

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.

Annexation of Territory to the City of Eugene (Brotherton I LLC/Brotherton II LLC/Brotherton III LLC)

V.C. BC File C EU 07 – 53

Initiated by property owner petition

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

Received September 4, 2007

Action to be taken by December 3, 2007

Description

As submitted, the annexation area includes four tax lots located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of River Loop No. 2, south of Oroyan Avenue, and north and south of Swain Lane

Property owners¹: Brotherton I LLC, Brotherton II LLC, and Brotherton III LLC (P.O. Box 2771, Eugene)

Tax lots: 400, 406, 702, and 800, T17S R04W S02 Map 42

Acres: ± 3.05

Estimate of existing population: 1 (five mobile homes)

Existing land use: Residential, vacant

Existing zoning in Lane County: C-1/UL, neighborhood commercial with urbanizable lands; AG/UL, agriculture with urbanizing fringe overlay

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Springfield), fire (Santa Clara Rural Fire Protection District), water (Santa Clara Water District), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The property owners are requesting annexation to prepare the site for commercial 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 (Brotherton I LLC, Brotherton II LLC, and Brotherton III LLC, owners of the properties proposed for annexation and initiators of the annexation request) on September 24, 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 are incorporated as part of the record of the boundary commission public hearing of October 4, 2007.

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, which included four tax lots. The statutory provision to receive consent from owners of more than one-half the land area is met. The proposal was filed on September 4, 2007, and boundary commission action must occur by December 3, 2007 (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. In this case, it is tax lots 400, 406, 702, and 800, T17S R04W S02 Map 42. The end of the 45-day remonstrance period on this annexation request, if approved, is November 18, 2007. At the time of submittal, there were no electors⁴ registered within the annexation area.

The annexation area, as submitted, includes four tax lots (refer to Maps No. V-C-1 and V-C-2). The annexation area is currently developed with a 5-unit mobile home park (tax lot 702). The remainder of the tax lots are undeveloped. Annexation to Eugene will allow commercial development to occur.

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 Swain Lane right-of-way. This segment of Swain Lane is approximately 636 feet long and is a local access road. (refer to Exhibit V-C-1 and Map No. V-C-2). The Brotherton LLCs ownership is separated by

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

Swain Lane. Inclusion of the right-of-way will connect the Brotherton properties that are located north and south of Swain Lane. The right-of way totals approximately 0.52 acres. No “islands” of unincorporated territory are created by this request.

The original annexation area and right-of-way proposed for inclusion are located within the urban growth boundary (UGB). The UGB is located less than one mile to the north and east of the annexation area.

The tax lotted portion of the annexation area is designated commercial in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the River Road-Santa Clara Urban Facilities Plan and is zoned C-1/UL, neighborhood commercial with urbanizable lands overlay, and AG/UL, agriculture with urbanizable lands overlay, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the tax lotted properties will be zoned C-1 and AG. 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, Lane County Board of Commissioners, Santa Clara Rural Fire Protection District (RFPD), and Santa Clara Water District.

The Santa Clara Water District submitted a letter (attached as Exhibit V-C-2) objecting to this proposal because the district will lose customers if the property is annexed to the City of Eugene. The district notes street lighting is a service that could be supported by funds from existing and future customers. Boundary commission staff responds that the water district derives its revenue directly from user fees and its revenues will be reduced as a result of annexation. The annexation area is developed with a five-unit mobile home park. However, redevelopment and development consistent with the commercial plan designation 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 and redevelopment 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 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.

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 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. On September 24, 2007, a notice was sent to owners of property outside the city limits adjacent to the segment of Swain Lane under consideration for inclusion in the annexation area.

The proposed annexation area and roadway modification area 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 annexation area will be withdrawn from the water district through separate proceedings by the City of Eugene in accordance with ORS 222. Withdrawal of the annexation area will reduce revenues currently received by the district because the district derives its revenue directly from user fees and the proposal area is developed with five mobile homes. 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.

The original annexation area and roadway modification are in the Santa Clara RFPD. Upon the annexation effective date, the area will be automatically withdrawn from both district in accordance with ORS 199.510(2)(a) and the city will provide fire protection and emergency medical services to the proposed annexation area.

Prior to July 1, 2002, the Santa Clara RFPD 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 districts.

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, as submitted as well as 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 original annexation area and the roadway modification area 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 proposed annexation is not contiguous to the main body of the City of Eugene. Annexation of tax lotted properties and road right-of-way fulfills the policies adopted in the Metro Plan of annexing out to the urban growth boundary.

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

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

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, 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 road right-of-way modification area 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 contain 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 tax lotted portion of the annexation area is designated neighborhood commercial in the Metro Plan and the River Road-Santa Clara Urban Facilities Plan. If the annexation is approved, the area will be zoned to a city zone 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 right-of-way will help fulfill the policies in the Metro Plan of annexing out to the urban growth boundary and of providing urban services to developing properties inside the city. The following facilities and services are either available or can be extended to this annexation area.

Water – Through an intergovernmental agreement with the Santa Clara Water District, EWEB currently provides water service to developed properties in the Santa Clara area. In addition, EWEB is responsible for the day-to-day operations, maintenance, and billing functions of the Santa Clara Water District. EWEB indicates there is an existing 2-inch water line in Swain Lane. The water main is a dead-end main that is undersized for fire protection. A water main extension will be required to serve any new development in order to provide a looped system that will meet EWEB standards for reliability, water quality, and fire protection. Adequate water service can be made available at the time of development with a water main extension. Following annexation, the annexed area will be withdrawn from the water district and EWEB will provide services directly.

Electricity – EWEB staff indicated it provides electric service to developed properties in this area of north Eugene. There are existing overhead electric facilities on the north side of Swain Lane. New development in the annexation area will be served by EWEB.

Police services – Eugene planning staff indicates that police protection can be extended to the annexation area upon annexation consistent with service provision throughout the city. Police currently provide service to other properties in this general area already inside the city. Service will be provided to the annexation area consistent with the call and response method used by the city. After annexation, this proposal area will receive police services on an equal basis with properties inside the city. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services – Fire protection is currently provided by 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 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 have 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 Santa Clara area. The area will continue to receive this service consistent with the adopted ambulance service area (ASA) plan. Mutual aid agreements have been adopted by the three regional ASA providers 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. Awbrey Park, a city owned facility, is located on River Road, north of Spring Creek Drive. 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 – The annexation area is in Eugene School District 4J. 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 annexation 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). The annexation area is not identified in the current adopted capital improvement program (CIP) as a needed capital project. There are existing 8-inch wastewater lines in Swain Lane, River Road, and River Loop No. 2 that can serve new development within the annexation area.

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 currently there are no public piped stormwater facilities available to the site. At the time of development, stormwater runoff from impervious surfaces must be discharged to an approved point of discharge and evidence of downstream capacity for stormwater disposal must be provided. On-site retention or detention may be an acceptable alternative, provided the applicant supplies the required feasibility and calculation as certified by a civil engineer at the time of development. Underground injection control (UIC) facilities must be rule authorized by the Department of Environmental Quality (DEQ) and/or have a water pollution control facility permit issued by DEQ.

Streets – The annexation area has frontage on Swain Lane, River Road, and River Loop No. 2. Lane County public works staff indicates that Swain Lane is a local access road that is not maintained by Lane County. There are no curbs, gutters, or sidewalks. Annexation of Swain Lane is supported by Lane County staff in order to facilitate urban improvements. The section of River Road adjacent to the annexation area is a Lane County maintained road functionally classified as an urban minor arterial. It is fully improved to urban standards with a paved surface, curbs, gutters, sidewalks, and bike lanes. Access to River Road will likely be required to be taken via Swain Lane and only one access to River Road will be allowed. River Loop No. 2 is a Lane County maintained road functionally classified as an urban minor collector road. It has a paved surface, and no curb, gutter, or sidewalk. Lane County facility permits will be required for activities performed within the rights-of-way of River Road or River Loop No. 2.

Eugene public works staff indicates that Swain Lane is a local access road, River Road is classified as a minor arterial under Lane County jurisdiction, and River Loop No. 2 is classified as a neighborhood collector under Lane County jurisdiction.

The City of Eugene is requesting that Swain Lane be included in the annexation area. Inclusion of the roadway will connect the tax lotted properties proposed for annexation to each other and to other previously annexed portions of the city. The city's request to modify and the justification for the right-of-way inclusion are attached in Exhibit V-C-1. As local access road, Swain Lane

will become the jurisdictional responsibility of the City of Eugene upon the effective date of the annexation.

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 existing and proposed commercial uses and road right-of-way are consistent with the long-range plan for the area and will fulfill the growth policies in the Metro Plan and in Oregon law.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

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

1. The commission can approve the annexation as submitted. The area annexed would include tax lots 400, 406, 702, and 800, T17S R04W S02 Map 42, owned by Brotherton I LLC, Brotherton II LLC, and Brotherton III LLC.
2. The commission can modify⁵ the original annexation area to include a segment of Swain Lane right-of-way, and approve the annexation as modified.

⁵ The boundary commission may alter a validly filed annexation request to either include or exclude territory. If the territory to be added or removed is real property (e.g., taxable), consent from the property owner is required. ORS 199.461(2)

The boundary commission staff recommends that the proposed annexation to the City of Eugene (BC File C EU 07 – 53) be modified as requested by the City of Eugene (see option 2 above) 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 submitted. If the boundary commission does not modify 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 4, 2007, 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 four tax lots (T17S R04W S02 Map 42 tax lots 400, 406, 702, and 800), which comprised about 3.05 acres and was owned by Brotherton I LLC, Brotherton II LLC, and Brotherton III LLC. The annexation area included developed and undeveloped properties 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 an existing segment of Swain Lane right-of-way totaling approximately 0.52 acres. As modified, the annexation area totaled about 3.57 acres.
4. The land use designation for the tax lotted portions of the annexation area was neighborhood commercial in 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 AG/UL, agriculture with urbanizable lands overlay, and C-1, neighborhood commercial with urbanizable lands overlay, in Lane County. After the annexation effective date, the tax lotted properties would be rezoned to AG and C-1. If needed, zone changes would be processed through the City of Eugene to 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)

6. 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.

7. 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.
8. Withdrawal of the modified annexation area from the Santa Clara Water District had some financial impact because the water district derives its revenue from user fees and the annexation area was partially developed. The annexed 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.
9. 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).
10. 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)

11. 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.
12. 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).
13. The proposed annexation met the criteria for noncontiguous annexations in the boundary commission law and the Metro Plan.
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 tax lotted property and existing road rights-of-way fulfilled 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 this tax lotted property and existing road right-of-way assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary.
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 proposed use was 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)

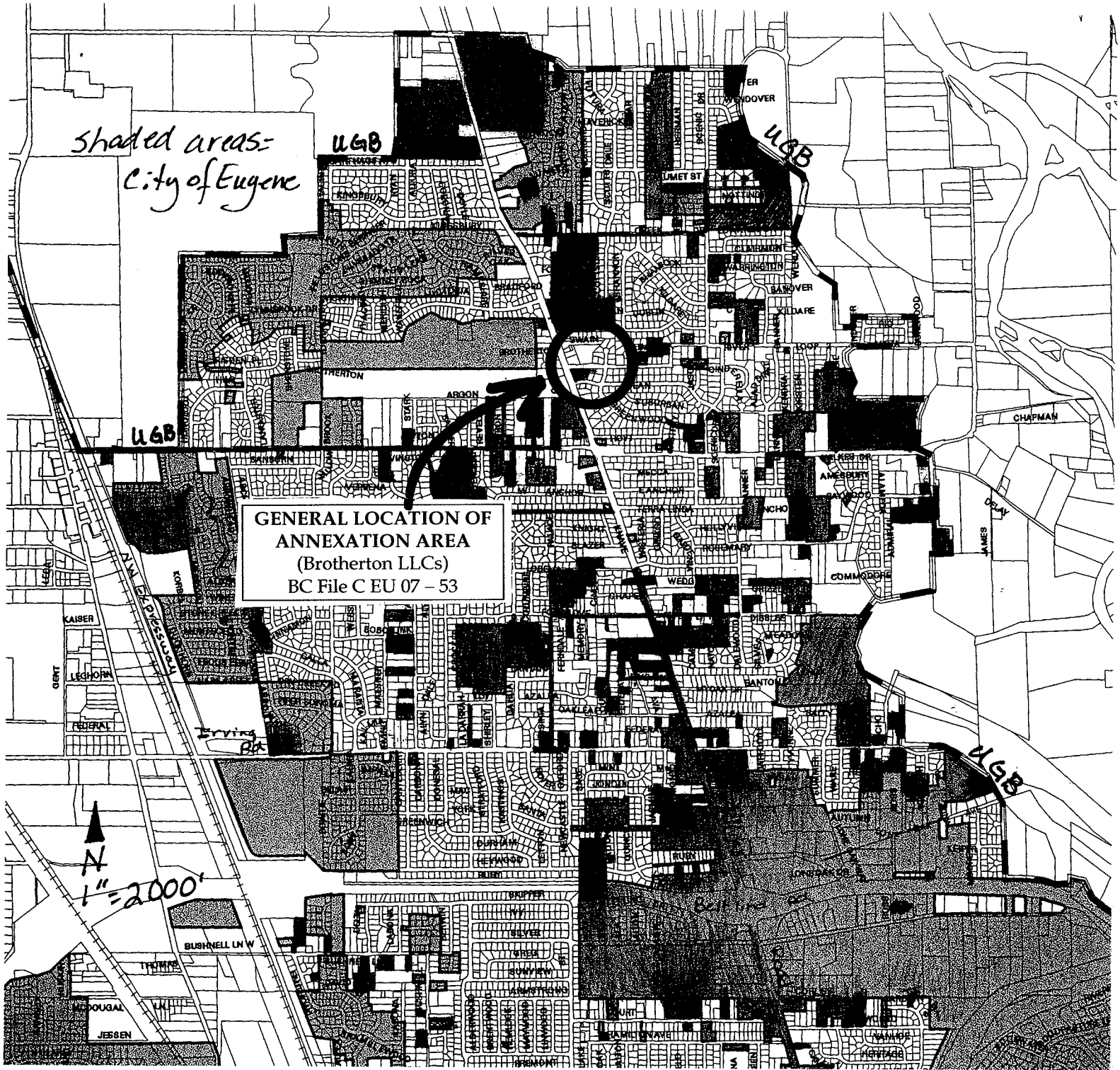
21. The modified annexation proposal was consistent with the Metro Plan, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The proposed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

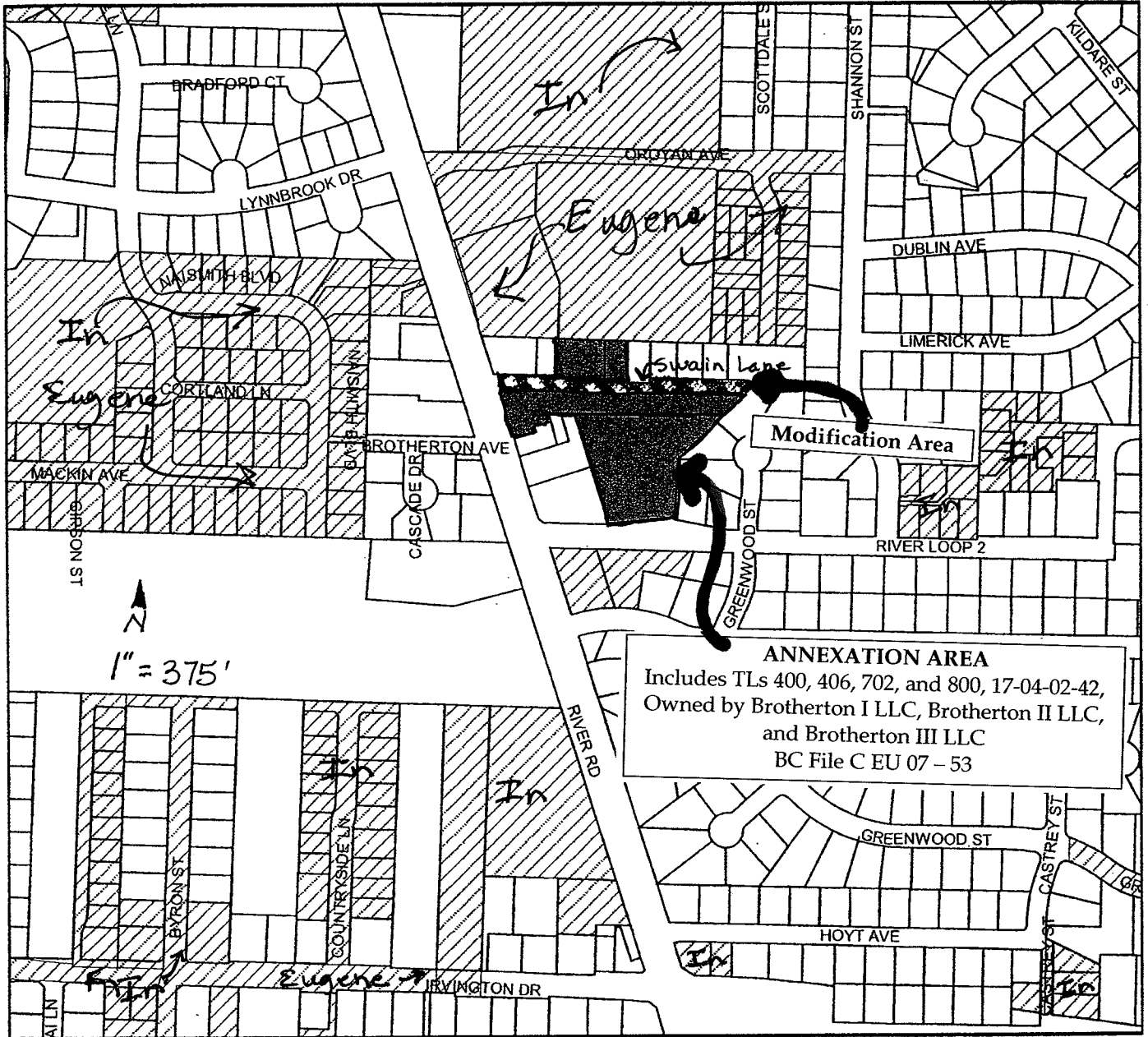
Reasons:

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 modified proposal was consistent with boundary commission administrative rule policies.

pt: LCBC: L\BC\SN2007\CEU0753 SN.DOC
Last Saved: September 28, 2007







Planning & Development
Planning

Memorandum

City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.eugene-or.gov

DATE: September 13, 2007

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

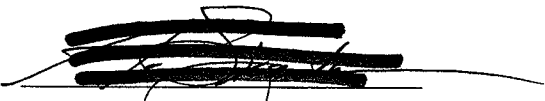
FROM: Ann Siegenthaler, Associate Planner

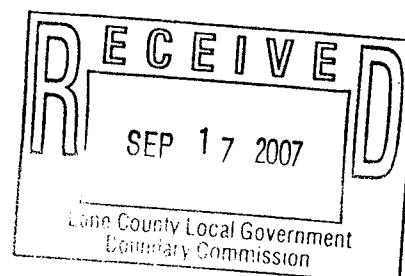
RE: **Brotherton LLC annexation (A-07-25): Request for modification**

The City hereby requests that the Boundary Commission modify the proposed Willocks annexation (Tax Lots 400, 406, 702 & 800 of Assessor's Map 17-04-02-42) to include a portion of Swain Lane right of way.

Materials submitted to the Boundary Commission in support of this modification request consist of a memo from Peggy Keppler, City of Eugene Engineering Development Review Manager, dated June 5, 2007, and maps depicting the territory proposed to be added to the Brotherton annexation.

Submitted by:


Ann Siegenthaler, Associate Planner
City of Eugene Planning Division





Public Works
Engineering

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

MEMORANDUM

Date: June 5, 2007
To: Paula Taylor, Executive Officer, Lane County Boundary Commission
From: Peggy Keppler, Engineering Development Review Manager
Subject: Brotherton LLC Annexation (A07-25) and Swain Lane Right-of-Way

The City of Eugene is requesting that the Boundary Commission modify this annexation proposal to include the right of way of Swain Lane from River Road east to the dead end as part of Stapleton annexation application.

Swain Lane is located in the Santa Clara Neighborhood located north of Beltline Road and east of River Road. This segment of Swain Lane right of way segment is approximately 636 feet long. This proposed right of way annexation, together with the Brotherton annexation, would result in connecting both the property and right of way to previously annexed properties within the city. Swain Lane is a local access road. As a local access road, the city will take immediate jurisdictional responsibility of the road way. Swain Lane is identified by the city as a local street. This is a logical segment of roadway to be considered for annexation because it encompasses the entire right of way between the proposed properties between River Road and its dead end. Annexation of this section of right of way will not create any unincorporated islands.

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

This segment of road way is not improved to urban standards. Although no local improvements are planned for this road way at this time, future development applications for the proposed properties may require full improvement.

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 Swain Lane is appropriate and a logical connection of the existing transportation and stormwater systems serving this area. Inclusion of Swain Lane right-of-way will result in annexation of 0.52 total acres.


Brotherton LLCs Annexation: 17-04-02-42, TL: 400, 406, 702, 800

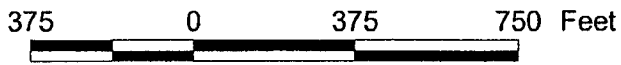
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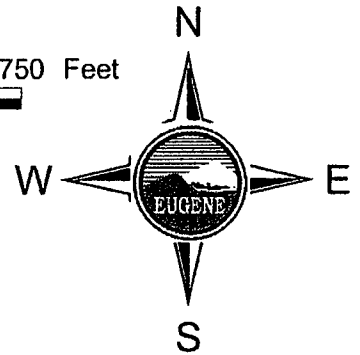
Text Street Names

 **Annexed Area**

 **Eugene UGB**



Caution: this map is based on imprecise source data, subject to change, and for general reference only.



SANTA CLARA WATER DISTRICT

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

September 14, 2007

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

Re CEU 07 – 47, 48 and [REDACTED]

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

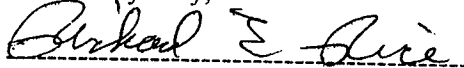
Again, we have several reasons for opposing these withdrawals from our district and some of them are as follows: We would like to have all public officials realize that water that will be supplied to homes that will be constructed on these properties must pass through water mains that belong to and are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

Santa Clara Water District will loose two customers and a minimum of thirty potential new customers that would have helped us provide funds to continue to maintain our present water system and 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 public hearings on these petitions.

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

Yours very truly,



Richard E. Rice, Clerk

