annexation as modified.

If the commission approves the modification as requested, an islanded area consisting of one property will be created. The islanded area is not being annexed and will remain outside of the city limits. In the past, the boundary commission has approved other annexations that have created islanded territory. Over the past 16 years, the City of Eugene has not used provisions in Oregon law that allows the city to initiate the annexation of an islanded area. The provisions initiating the annexation of an area totally surrounded by the corporate boundaries of a city can be used without the consents of the property owners. The city is aware that the island provisions exist in Oregon law and have previously testified before the boundary commission that it may at sometime in the future use all of the annexation tools available in Oregon law.

The boundary commission staff recommends that the proposed annexation to the City of Eugene (BC File C EU 06 – 60) be modified as requested by the City of Eugene (see option 2 above) and approved as modified 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 modified. If the boundary commission does not modify the request as recommended 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 owner on September 5, 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 one tax lot (T16S R04W S35 Map 44 tax lot 200) consisting of about 2.00 acres owned by Jason and Kristen Wolf. Tax lot 200 was developed with one single family residence and was not contiguous to the main body of the City of Eugene.
3. At the request of the City of Eugene, the original annexation area was modified to include existing segments of Beacon Drive and Lester Avenue totaling approximately 3.35 acres. As modified, the annexation area totaled about 5.35 acres.
4. The land use designation for the privately owned portion of the modified annexation area was low-density residential in both the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the River Road-Santa Clara Urban Facilities Plan.
5. The tax lotted portion of the modified annexation area was zoned R-1/UL, low-density residential with urbanizable lands subdistrict, in Lane County. After the annexation effective date, the tax lotted property would be rezoned to R-1 consistent with the land use designation.
6. Approval of the modified annexation resulted in one area consisting of one tax lot (5200, T16S R04W S35 Map 34) being totally surrounded by the Eugene city limits. This tax lot was 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 October 5, 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 modified annexation area was withdrawn from the Santa Clara Rural Fire Protection District [ORS 199.510(2)(a)] and fire services were provided by the City of Eugene.
9. Withdrawal of the modified annexation area from the Santa Clara Water District had little financial impact because the water district derives its revenue from user fees and the annexation area was developed with one residential unit. The annexation area would be withdrawn from the Santa Clara 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 provided service directly to the annexation area.
10. Upon the effective date of the annexation, the modified area was annexed automatically to the Lane County Metropolitan Wastewater Service District in accordance with ORS 199.510(2)(c).
11. 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)

12. 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 C and F.
13. 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).
14. 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 privately owned property and existing road rights-of-way assisted to fulfill the Metro Plan policies of annexing out to the urban growth boundary.
15. 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)

16. The modified 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 privately owned property and existing road rights-of-way assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary. The urban growth boundary was coterminous with the northern and eastern boundary of the modified annexation area.
17. 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.
18. The existing and proposed uses (residential and 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.
19. The City of Eugene 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 could be provided in a timely manner.
20. 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)

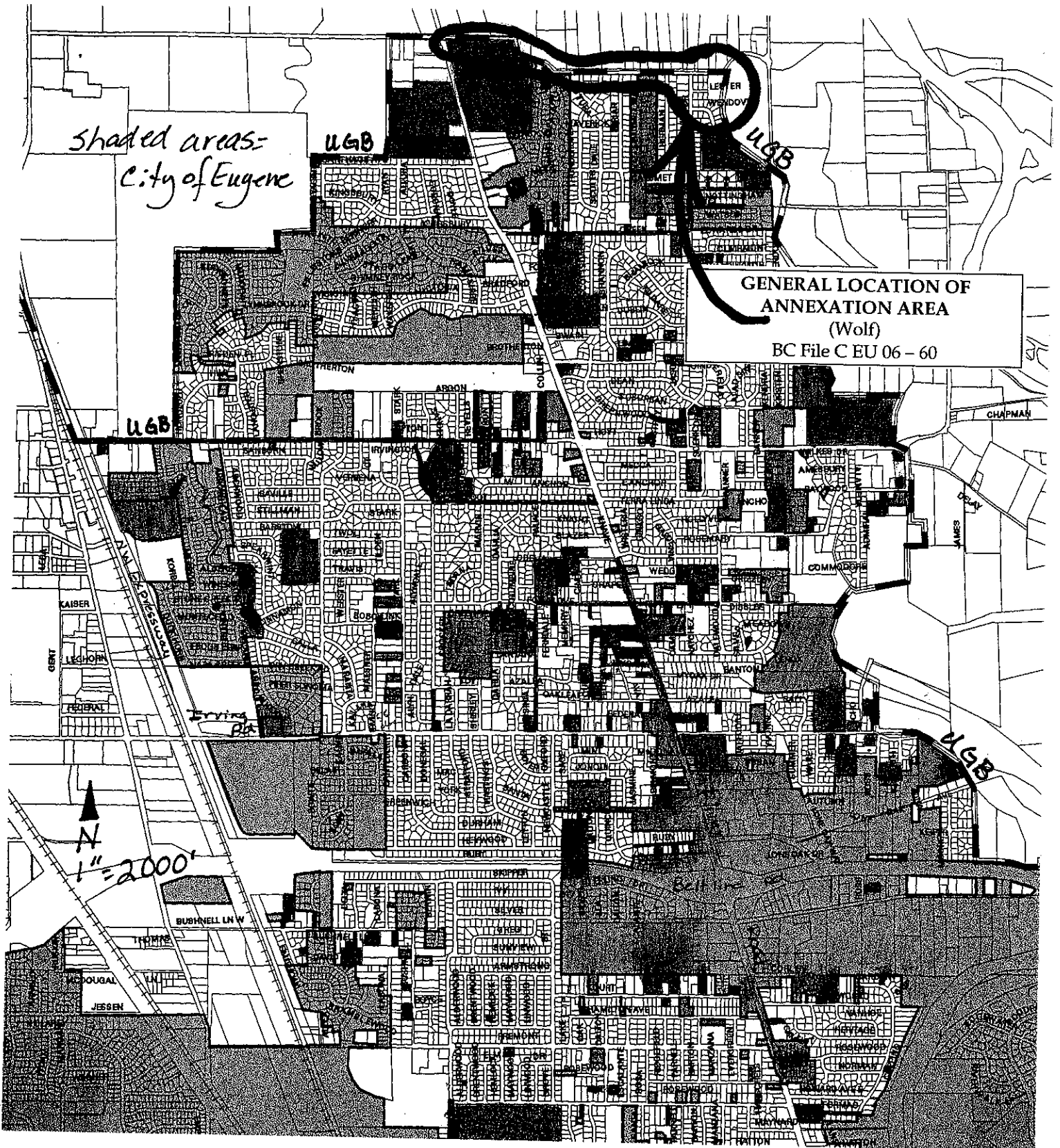
21. The modified annexation proposal was consistent with the Metro Plan, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The proposed residential use was 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.
22. This request was consistent with this standard.

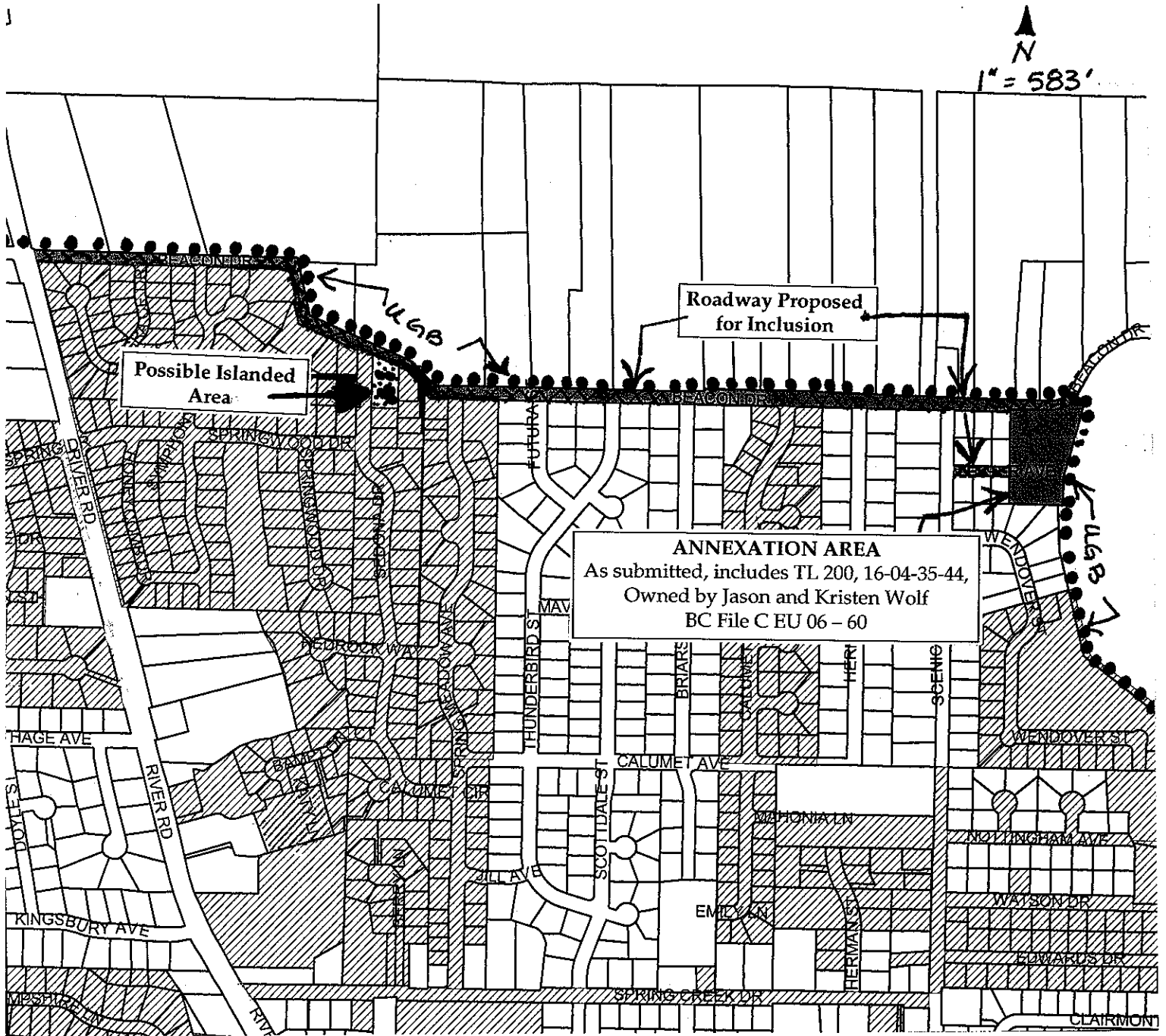
Reasons:

1. The proposal was supported by the City of Eugene and the property owners.
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.

LCBC:LCOG: LABCS N2006\CEU0660 SN.DOC
Last Saved: September 29, 2006







Public Works
Engineering

City of Eugene
858 Pearl Street
Eugene, Oregon 97401
(541) 882-5291
(541) 882-5032 FAX

MEMORANDUM

Date: August 22, 2006

To: Paula Taylor, Executive Officer, Lane County Boundary Commission

From: Peggy Keppler, Engineering Development Review Manager

Subject: Wolf Annexation (A06-22) and Beacon Drive and Lester Avenue Right-of-Way

The City of Eugene is requesting annexation of the Beacon Drive right of way from River Road, east to the existing urban growth boundary, and Lester Avenue right of way from Scenic Drive, east to applicant's property.

The applicant is requesting development of their site on the south side of Beacon Drive at the edge of the urban growth boundary. The Boundary Commission standards for review of boundary changes shall consider prospective physical development of land that would directly or indirectly be affected by the boundary change (ORS 199.462).

Boundary Commission policy (ORS 199.410 (1)(e)) indicates that "a single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore the best mechanism for establishing community service priorities." It is also Boundary Commission policy (ORS 199.410 (2)) "to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns."

Beacon Drive and Lester Avenue are located in the Santa Clara neighborhood and is located east of River Road. These segments of right of way include approximately 4,500 feet of Beacon Drive and 225 feet of Lester Avenue. As described by the Eugene/Springfield Metro Plan Eugene's northern urban growth boundary coincides with the northern right of way line of Beacon Drive. Annexation of Beacon Drive connects other previously annexed properties on south side of Beacon Drive. This proposed annexation of right of way would result in property previously annexed adjacent to this right of way being connected to the main body of the city. Beacon Drive is a county road and is identified by the city as a neighborhood collector from River Road through the Scenic Drive intersection and classified from as a local residential street east of Scenic Drive. As a county road, the city will not take immediate jurisdictional responsibility of the road way. A separate jurisdictional transfer of rights of way under the provisions of ORS 373.270 will be processed after annexation. It encompasses the entire right of way along the existing urban growth boundary and east of River Road. Upon approval of annexation of this application 61% of the properties along the south of side of Beacon Drive will be within the city limits.

Lester Avenue is a 40-foot wide local access road and is identified by the city as a residential local



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September 18, 2006

Paula Taylor, Executive Officer
Lane County Local Government
Boundary Commission
99 East Broadway
Suite 400
Eugene, OR 97401

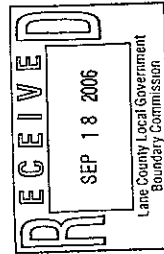
Dear Ms. Taylor:

The City of Eugene requests that the boundary commission consider modification of a property owner initiated annexation of territory to the City of Eugene (Wolf), C EU 06-60. The City requests modification of this proposal to include annexation of Beacon Drive right-of-way from River Road, east to the existing urban growth boundary and Lester Avenue right-of-way from Scenic Drive, east to the applicant's property.

Sincerely,

Kurt Yeiter
Principal Planner

Attachments: Rationale Letter
Legal Description
Applicable Assessor's Maps
Map of Proposed Modification



access street. Lester Avenue currently dead ends at the applicant's property, but will be extended as part of the applicant's development proposal. As a local access road, the city will take immediate jurisdictional responsibility of the road way. Having the existing right of way and the future right of way under one jurisdictional agency is advantageous because it ensures consistent design standards and construction management.

Annexation does not change the "operational maintenance" responsibilities. The City already maintains this segment under a 2005 intergovernmental agreement between the City of Eugene and Lane County. The agreement 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. 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. Under the agreement the County remains responsible for the issuance and enforcement of facility permits for any work done in conjunction with development as long as the county maintains jurisdiction. It is the intent of both the city and county to request transfer of jurisdiction so that only one agency is responsible for the development reviews.

Although, Beacon Drive is not improved to urban standards and Lester Avenue is partially improved to urban standards no local improvements are planned for these road ways at this time. It is to the applicant's and the city's best interest to annex the existing right of way so that both the existing right of way and the future right of way dedications are within the city. Unimproved and partially improved rights of way are subject to street improvement assessments when 50% or more of the adjacent property owners have initiated a need for a local improvement district (LID).

Eugene Water and Electric Board (EWEB) staff indicates that water service is available from an existing 6-inch CI water main on the north side of Beacon and an existing 6-inch water main located on the north side of Lester. As part of the development proposal for this property, EWEB will require a loop extension of the 6-inch water main in Lester Avenue through the property to the 6-inch water main in Beacon Drive. EWEB also advises the applicant to contact the City of Eugene Fire Marshal's office about fire protection requirements for building permits on any newly created lots or parcels. The nearest fire hydrant may not meet current fire code. Annexation of the Beacon Drive and Lester Avenue street segments would also cause the existing fire hydrants to be transferred from the Santa Clara Water District to the City which will facilitate the improvement of the fire suppression capability along this street.

Annexation of this section of right of way will island 1 property that will remain outside of the city limits. The City of Eugene favors voluntary annexations by property owners and is not proposing to initiate annexation of the unincorporated island. The City will be providing written notice of the proposed right of way annexation to the property owner(s) remaining within the unincorporated island areas.

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 manner.

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 street intersections or logical block lengths. The City reviews each application for logical connections to other City streets and previously annexed areas. Annexation of Beacon Drive and Lester Avenue are appropriate and logical connections of the existing transportation and stormwater systems serving this area. Inclusion of Beacon Drive and Lester Avenue rights-of-way will result in annexation of 5.06 total acres.



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Date: August 30, 2006

To: Owners of Property on Beacon Drive and Lester Avenue

Re: Opportunity to Annex to the City

A property owner of property on Beacon Drive has applied to annex their property to the City of Eugene. The Lane County Local Government Boundary Commission is the authority that reviews and makes a decision on the annexation proposal, and the Boundary Commission will send you a notice regarding that annexation. The City of Eugene is sending you this letter as a courtesy to provide you with additional information on the annexation process.

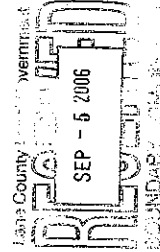
Annexation applications often include several parcels and adjacent streets. This application includes a segment of street right of way adjacent to your property. Because of this, you may apply for annexation now much more easily than if you applied later as an individual property. If requested by you, the City can ask the Boundary Commission to include your property in this annexation proposal, and fees could be waived. The City would need a legal description of your property, but typically nothing else is required. If you are interested in annexing to the City at this time, please let me know within 2 weeks of the date of this letter, so that we can meet the Boundary Commission deadlines for filing annexation requests. You can contact me at the number or e-mail address below. If you do not wish to annex at this time, or if we don't hear from you, the City will not ask the Boundary Commission to include your property in this annexation.

I have enclosed a Frequently Asked Questions sheet that addresses property owner questions and things to consider related to annexation. If you have any remaining questions, please feel free to call or e-mail me.

Sincerely,

Ann Siegenthaler
Associate Planner
Phone: 541/682-5452 or email: ann.siegenthaler@ci.eugene.or.us

Enclosure: Frequently Asked Questions, Annexations in Eugene



Frequently Asked Questions Annexations in Eugene

- 1. What is annexation?**
Annexation (sometimes also called "incorporation") is the legal process by which properties become part of a city. After annexation, a property will be inside the city limits and is no longer just under county jurisdiction. In Lane County, annexations must be approved by the Lane County Local Government Boundary Commission.
- 2. Why do properties annex to the City?**
Typically, annexations to the City of Eugene are initiated by the property owner to obtain a service or right that the City provides. The comprehensive plan for Eugene, the *Eugene-Springfield Metropolitan Area General Plan* (or "Metro Plan"), says that Eugene will be the ultimate provider for urban services for all areas inside the Eugene Urban Growth Boundary. If a property owner wants to divide or develop a property, or wants to have new City services, the property must be first annexed to the City. Typical services requested include sanitary sewer, city police or fire protection, library services, and the ability to vote in city elections.
- 3. Who approves annexations?**
The Lane County Local Government Boundary Commission must approve all annexations in this county. The Boundary Commission is a state agency consisting of seven citizens appointed by the governor. The Boundary Commission contracts with the Lane Council of Governments for staff support. Applications for annexation must be approved by the city before the Boundary Commission will consider the application.
- 4. Why would the City help me annex?**
In some areas, like the River Road and Santa Clara neighborhoods, there is a long history of individual and unconnected annexations that results in a discontinuous pattern of City areas. This leads to inefficient service delivery, including response to emergency calls. The City will help owners annex properties if it results in a more logical pattern of providing services and development.
- 5. Will my taxes go up if I annex to the City?**
Yes. City taxes are higher than the taxes in unincorporated areas, but the level of services is higher, too. To find out how your particular taxes may change, you should contact the Lane County Office of Assessment and Taxation.
- 6. Why does the City look for logical and appropriate street segments to annex?**
Since the Metro Plan indicates that all lands inside the Eugene Urban Growth Boundary will some day be part of the city, it makes sense to have city streets provide access and utilities to properties within the city limits. Having streets within the city limits allows the city greater control over water and sewer line extension and repair, storm drainage, traffic speed control, and traffic enforcement. The City also provides a higher level of emergency services from the police and fire departments to incidents occurring in the road rights-of-way. As urban development continues and properties are

Party Name	Address1	City	State	Zip Code	maprabdot	App Number
MAY G JAMES REVOCABLE LIVING TRU	3887 W 18TH	EUGENE	OR	97402	16-04-35-44-00900	A 06-22
STRATTON CATHERINE L	4837 SCENIC DR	EUGENE	OR	97404	16-04-35-44-01100	A 06-22
VALDENEGRO ARNOLD O & ELSA M	4885 SCENIC DR	EUGENE	OR	97404	16-04-35-44-00300	A 06-22
PERRY ELIZABETH	4897 THUNDERBIRD ST	EUGENE	OR	97404	16-04-35-43-06200	A 06-22
TRIBE JAMES WILLIAM	4898 SCENIC DR	EUGENE	OR	97404	16-04-35-44-05000	A 06-22
BABER JEFFREY W & LISA A	680 E BEACON DR	EUGENE	OR	97402	16-04-35-43-06200	A 06-22
SCAFFORD MICHELLE M & DEREK L	700 BEACON DR	EUGENE	OR	97404	16-04-35-44-08000	A 06-22
CARWAY PHILIP W & DEBRA K	835 LESTER AVE	EUGENE	OR	97404	16-04-35-44-00700	A 06-22
LUAMA W HILTON FAMILY TRUST	PO BOX 25548	SALT LAKE CITY	UT	84125	16-04-35-43-13700	A 06-22
ROBERT MAURICE D	2686 LAMB RD	ELMIRA	OR	97437	16-04-35-44-00400	A 06-22
COOK ALAN W & NANCY R	27138 ORCHARD RD	JUNCTION CITY	OR	97448	16-04-35-44-01000	A 06-22
SYLVA KENNETH V & DEBORAH A	363 LOBELA AVE	EUGENE	OR	97404	16-04-35-44-00500	A 06-22
JAMES MAY C	3897 WEST 18TH AVE	EUGENE	OR	97402	16-04-35-44-00900	A 06-22
JOHNSON STEVEN CRAIG & TYANNE N	4896 HERMAN ST	EUGENE	OR	97404	16-04-35-44-05100	A 06-22
RECTOR CHARLES I & SANDY LEE	4896 THUNDERBIRD ST	EUGENE	OR	97404	16-04-35-43-14400	A 06-22
OCHS STEVEN PAUL	4897 THUNDERBIRD ST	EUGENE	OR	97404	16-04-35-43-08000	A 06-22
KOCH ANDREA SMITH & JAMES R JR	860 BEACON DR	EUGENE	OR	97404	16-04-35-43-05300	A 06-22
KENNEDY KENNETH J	815 LESTER LANE	EUGENE	OR	97402	16-04-35-44-00600	A 06-22
MCKEE DAVID L & DORIS	9180 STALLINGS LN	EUGENE	OR	97408	16-04-35-43-08100	A 06-22
HILTON GREGORY L TE	PO BOX 25548	SALT LAKE CITY	UT	84125	16-04-35-43-13700	A 06-22
WILLIAMS HENRY H & LINDA K	PO BOX 40493	EUGENE	OR	97404	16-04-35-43-13800	A 06-22

annexed, there is more opportunity and a greater public need for assuring connectivity and access, rather than isolated and incremental efforts to acquire road rights-of-way as in the past.

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8. What is an island of unincorporated property? One or more properties not annexed to the City, or "unincorporated," that are completely surrounded by properties that are annexed (or "incorporated") in the city limits. The Boundary Commission notifies property owners if proposed annexations will create islands that include their property,

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City Planning: Kurt Yeiter, Principal Planner
(541)682-8379
kurt.m.yeiter@ci.eugene.or.us

Lane County Boundary Commission: Paula Taylor, Executive Manager
(541)682-4425
PTaylor@lcoeg.org

Lane County Boundary Commission website: <http://www.lcoeg.org/lcs/bound.html>

River Road-Santa Clara Transition Plan website: <http://www.rrsctransition.info/>

Oregon Law: Oregon Administrative Rules 191-030-0000 et al

Prepared by the City of Eugene Planning and Development Department, March 2006



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"Islands" of unincorporated property

Annexation applications often include several parcels and adjacent streets. This annexation proposes to bring a segment of Beacon Drive and Lester Avenue into the city, because it better provides for city street access and the extension of urban services (e.g. water, sewer) to properties inside city limits. Sometimes the combination of streets and parcels in an annexation results in an "island" of unincorporated property (parcels located in the county) surrounded by parcels that are within the city. The proposed annexation of Beacon Drive and Lester Avenue will result in your property becoming an island of unincorporated property.

Opportunity for "island" property to annex

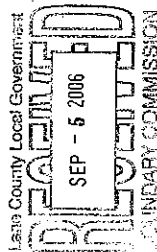
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Oregon Law: Oregon Administrative Rules 191-030-0000 et al

Prepared by the City of Eugene Planning and Development Department, March 2006

SANTA CLARA WATER DISTRICT

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

September 12, 2006

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

Re CEU 06-58 and 60

The Santa Clara Water District has received two notices of owners of real estate that 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 supplied to homes that will be constructed on this property 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 lose two existing water customers and a minimum of fifteen 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 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 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

September 13, 2006

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

SUBJECT: ANNEXATION, File C EU 06-60.

NOTES:

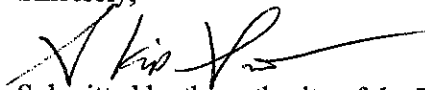
The annexation of these properties reduces the total value of the District and therefore lowers the amount of tax revenue the District can assess under current property tax laws.

Prior to July 1, 2002, the District received funds through a service contract with the City of Eugene to offset these losses.

When this contract was terminated and those contract funds were lost, the District realized a financial loss of more than one-fifth of revenues that will eventually seriously jeopardize service to those remaining in the District.

We request that the property be allowed to be developed and that annexation be delayed until it is determined that the Eugene city boundary be extended out to the Urban Growth Area as identified in the Urban Facilities Plan.

Sincerely,



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

\\SERVER\Z\COMMAND\ADMIN\FIRE BOARD\ANNEX\BNDRY.LTR.DOC

BC FILE C EU 06 – 60
ANNEXATION OF TERRITORY TO THE CITY OF EUGENE (WOLF)

LETTERS RECEIVED AS OF SEPTEMBER 29, 2006

September 27, 2006

Boundary Commission
99 E. Broadway
Suite 400
Eugene, OR 97401

RE: Annexation of E Beacon Drive

Sir:

When my husband and I built our house at 4782 Briars St in 1977 we did so believing we were far enough outside the City of Eugene that we would NEVER be annexed into the City.

Now the time has come almost 30 years later that we must fight the proposed annexation of E. Beacon Drive just because ONE family (tax lot) wants to be annexed into the City. My question is: Why would ONE single family annexation cause the rest of us to be annexed as well? Those of us living in the county do so because WE DO NOT WANT TO BE INSIDE THE CITY LIMITS.

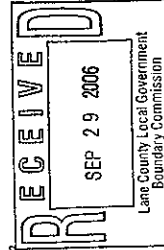
There are NO incentives for becoming part of the City. This would only cause our property taxes to double and provide NO BETTER services than we currently receive from the County. The use of the City Library is certainly no incentive as we can purchase a lot of books for the extra \$1000.00 to \$1200.00 a year we would pay in property taxes. I do not believe we would receive better law enforcement as the house next door to me (4774 Briars St) is inside the city and I have NEVER seen a police car patrolling the area for this citizen who pays higher property taxes and IS part of the City.

I urge you DO NOT annex E Beacon Drive based solely on the premise that one family (tax lot) is requesting annexation. If we had wanted to live within the City limits we would have purchased homes inside the City; furthermore, it is my understanding that should a vote occur we would NOT BE able to vote because we would part of an island. No one in the County or the City should ever lose their right to vote.

Sincerely,

Sharon Biser
Cathy Peterson

Sharon Biser, 4782 Briars St, Eugene, OR - 16-04-35-43-7609
Cathy Peterson, 4747 Briars St, Eugene, OR - 16-04-35-43-5900



Dear Commissioners,

This letter is in regards to the proposed annexation of 850 East Beacon. If the property owners wish to have their property annexed that is their right but we do not wish to have East Beacon Drive and Lester Ave. annexed as well, creating an island. We know that the real purpose of the annexation of these streets is to surround us and force us to eventually be annexed and we do not want to be part of the city of Eugene.

We have been involved in fighting annexation for 40 years and we still do not want it. Since there are many instances of the city providing for individual properties without all the streets involved being city owned there is no good reason to annex these streets. Let their individual owners decide if they want their lots to be annexed and leave the rest of us alone.

The city is so far behind in street repairs now that we cannot imagine why they would want to take on more.

Annexation is not inevitable and we do not want it forced upon us.

Do the right thing and annex only 850 East Beacon Dr. as their residents wish.

Respectfully,

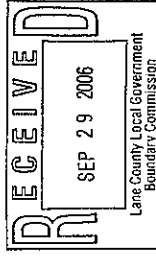
Tracy Painter
Gloria Stewart
4437 Scottdale

17-04-02-12-407

Barbara McConkle
4423 Scottdale

17-04-02-12-408

Eugene, OR. 97404



9.27.06

Boundary Commission
97 E. Broadway Suite 400
Eugene, OR 97401



To whom it may concern:

I apologize for this untyped non-professional letter, but I'm writing this while I sit in the surgery waiting room, waiting to hear how surgery went with my fiance.

My name is Cathy Stratton, and I live on the corner of Seemie & Lester in the Santa Clara area in Eugene, where as a hearing on Thurs. Oct. 5th that I am unable to be at, so I wanted to make sure to let you know my position on the issue.

I'm very much ~~against~~ ^{against} the annexation. I have lived there for over 10 years. I have raised both of my children there, and this is home.

I see no reason to annex Lester or Beacon. After raising my children I have gone back to school, so I don't have a lot of income right now. If the area gets annexed in to the city, taxes will go up, and by annexing one area it will be easier to annex the rest - I like the country like feeling my home and area has.

The people requesting an application to annex their property didn't request Beacon & Lester to be annexed. The city is just trying to push us to annex in when know one around here wants to be. No on Annexation.

Thank you for considering my position in your decision making.

Thank you

Cathy Stratton
4837 Seemie Dr.
Eugene, OR 97404
461-1535

16-04-35-44-1100
adjacent to Lester Av.)

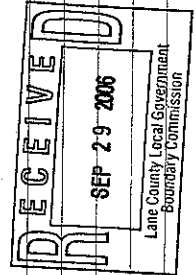
September 27, 06

To Boundary Commission

I - Bernice Zepko of
4400 Science Drive, want
to inform you that I can
see no reason or justification
for annexation of Science
Drive and Gates Ave when
only the City of Eugene
could benefit. I
certainly oppose this
attempt. In addition
Eugene budget for
Road maintenance is
already behind by
several thousand dollars.

Bernice Zepko

17-04-02-11-
200



RE: C EU 06-60 (Annexation of Territory to the City of Eugene (Wolf))

719 East Beacon Drive
Eugene, Oregon 97404
September 28, 2006
(16-0435-40-00701)

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

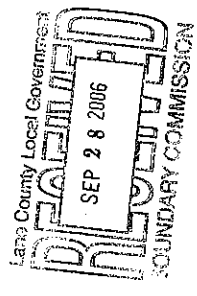
Dear Boundary Commissioners:

I oppose the annexation of almost one mile of Beacon Drive as a piggy-back proposal on the application by one property owner for annexation to the city of Eugene of one property. The entire north side of Beacon Drive (where I live) is outside the Urban Growth Boundary, and half of the length of the proposed road annexation on the south side is not part of the city. Clearly, annexation of Beacon Drive, where three quarters of the adjacent property is outside the city limits, and one half of the adjacent property is not even slated to become part of the city in the future, is unnecessary to the annexation of tax lot 200 (850 E. Beacon) and is overreaching. I request that the proposal to annex Beacon Drive (and Lester Avenue, not connected to any city property at all) be severed from the application to annex tax lot 200 and be dropped.

Since annexing Beacon Drive and Lester Avenue makes practically no sense in relation to annexing tax lot 200, one has to ask, "Why, then?" This looks suspiciously like a power grab on the part of the city to encircle islands of county property owners and silence their votes on annexation in the future, hardly a democratic policy. It is unfortunate that the city so often employs such strong-arm tactics that only increase suspicion and negative attitudes towards the city from residents in the Santa Clara community. People resent such treatment. In Santa Clara there is a lot of opposition to paying city taxes, but even people, such as myself, who see the necessity of taxes in order to have a vital community, resent the long history by the city of Eugene of using power tactics against the residents of the Santa Clara community.

It is with sadness that I watch what once were rural properties in my neighborhood become tightly-packed, sterile subdivisions with no big trees, no natural play space for children, and little habitat for wildlife, but I also recognize the need to reduce sprawl, so I am resigned to the annexation tax lot 200, which is within the Urban Growth Boundary. However, I strongly oppose the wholly superfluous annexation of Beacon Drive.

Sincerely,
Karen W. Reed
Karen W. Reed



Carol Still
855 Lester Ave.
Eugene, OR 97404-1143

16-64-35-44-08500

Property owner: May James Revocable
Living Trust
(per A+T Records)

(Adjacent to Lester Ave.)

September 27, 2006

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

To whom it may concern:

I have lived at the above address since 1979. In the last 27 years I have seen my neighborhood change considerably, never for the better. One small farm after another has been sacrificed for new housing. The excavating necessary for the development on Wendover seriously increases the likelihood that my property will be flooded in the future.

As offensive as these changes have been, at least my property has been spared annexation.

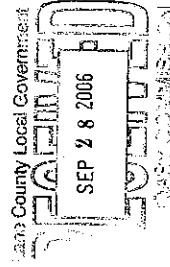
I am sure you have heard dozens, if not hundreds, of impassioned, emotional pleas from property owners in the River Road/Santa Clara area. Each one is valid, including my own. However, when making your decision please also consider how this decision will effect both the City of Eugene and Lane County. While Eugene may increase it's property tax base, large blocks of angry voters are also created. It is not in the long-term best interest of either Eugene or Lane County to further alienate River Road/Santa Clara voters.

Thank you for your consideration.

Sincerely,

Carol Still

Carol Still



Gary Still
855 Lester Ave.
Eugene, OR 97404-1143

16-04-35-44-900

Property owner: May C James Revocable Trust
(per A+T Records)

September 27, 2006

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

To whom it may concern:

It has come to my attention that, due to my neighbor at 850 E Beacon's request for annexation, the City of Eugene plans to piggyback a large block of properties onto that request, including my own.

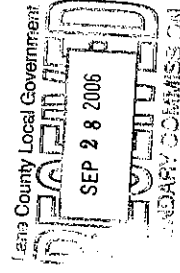
Lester Avenue is a short, quiet and private dead end street. Being the last house, my home is next door to the property to be developed. Should this project be permitted the quality of life for every resident of Lester Avenue will be affected, especially the elderly gentleman on the corner who has difficulty entering and exiting his wheelchair accessible van as it is. Lester Avenue is also quite narrow and could not support the added traffic from construction equipment or private vehicles.

Most offensive to me, however, is the deceptive way in which this forced annexation is being brought about. The very idea of sliding this in behind a property owner's request rather than having the decency to ask for the support of the residents affected is dishonest to the core. I have never been inclined to support annexation, but witnessing the slight of hand being attempted now has permanently solidified my opposition. Why would anyone want to align themselves with people capable of such underhandedness.

Sincerely,

Gary Still

Gary Still



September 26, 2006

TO: Boundary Commission
99 East Broadway, Suite 400
Eugene, Oregon
97401

Eugene City Council 9/29/06

Boundary Commission

Re: Annexation CE# 06-60
Garrison Dr, East of River Rd.

We live on Thunderbird St and
are 2 retired senior citizens in our
60's.

We strongly as buyers to not
make our street on Island. The
amount for property taxes will
double at least, which we can
not afford.

We were not allowed to vote
on this. We are in our freedom of
speech in this country, that
petitioners can take your property.
Which is what will surely happen
as in the past.

This street annexation should
be separated from annexation property.

16-04-35-43
12200
John R. Hodge, wife & veteran

RECEIVED
SEP 28 2006

Regarding street annexation of East Beacon :

We think that people should be able to develop their property as they wish. However when it comes to the annexation of streets and especially East Beacon there is no reason except to surround the area for future annexation without a vote of the people.

The Register Guard, June 18, 2006 quotes City Manager Jim Carlson regarding this issue " But we recognize that it opens up the possibility for sometime in the future for the city to initiate an annexation."

This is nothing but a land grab to bring more money into the city coffers with out a vote of the people. There are no benefits for the people in this area.

Lloyd Henderson
Beverly Henderson
4844 Scenic Drive
Eugene, Oregon
97404

16-04-35-44-04800

RECEIVED
SEP 28 2006
Lane County Local Government
Boundary Commission

September 27, 2006

Boundary Commission
99 E. Broadway
Suite 400
Eugene, OR 97401

To whom it may concern,

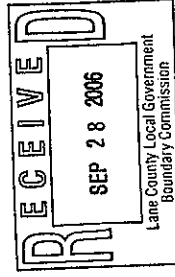
This letter is being sent to you to inform you that I am vehemently opposed to the annexing of **Lester Avenue and East Beacon Drive from River Road to 850 E. Beacon Drive**. This practice of "piggybacking" streets to individual requests from landowners for annexation has got to stop. The results of being "islanded" from this process takes away our individual right to vote on issues that pertain to us and that should never be allowed by any form of government, at least not in the United States of America. The property owners at 850 E. Beacon have informed the City that they did not want Lester and E. Beacon Streets to be annexed and the City attached them anyway with only one reason, quite obviously, in mind. The City of Eugene is trying to pad their votes by taking away ours when the time comes to vote on the "wholesale annexation" of River Road and Santa Clara. This is inexcusable. The City of Eugene knows they are doing this and should be publicly reprimanded in the different forms of media for even attempting this deplorable scheme. John Q. Public needs to be informed when sneaky, underhanded government manipulation of our basic rights are being practiced. We have already had the sewer expenses forced on us and can't even get a library card for the thousands of dollars we had to spend!

I am not going to be able to be at the public hearing for this issue scheduled at 7PM on October 5, 2006 so please consider this my written testimony as to my opinion on this proposed annexation.

Sincerely,

Daniel B. Henson
Homeowner
4731 Herman Street
Eugene, Oregon 97404
(541) 688-5286

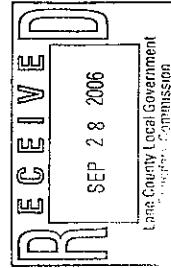
16-04-35-44 - 05900



9/27/06
Boundary Commission,

We James A. & Carol J
Proctor of 4851 Herman
St. just 3 houses off
Beacon Dr. feel we should
be annexed into Eugene
just because of a couple
of a property
development at a large
lot at 850 E. Beacon Dr.
We feel that if they wish
to be annexed into the City
that we should have the
same righting to be
annexed into the city and
we don't wish to be
annexed into the city. All
rights individually should
be considered.
James A. Proctor & Carol J. Proctor

4851 Herman St
16-04-35-44 - 05300



September 27, 2006

Noreen Foster
PO Box 40334
4731 Scenic Drive
Eugene, OR 97404
(work) 346-1388

16-04-35-44
2,700

ATTN: PAULA
BOUNDARY COMMISSION
99 East Broadway
Suite 400
Eugene OR 97401
Phone 682-4425
FAX 682-4099

Re: STOP the Possible FORCED ANNEXATION of
SANTA CLARA

Dear Paula:

This letter concerns SANTA CLARA and my view regarding the possible FORCED annexation to the City of Eugene. To make a long story short, Santa Clara is such a wonderful community! Please, please take this heart ... please stop any and all possibilities of annexing Santa Clara to Eugene. PLEASE! There are a million reasons to NOT annex Santa Clara to Eugene. There is not ONE logical reason to annex Santa Clara to Eugene.

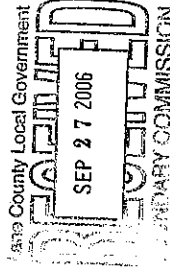
Please ... I ask that the City of Eugene leave beautiful little community of Santa Clara ALONE! We do NOT want to be part of Eugene. If we did, we would have moved to Edgewood or Spyglass years ago.

Thank you!

Sincerely yours,



Noreen Foster



28th of September 2006

Lane County Boundary Commission, & Lane County Commissioners, and the Eugene City Council
99 East Broadway, Suite #400
Eugene, OR 97401

Re: Annexation of Territory to the City of Eugene (Wolf) - C EU 06-60

Dear Boundary Commission Members:

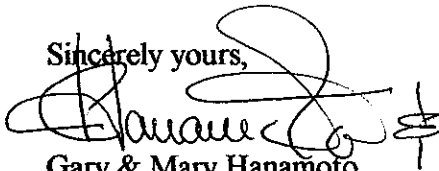
My understanding of the request to modify a current annexation proposal to include East Beacon Drive right - of - way indicates an unnecessary property grab of a road way that historically has been the main access to my residence at 4850 Thunderbird Street. As a concerned resident directly affected by all planning decisions in this area that might prematurely lead to our area's annexation to the City of Eugene, I urge that you deny this application as written.

Clearly the inclusion of the entire length East Beacon Drive from the Lester Drive easement west to River Road represents the threat of being "islanded" or boxed in by City property which would have negative impact on our right to future representation in land-use decisions which affect our neighborhood.

Once again, the inclusion of Beacon Drive is unnecessary for the application proposal and as I see it would have few benefits and many potential drawbacks and I highly recommend a denial of this application at this time.

Thank you for your time and consideration in this important land-use planning decision, I know that the future of our area's livability is at stake everyday.

Sincerely yours,



Gary & Mary Hanamoto
4850 Thunderbird Street
Eugene, OR 97904

16-04-35-43 - 14200

541. 688.6582

