

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

October 4, 2007
7:00 p.m.

Postponed from the August 2, 2007, Public Meeting – Annexation of Territory to the City of Eugene (Environ-Metal Properties LLC/River Land Properties LLC)

IV.A. BC File C EU 07 – 37

Initiated by property owner petition

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

Received July 3, 2007

Action to be taken by July 3, 2008

Description

As submitted, the annexation area includes one full tax lot and a portion of one tax lot located in southeast Eugene, north of 30th Avenue, south of Everglade Street, and northwest of Bloomberg Road

Property owners¹: Environ-Metal Properties LLC (P.O. Box 834, Sweet Home) and River Land Properties LLC (PO Box 832, Sweet Home)

Tax lots: all of 701 and part of 702, T18S R03W S10

Acres: ± 130.00

Estimate of existing population: 0

Existing land use: Vacant, forest

Existing zoning in Lane County: AG/WR/UL, agricultural with water resource and urbanizing fringe overlays

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Eugene)

Reason for Annexation

The property owners are requesting annexation to prepare the site for 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

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)

hearing. *In this case, notice of the public hearing was advertised in The Eugene Register-Guard on September 13, 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 (Environ-Metal Properties LLC/River Land Properties LLC, owners of the properties proposed for annexation) on September 26, 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 Eugene city hall, and at the Lane County courthouse on September 19, 2007.*

In conformance with OAR 191-005-0065(3), these staff notes, as well as the August 2, 2007, staff report and minutes, are incorporated as part of the record for the October 4, 2007, meeting.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owners. The owner's written consent initiated the annexation request. The statutory provision to receive consent from owners of more than one-half the land area is met. The proposal was filed on July 3, 2007. At the request of the City of Eugene and the property owners, the annexation request was postponed to this meeting, which is beyond the 90-day statutory time frame. Action by the boundary commission must occur not later than one year from the date the annexation was filed (July 3, 2008).

Since the August meeting, the applicants' representatives worked with Lane County and Eugene planning staff to resolve concerns raised about the location of the urban growth boundary (UGB). A revised map and legal description was submitted representing the agreed upon location of the UGB. The southerly and easterly boundaries of the annexation area are coterminous with the location of the UGB. With the agreement of the property owners and the Eugene and Lane County planning staff, the processing of the annexation can continue.

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. In this case, it is all of tax lot 701 and a portion of tax lot 702, T18S R03W S10. The end of the 45-day remonstrance period on this annexation request, if approved, is November 19, 2007. At the time of submittal, there were no electors⁴ registered within the annexation area.

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

The annexation area, as submitted, includes all of one tax lot and a portion of another tax lot (refer to Maps No. IV-A-1 and IV-A-2). The annexation area is currently undeveloped. Annexation to Eugene will allow residential development to occur.

The original annexation area and the revised annexation area differ slightly. As a result, it will be necessary to modify the original application to reflect the boundary agreed to by Eugene, Lane County, and the owners' representative (refer to Map No. IV-A-3 and Exhibit IV-A-1). The annexation area and the UGB are coterminous along the southerly and easterly boundary.

The annexation area is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and is zoned AG/WR/UL, agriculture with water resource and urbanizable lands overlays, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the annexation area will be zoned AG/WR. A process to change the AG zone to a zoning district consistent with the plan designation will need to be processed through the City of Eugene.

BOUNDARY COMMISSION REFERRALS

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

No other referral responses were received as of September 26, 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, and postponed until October 4, 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 annexation area is not within a fire district or water district. After annexation to the city, water and fire services will be provided by the City of Eugene.

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.

This request, if modified, 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 modified annexation area is located within the acknowledged urban growth boundary of the Metro Plan, which is coterminous to southeasterly boundary of the annexation area. 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 proposed annexation is contiguous to the main body of the City of Eugene. Annexation to the city fulfills the policies adopted in the Metro Plan of annexing out to the urban growth boundary.

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, all territory within this geographic area will be annexed to Eugene.

This annexation, if modified, 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 modified annexation area 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 area will be zoned to a city zone consistent with the plan designation.

The annexed 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 – EWEB staff indicates there is an existing 12-inch water main that can serve elevations of 500 feet to 750 feet on the northern property line of tax lot 701 at the west end. Also, the East Ridge Village PUD (planned unit development) will be extending mains to the same property line. There is an existing 10-inch water main in Spring Boulevard just north of the 30th Avenue interchange that can serve elevations of 700 feet to 875 feet. There is no capacity issues with this main, but mitigation of the dead-end may require looping the system to Essex Lane or some other method to provide for reliability and water quality. There currently is no service available to properties above elevation 875 feet, but there is the possibility for the construction of a pump station for service. EWEB believes that adequate water service can be made available at the time of development with the proper public improvements and have no objection to the annexation.

Electricity – EWEB staff indicated it provides electric service to developed properties in this area of south Eugene. There are existing overhead electric facilities on Bloomberg Road. New development can also be served from electric facilities being extended in the East Ridge Village PUD.

Police services – Eugene planning staff indicates that police protection can be extended to the area upon annexation consistent with service provision throughout the city. Police currently provide service to other properties in this general area already inside the city. Service will be provided to the annexation area consistent with the call and response method used by the city. The 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 – The annexation area currently does not receive fire protection services. After annexation to the city, fire services will be provided by Eugene. EWEB staff and the fire marshal's office indicate that development issues regarding access, fire flows/water

supply, fire hydrant placement, and wildfire risks will be addressed during the development process.

Emergency medical transport (ambulance) services are provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County. 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 to the proposal area as prescribed in the Metro Plan. There is a significant level of park services near and adjacent to the proposed annexation site. Ribbon Trail is a 17.99 acre open space ridgeline park located adjacent to and north of tax lot 701 and north of 30th Avenue at the west boundary of lot 701. Hendricks Park is an 81.44 acre community and metropolitan park located north of and contiguous to the north terminus of Ribbon Trail. Moon Mountain Park is a 40.28 acre open space ridgeline park located adjacent to and north of the easterly portion of the subject site, southeast of Laurel Hill Park, a 3.51 neighborhood park. Bloomberg Park is a 20.80 acre open space park south of and adjacent to lot 702 toward the easterly property boundary and the west terminus of Bloomberg Road and is located outside the urban growth boundary.

All subdivisions are being reviewed by city parks planning staff to determine if land should be reserved for future park sites. Systems development revenues generated by development on this site will help to fund future park acquisition and development throughout the city.

Schools – The annexation area is in Eugene School District 4J. Existing schools—Harris elementary, Roosevelt middle, and South Eugene high—serve this neighborhood and can accommodate students resulting from new development occurring within the annexation area.

Wastewater – Eugene public works staff indicates that public wastewater service is available to serve the northern portion of the site from an existing 8-inch system within Everglade Avenue. Public wastewater facilities is also being extended as part of the East Ridge Village PUD.

Stormwater – Site plans for all new development must provide for drainage to an approved system consistent with the adopted Comprehensive Stormwater Management Plan (CSWMP). Eugene public work staff indicates that development of the site will require the demonstration of capacity and continuation of open waterways on and near the site.

Streets – Lane County public works staff indicates that the annexation area is adjacent to 30th Avenue to the south. Bloomberg Road is to the east. 30th Avenue is a Lane County maintained road, functionally classified as an urban minor arterial. Bloomberg Road is a Lane County maintained road, functionally classified as a rural local road having a minimum right-of-way width of 50 feet for development setback purposes. It has a pavement width of 22 feet and no curb, gutter, or sidewalk. The portion of the properties within the urban growth boundary (e.g., the proposed annexation) is adjacent to the 30th Avenue right-of-way in an area where previous embankment failures have resulted in slides that were repaired under contract by Lane County.

During the slide repair project, Lane County used the subject property consistent with an agreement with the property owner (McDougal Brothers Investments). The agreement included provisions for receiving a facility permit for a future public street intersecting with 30th Avenue and for meeting the City of Eugene's street standards. Transportation and access issues that impact Lane County facilities will be addressed when plans for development are submitted.

Eugene public works staff indicates that the portion of 30th Avenue already annexed to Eugene is classified as a minor arterial street. Access is limited/restricted and would likely require a traffic impact analysis. The current street "stubs" to the property are Everglade Avenue, near the northwest corner, and Bloomberg Road, near the southeast property corner. Everglade Avenue is an unimproved city right-of-way. Bloomberg Road is under Lane County's jurisdiction. The city has a standard for street grades not to exceed 15 percent. Policies in the Laurel Hill Plan and South Hills Study regarding limitations of cut and fill slopes may be applicable. The Laurel Hill Plan prohibits roads that would connect to the Glenwood interchange on I-5 to 30th Avenue or Spring Boulevard. Extension of public streets has been approved as part of the East Ridge Village PUD to the north.

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. 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 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 proposed use is 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 Eugene (BC File C EU 07 – 53) be modified to ensure that the annexation boundary and urban growth boundary are coterminous along the southerly and easterly boundary and be 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 proposal or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the Lane County Local Government Boundary Commission by the property owners on July 3, 2007, in accordance with ORS 199.490(1)(c). The proposal was found to be a valid filing under OAR 191-006.
2. The request was postponed to the October 4, 2007, meeting (beyond the 90-day statutory timeframe) to allow for further review of the location of the urban growth boundary (UGB). Eugene, Lane County, and the owners' representative agreed to the location of the UGB and provided updated information prior to the public hearing.
3. The proposed annexation, as submitted, included one full tax lot and a portion of another (T18S R03W S10 all of tax lot 701 and part of tax lot 702), which comprised about 130 acres owned by Environ-Metal Properties LLC (tax lot 701) and River Land Properties LLC (tax lot 702). The annexation area was undeveloped and was contiguous to the main body of the City of Eugene.
4. The original annexation area was modified to include approximately $\frac{3}{4}$ of an acre and exclude approximately $6\frac{1}{4}$ acres. As modified, the annexation area totaled about $344\frac{1}{2}$ acres.
5. The land use designation for the annexation area was low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).
6. The modified annexation area was zoned AG/WR/UL, agriculture with water resource and urbanizable lands overlays, in Lane County. After the annexation effective date, the annexed area would be rezoned to AG/WR. When needed, a zone change would be processed through the City of Eugene to apply zoning districts 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)

7. The boundary commission held a public hearing on October 4, 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.
8. 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).
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 Eugene was identified in the acknowledged Metro Plan as the preferred method for providing key urban facilities and services (Chapter II, section C).
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 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 this 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 Eugene as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas.

16. The proposed use was consistent with the policies in the Metro Plan requiring urban levels of development within the urban growth boundary.
17. 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.
18. This request was consistent with this standard.

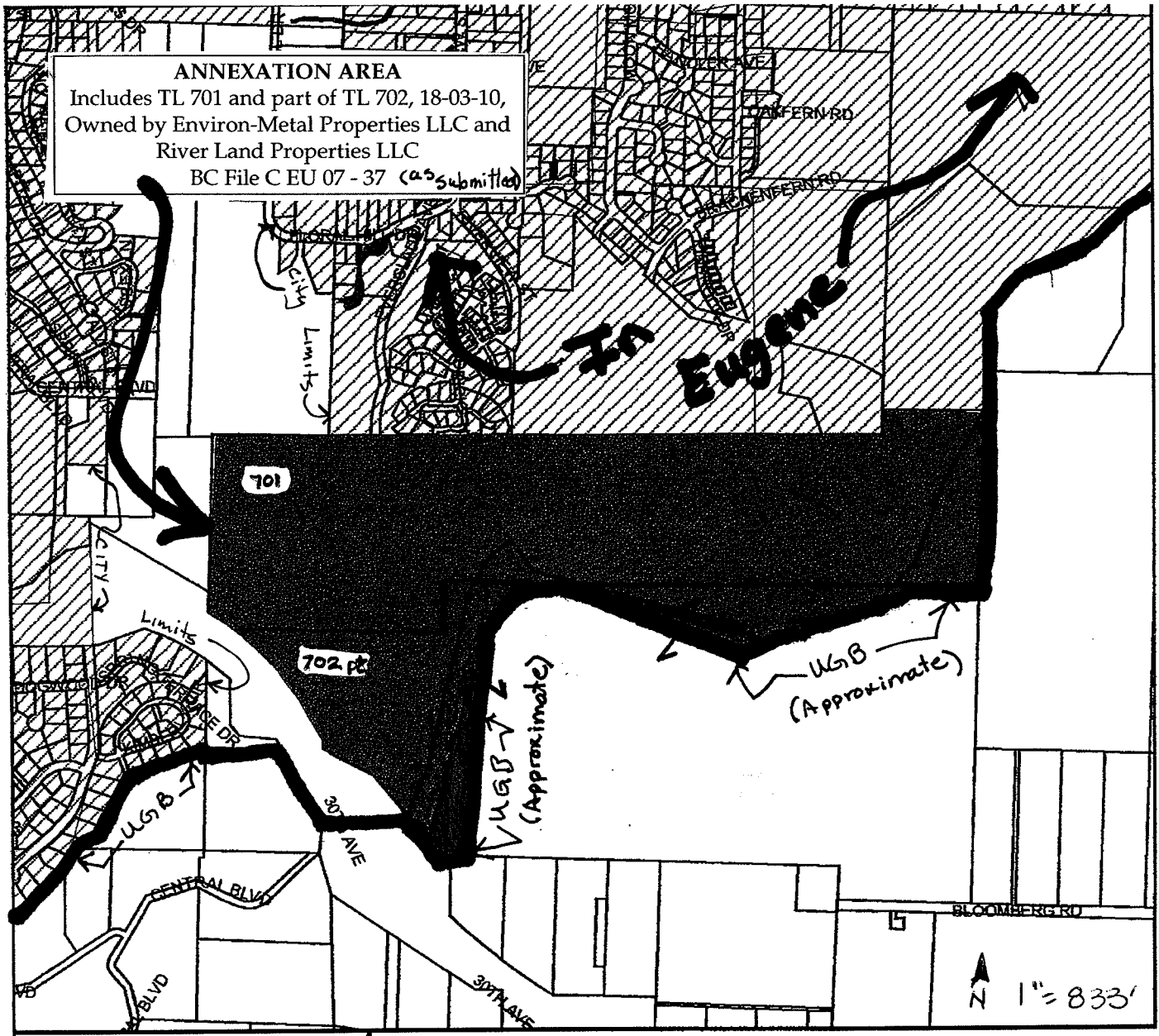
Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

19. The 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 use was consistent with the long-range plan for the area. The annexation of territory to the city fulfills the policies in the Metro Plan of annexing out to the urban growth boundary.
20. 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 to the City of Eugene.
5. The modified proposal was consistent with boundary commission administrative rule policies.

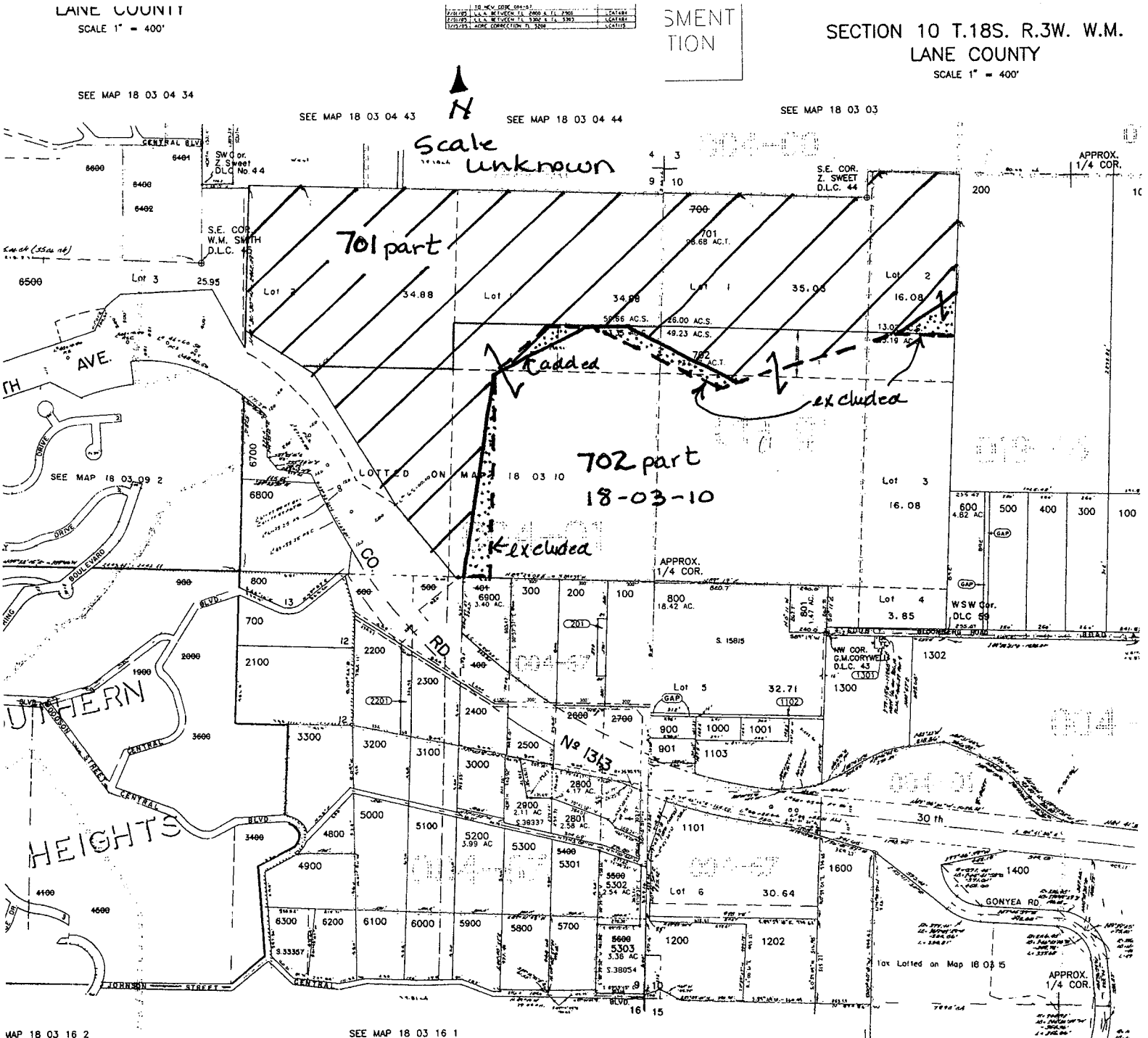
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Last Saved: September 28, 2007



Map IV-A-3 Modification Map
Annexation to Eugene (Environ-Metal Properties LLC/River Land Properties LLC)
C EU 07 - 37

LANE COUNTY
 SCALE 1" = 400'

SECTION 10 T.18S. R.3W. W.M.
 LANE COUNTY
 SCALE 1" = 400'



- - - = UGB/annexation boundary, as originally submitted
- = UGB/annexation boundary, as agreed to by Eugene, Lane County, and applicant
- = areas to be excluded or added



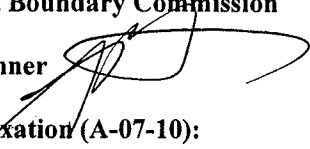
**Planning & Development
Planning**

Memorandum

City of Eugene
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DATE: September 20, 2007

TO: Paula Taylor, Executive Officer
Lane County Local Government Boundary Commission

FROM: Ann Siegenthaler, Associate Planner 

RE: Environ-Metal/River Land annexation (A-07-10):
City concurrence with UGB location interpretation

The subject parcels are located in the South Hills, in an area where the UGB generally follows the ridgeline, but is subject to interpretation. The applicant has requested that this annexation review include an interpretation of the UGB location.

In Eugene's South Hills Area, the UGB location is not, in most cases, mapped to be tax-lot specific. In those cases, the Metro Plan provides for an interpretation of the UGB during the annexation process, or on a case-by-case basis based on several factors. One key factor specified in the Metro Plan is the location of the ridgeline. The applicant's proposed UGB location follows the ridgeline, as shown on the attached contour map (received September 13, 2007, approved by K. Howe 9/10/07 and K. Yeiter 9/19/07).

The City concurs with this proposal, and interprets the UGB to be generally located as shown, based on the following:

- 1) The Metro Plan (at IIG-14) provides for an interpretation of the UGB during the annexation process, or on a case-by-case basis..
- 2) The Metro Plan (at IIG-21) provides that the UGB location in the geographic area of this annexation should be based on the following factors: a) ridgeline (drainage basin), b) protect forest land; c) economic and orderly public services, d) existing development and services (city limits), and e) to meet housing goals.
- 3) The UGB location as proposed follows the ridgeline as generally mapped in the City's GIS system, and based on the most current topographic information available.
- 4) This area of the South Hills contains steep slopes and forest cover. A UGB at this location addresses the Metro Plan's directive to consider protection of forest land.
- 5) Lane County concurs with the proposed interpretation of the UGB location, as shown on the attached contour map.

The territory proposed to be annexed is located within the UGB, has AG zoning with a Urbanizable Lands Overlay (no F2 zoning). Upon annexation, the city limits boundary will be co-terminus with the UGB at this location. Based on this, the City concurs with the proposed annexation.

