

## 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

December 6, 2007  
7:00 p.m.

#### Annexation of Territory to the City of Eugene (Hult & Associates LLC/Fisher)

#### IV.B. BC File C EU 07 – 58

Initiated by property owner petition

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

Received November 6, 2007

Action to be taken by February 4, 2008

#### Description

As submitted, the annexation area includes six tax lots located southwest of Eugene, south of Bailey Hill Road, east and west of S Louis Lane, and west of Warren Street

Property owners<sup>1</sup>: Hult & Associates LLC (PO Box 1341, Eugene) and John and Joanna Fisher (2455 S. Louis Lane, Eugene)

Tax lots: 6400, 6500, 6701, 6801, and 7001, T18S R04W S03 and tax lot 2000, T18S R04W S03 Map 10

Acres: ± 38.84

Estimate of existing population: 7 (two residential units)

Existing land uses: Residential; vacant; agricultural; timber

Existing zonings in Lane County: R-1/UL, low-density residential with urbanizable land overlay; and R-1/UL/WR, low-density residential with water resource and urbanizable land 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), fire (Zumwalt RFPD contracting with the City of Eugene), electricity (EWEB)

#### Reason for Annexation

The property owners requested the annexation in order to prepare for future development. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

#### Notice

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<sup>1</sup> 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)

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 November 15, 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<sup>2</sup> not more than 15 days before the hearing. “Affected territory” as defined by ORS 199.415(3) means the territory described in the petition<sup>3</sup>. The “petition” includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Hult & Associates LLC and John and Joanna Fisher, owners of the private properties proposed for annexation and initiators of this annexation request) on November 27, 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 November 21, 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 December 6, 2007.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owners. John and Joanna Fisher consented as the property owners of tax lots 6701, 6801, and 7001. Gretchen Pierce consented on behalf of Hult & Associates LLC, owner of tax lots 6400, 6500, and 2000. The statutory provision to receive consent from owners of more than one-half the land area is met. The proposal was filed on November 6, 2007, and boundary commission action must occur by February 4, 2008 (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 the tax lots as outlined on the attached tax lot listing. The end of the 45-day remonstrance period on this annexation request, if approved, is January 22, 2008. At the time of submittal, there were four electors<sup>4</sup> registered within the annexation area.

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<sup>2</sup> Affected territory means the territory described in the petition. ORS 199.415(3)

<sup>3</sup> 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)

<sup>4</sup> 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 properties in two separate ownerships. Three tax lots (6400, 6500, and 2000) are owned by Hult & Associates LLC and total approximately 33.63 acres. The remaining three properties (tax lots 6701, 6801, 7001) are owned by John and Joanna Fisher and total approximately 5.21 acres. Two tax lots are currently developed with one residential unit each. The annexation area totals approximately 38.84 acres and is contiguous to the main body of the City of Eugene (refer to Maps No. IV-B-1 and IV-B-2).

The original annexation area is located within the urban growth boundary (UGB). The UGB is approximately 0.125 miles to the southwest of the annexation area. According to city staff the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) designates the properties in the annexation area as follows: low-density residential with urbanizable land overlay (tax lots 6400, 2000, 6701, 6801, and 7001) and low-density residential with water resource and urbanizable land overlays (tax lot 6500). Upon annexation to the city, the urbanizable land overlay (UL) will automatically be removed and the properties will be zoned R-1 and R-1/WR as applicable.

The city reviews all annexation requests to determine the appropriateness of including existing rights-of-way. The city is now implementing a policy to seek inclusion of all appropriate street rights-of-way along with proposed annexations throughout the city. The city asks the boundary commission to modify the proposal to include the S Louis Lane right-of-way beginning at Bailey Hill Road south to the dead end, approximately 1,800 feet in length. Streets provide physical access to the properties and often contain easement for the water, wastewater, electric, cable, and other urban services necessary to serve the properties. Therefore, the city supports the annexation of appropriate street segments with the developing properties, with the expectation that urban services will be provided in a more coordinated and connected manner. (Refer to Exhibit IV-B-1)

As submitted, the annexation area is separated by S Louis Lane. If the request is modified to include S Louis Lane, the annexation area is one contiguous area. Annexation of S Louis Lane and the tax lotted properties will create three an unincorporated islanded areas consisting of 14 tax lots. The city is not requesting nor requiring that the 14 properties be annexed now or in the near future. The island area is not within the River Road and Santa Clara area and therefore, does not conflict with the city council directive to not include right-of-way if an island is created. Annexation of the right-of-way is necessary for the future development of these tax lots.

The tax lots within the islanded areas are:

#### T18S R04W S03

Tax lot 900, owned by the Eugene Bible College, 2155 Bailey Hill Road, Eugene 97405

Tax lot 1000, owned by Richard and Paola Hardt, 2199 Bailey Hill Road, Eugene 97405

Tax lot 1001, owned by Roger and Debra Anderson, 2355 S Louis Lane, Eugene 97405

Tax lot 1002, owned by Doris Danelski, 2425 S Louis Lane, Eugene 97405

Tax lot 1003, owned by Kisten Dede and Jerome Elliott, 2275 S Louis Lane, Eugene OR 97405

Tax lot 6802, owned by Barton and K A Carroll, 2829 S Louis Lane, Eugene 97404

Tax lot 6803, owned by Dannie Bennett, 88 W 25<sup>th</sup> Avenue, Eugene 97405

#### T18S R04W S03 Map 10

Tax lot 1500, owned by William and M P Christie, 2205 Bailey Hill Road, Eugene 97405  
Tax lot 1700, owned by Kevin and Annette Brooks, 2260 S Louis Lane, Eugene 97405  
Tax lots 1600, 1800, and 1900, owned by the Ramsing Joint Trust, PO Box 742, Corvallis 97339  
Tax lot 2100, owned by Kenneth Evans and Elaine Callahan, 2255 Bailey Hill Road, Eugene 97405  
Tax lot 2200, owned by Bruce and Kathleen Mackey, 2265 Bailey Hill Road, Eugene 97405

Oregon law allows a city to initiate the annexation of island area without the consent of the property owners or electors. **None of these lots are included in this annexation request.** All of the property owners were sent a copy of this staff report.

### **BOUNDARY COMMISSION REFERRALS**

Boundary commission referrals were sent to the Lane County Land Management Division, Lane County Environmental Health Division, Lane County Board of Commissioners, and Zumwalt Rural Fire Protection District (RFPD).

Zumwalt RFPD intends to respond to the commission's referral; however, it was not received by the time the staff notes were prepared. Comments from the district will be provided at the hearing or mailed prior to the hearing if time permits.

No other referral responses were received as of November 28, 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 December 6, 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 within the Zumwalt RFPD. The fire district contracts with the City of Eugene for fire services within its boundaries. Upon the effective date of the annexation, the annexed area will be automatically withdrawn from the district in accordance with ORS 199.510(2)(a). The City of Eugene will provide services directly. In this region, Eugene fire stations are located at 2002 Bailey Hill Road and 500 Berntzen Road.

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 or 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 area in this annexation request is located within the acknowledged urban growth boundary (UGB) of the Metro Plan. The annexation, as submitted and if modified, is contiguous to the main body of the City of Eugene. The UGB is approximately 0.125 miles southwest of the annexation area.

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.

This proposal, as submitted and if modified, to annex this territory to the City of Eugene is consistent with boundary commission policies and this standard.

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

The proposal 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 tax lotted portion of the annexation area is designated low-density residential with urbanizable land overlay and low-density residential with water resource and urbanizable land overlays in the Metro Plan. If the annexation is approved, the urbanizing fringe overlay will lapse and the properties will be zoned consistent with the plan designation.

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 annexation area will take advantage of urban service delivery systems that are planned 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 will facilitate with the provision of urban facilities and services to territory already in the city and territory that is in the process of annexing to the city. The following facilities and services are either available or can be extended to this annexation area.

Water – EWEB staff indicates that there is an existing 6-inch main in S Louis Lane and a main located within Bailey Hill Road right-of-way. However, this system does not currently have the capacity to serve additional development within the annexation area. Providing adequate service will require construction of a new pump station connected to the EWEB water main in Bailey Hill Road that will pump water to a new reservoir to be constructed at an elevation of 800 feet. EWEB's capital improvement plan (CIP) does not anticipate providing such a pump facility until approximately 2012, and construction of the new reservoir is outside of EWEB's 10-year

planning window, beyond 2017. Alternatively, water service could be provided at the time of development by extending EWEB's water main located on Warren Street, approximately 0.25 miles to the east, to the annexation area. Extending service from Warren Street would also require providing a looped system or a pump station connected to the main in Bailey Hill.

Electricity – New development in the annexation area will be served by EWEB. There is an existing overhead electric system on S Louis Lane that currently serves the property. Electrical service can be extended to serve additional development in the future.

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. After annexation, this 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.

Fire and emergency services – Fire protection is currently provided to the annexation area by the Zumwalt RFPD. This fire district contracts with the City of Eugene for fire services for properties within its boundaries. 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). The city will provide fire services directly to the entire annexed area. City fire stations are located at 500 Berntzen Road and 2002 Bailey Hill Road.

Emergency medical transport (ambulance) services are provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County. The annexation area, as originally submitted or as modified, 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 that a minimum level of park services can be provided to the proposal area as prescribed in the Metro Plan. The West Eugene Wetlands natural area, a regional nature preserve that includes a regional bike trail and other recreational facilities, is located approximately 5 miles from the site. The Willow Creek natural area, a 346-acre nature preserve, is located approximately 0.50 miles to the west of the annexation area. Churchill Sports Park, a 32-acre community park, is located approximately 0.25 miles from the annexation area.

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 throughout the city.

Schools – Eugene School District 4J serves the annexation area. Existing schools—McCornack elementary, Kennedy middle, and Willamette high—serve this neighborhood and will continue to do so after annexation.

Wastewater – Eugene public works staff indicates that an 8-inch public wastewater system is located near the annexation area within Bailey Hill Road right-of-way. However, wastewater services are currently not available adjacent to these properties. In addition, there is currently insufficient capacity within the existing public wastewater system to serve the annexation area. To ensure adequate capacity to serve proposed development, the city's Legacy Wastewater Extension project must be completed prior to development. The US Army Corps of Engineers approved the city's wetland fill permit on July 11, 2007, enabling the city to proceed with the Legacy project. The city intends to begin construction of the project in fall 2007, anticipating service availability in early fall of 2008. Based on this, wastewater service will be available to serve the proposed development within the 3-5 year timeframe anticipated in the Metro Plan. Extension of the wastewater main along Bailey Hill Road to the annexation area is not part of the city's Legacy project. The Legacy project will provide the needed capacity; however, the developers will be required to extend the main wastewater line from its current location to the annexation area at the time of development.

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

Stormwater – Site plans for all new development must provide for drainage to an approved system consistent with the adopted Comprehensive Stormwater Management Plan (CSWMP). Stormwater service can be provided to the annexation area. There are open waterways through the annexation area, which may be used for stormwater service, dependent upon a development-specific evaluation. At the time of development, the applicant must demonstrate downstream capacity for stormwater disposal for the proposed development, and stormwater runoff must be discharged to an approved point of discharge. Other stormwater controls meeting City of Eugene stormwater development standards may also be required.

Streets – S Louis Lane, a local access road currently under Lane County jurisdiction, provide access to the annexation area. So Louis Lane has a paved surface, but no curb, gutter, or sidewalk. The nearest arterial is Bailey Hill Road, north of the subject properties. Local access roads are not maintained by the county, and it appears that there are no Lane County facilities serving this property. At the time of development, roadway improvements will be required.

The proposed right-of-way annexation, together with the tax lotted properties, will result in connecting the two separate areas within the proposed annexation. As a local access road, the city will take immediate jurisdictional responsibility of the roadway. S Louis 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 length of right-of-way between Bailey Hill Road and its dead end.

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 annexation area is 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, as submitted or modified, is consistent with this standard.

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

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

This request is consistent with this boundary commission standard.

### **STAFF RECOMMENDATION**

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

1. The commission can approve the annexation as submitted. The area annexed would include tax lots 6400, 6500, 6701, 6801, and 7001, T18S R04W S03, and tax lot 2000, T18S R04W S03 Map 10, owned by Hult & Associates LLC (6400, 6500, 2000) and John and Joanna Fisher (6701,6801, 7001).
2. The commission can modify<sup>5</sup> the original annexation area to include a segment of S Louis Lane right-of-way, and approve the annexation as modified.

The boundary commission staff recommends that the proposed annexation to the City of Eugene (BC File C EU 07 – 58) 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.

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<sup>5</sup> 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 findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request as submitted. If the boundary commission modifies or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the Lane County Local Government Boundary Commission by the property owners on November 6, 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 six tax lots 6400, 6500, 6701, 6801, and 7001, T18S R04W S03, and tax lot 2000, T18S R04W S03 Map 10 that comprised about 38.84 acres owned by Hult & Associates LLC (tax lots 6400, 6500, 2000) and John and Joanna Fisher (tax lots 6701, 6801, 7001). The proposed annexation was contiguous to the main body of the City of Eugene. Two of the six properties within the annexation area were developed with one residential unit each.
3. At the request of the City of Eugene, the original annexation area was modified to include an existing segment of S Louis Lane right-of-way totaling approximately 1.30 acres. As modified, the annexation area totaled about 40.14 acres.
4. The land use designation for the tax lotted portions of the annexation area was low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).
5. The tax lotted portion of the annexation area was zoned R-1/UL, low-density residential with urbanizable land overlay, and R-1/WR/UL, low-density residential with water resource and urbanizable land overlays, in Lane County. After the annexation effective date, the urbanizable land overlay will lapse and the properties were zoned consistent with the plan designation.
6. Approval of the annexation resulted in 14 tax lots (T18S R04W S03 tax lots 900, 1000, 1001, 1002, 1003, 6802, and 6803; and T18S R04W S03 Map 10 tax lots 1500, 1700, 1600, 1800, 1900, 2100, and 2200) being totally surrounded by the Eugene city limits. These tax lots were not included in the annexation area.

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

7. The boundary commission held a public hearing on December 6, 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 annexation effective date, the modified annexation area was withdrawn from the Zumwalt Rural Fire Protection District [ORS 199.510(2)(a)] and fire services were provided directly by the City of Eugene.
9. Upon the effective date of the annexation, the modified area was automatically annexed 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 urbanizable areas in policies in Chapter II, section B.
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 was the means of boundary change outlined in the Metro Plan and the boundary commission administrative rules for ultimately providing urban facilities and services to this territory. Annexation of tax lotted properties and existing road right-of-way fulfilled the Metro Plan policies of annexing out to the urban growth boundary.
14. 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)***

15. 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 the tax lotted properties and existing road right-of-way assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary.

16. 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.
17. Future development consistent with the plan designation was consistent with the policies in the Metro Plan requiring urban levels of development within the urban growth boundary.
18. 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.
19. This request was consistent with this standard.

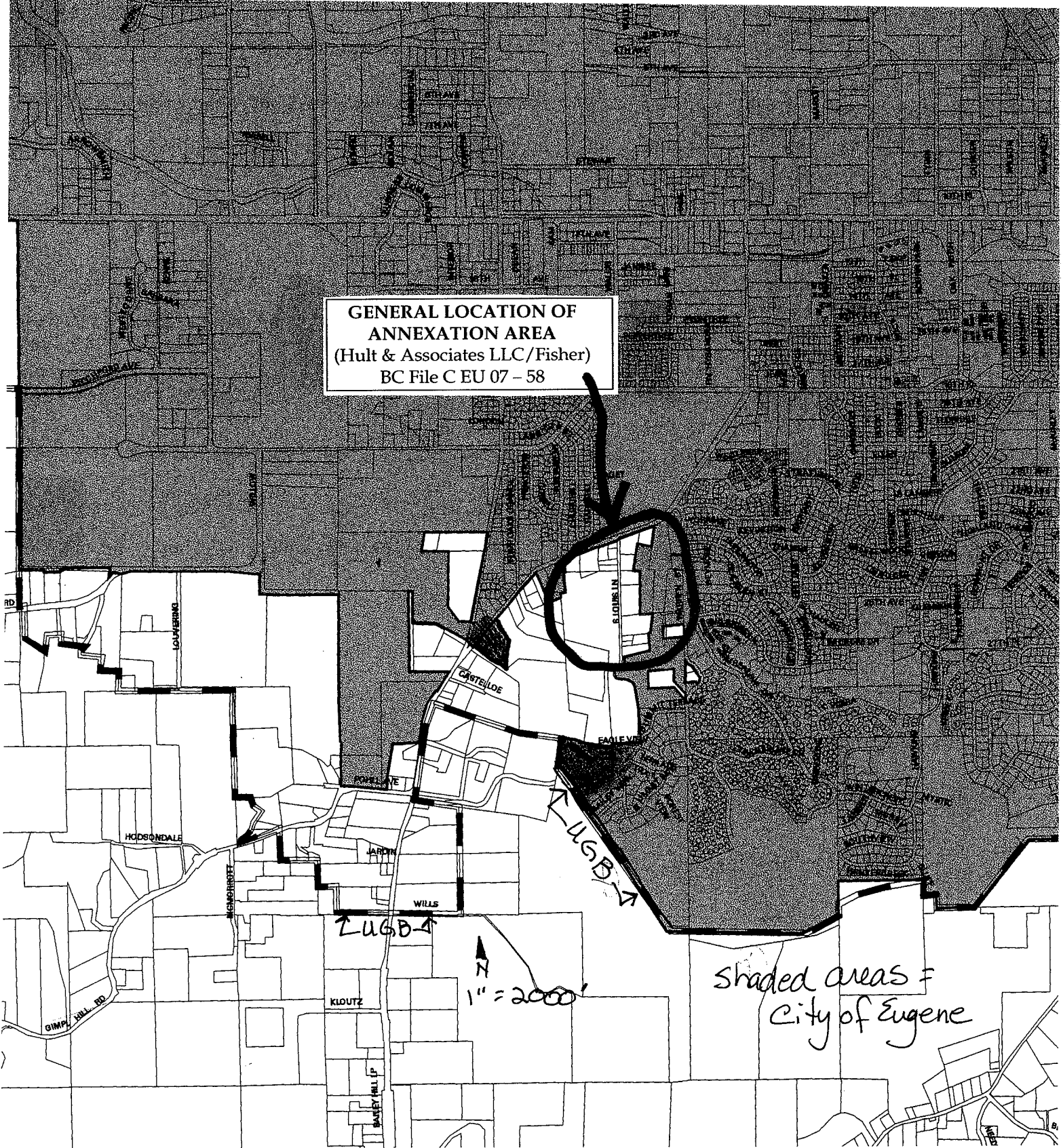
***Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)***

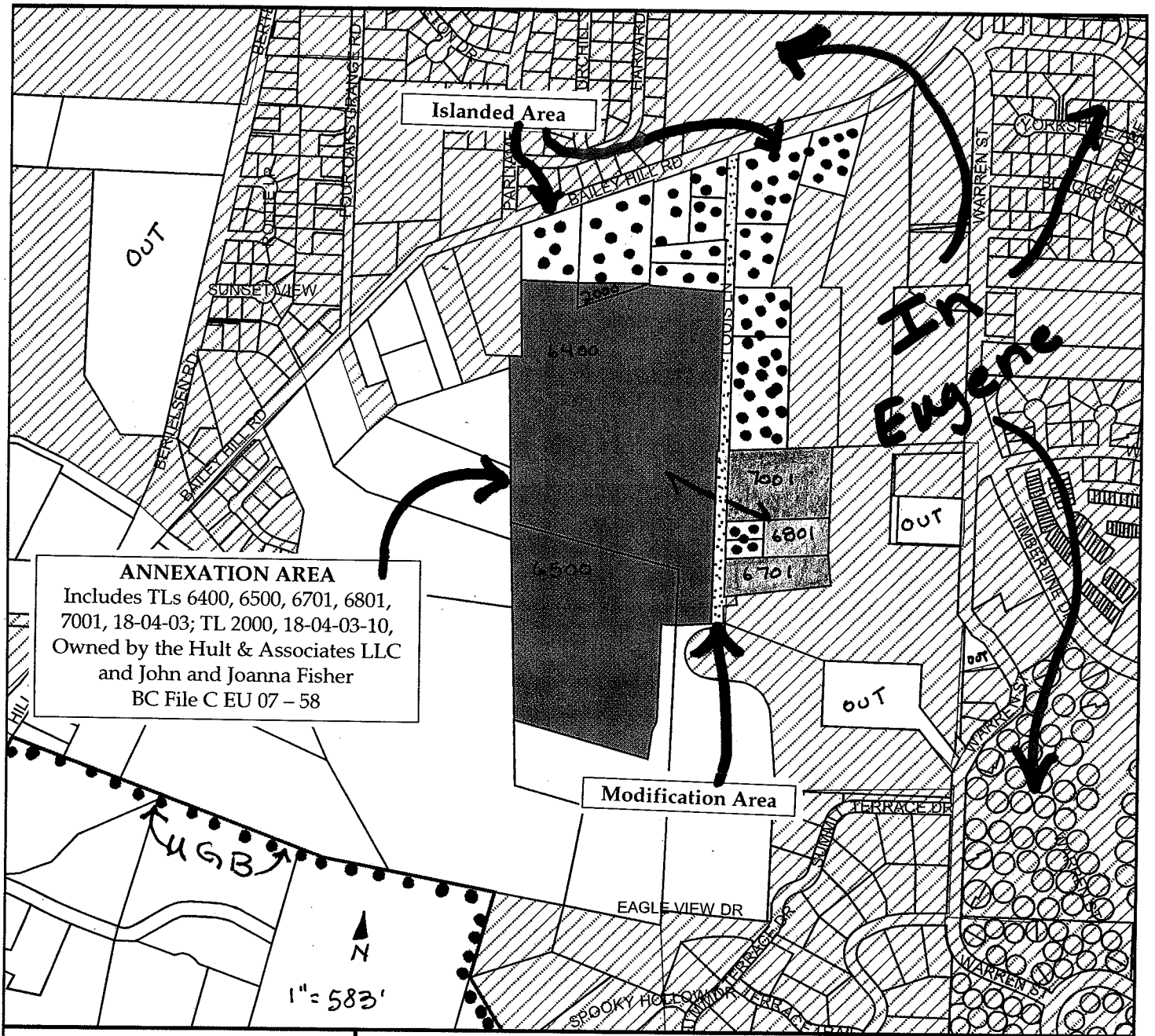
20. The modified annexation proposal was consistent with the Metro Plan, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The existing and proposed uses were consistent with the long-range plan for the area. Annexing existing road right-of-way facilitated the provision of urban facilities and services to fulfill the growth policies in the Metro Plan and in Oregon law.
21. 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 proposal was consistent with boundary commission administrative rule policies.

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Last Saved: November 29, 2007*







Planning & Development  
Planning

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

# MEMORANDUM

**Date:** November 5, 2007

**To:** Lane County Local Government Boundary Commission  
c/o Paula Taylor, Executive Officer

**From:** Kurt Yeiter, Principal Planner

**Subject:** **Hult Annexation (File A 07-24)**  
Tax Lots 18-04-03-00; 6400 and 6500, 18-04—3-10; 2000

This memorandum is written to clarify and amplify the City of Eugene's support for this application for annexation, request the addition of Louis Lane, and express written support for the possible addition of adjoining and nearby properties.

Annexation of the above-referenced Hult properties would facilitate development inside the Urban Growth Boundary as required by the Eugene-Springfield Metropolitan Area General Plan (MetroPlan), our acknowledged local comprehensive plan; and provide an orderly adjustment of local government boundaries as urbanization occurs.

As noted in the interjurisdictional referral comments, all urban facilities are planned to be extended to the site if they are not already provided. In particular, wastewater facility capacity enhancements are budgeted and planned for expansion to accommodate this and other annexations within the urban growth boundary; construction has commenced. Wastewater facilities can be extended to the site. Since it can take a substantial length of time for one to move from annexation approval to development and construction (when the actual utility services are needed on site), any lack of facilities to the site at this time is not an overriding concern or reason to not approve this annexation request. As a back up, the applicant has verbally indicated (through their representative) that they would be willing to extend services to meet their development needs should that become necessary.

The City of Eugene also requests the inclusion of Louis Lane as a modification to this annexation. This will facilitate development through improved access and single-jurisdictional approval for street improvements and utility extensions. Inclusion of this street is consistent with Eugene City council Resolution No. 4903 (modifying Resolution No. 4358), which states, in part, "*Under any of the following conditions property owner initiated annexation requests may be expanded to include road rights-of-way or public land except where adding right of way would create islands of unincorporated properties in the River Road/Santa Clara area.*" The City of Eugene will provide legal descriptions of the street annexation to facilitate its inclusion if the modification is approved by the Boundary Commission.

Through initial notification of this application, the city has also learned of nearby properties for which a request to be included with this annexation could be submitted, notably the Fisher properties (tax map 18-04-03; lots 6710, 6801, and 7001). This letter serves as notice that the same conditions that apply to the Hult annexation would apply to similarly situated properties inside the urban growth boundary; hence, the City of Eugene will support their inclusion in this annexation approval as well.



Public Works  
Engineering

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

# MEMORANDUM

**Date:** November 6, 2007

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

**From:** Peggy Keppler, Engineering Development Review Manager

**Subject:** ~~Brotherton~~<sup>Hult</sup> LLC Annexation (A07-24) and Louis 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 Louis Lane from Bailey Hill Road south to the dead end as part of Hult annexation application.

Louis Lane is located in the Churchill Area Neighborhood located south of Bailey Hill Road. This segment of Louis Lane right of way segment is approximately 1850 feet long. This proposed right of way annexation, together with the Hult annexation, would result in connecting both the property and right of way to previously annexed properties within the city. Louis Lane is a local access road. As a local access road, the city will take immediate jurisdictional responsibility of the road way. Louis 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 adjacent the proposed properties between Bailey Hill Road and its dead end. Annexation of this section of right of way will create an unincorporated island of 10 properties. The City is not requesting nor requiring that the 10 properties be annexed now or in the near future. The island area is not within the River Road/Santa Clara and therefore, does not conflict with the City Council directive to not include right of way if an island is created. Annexation of the right of way is necessary for the future development of the Hult properties requesting annexation.

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.

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 will require improvements. Bringing the right of way into the city will remove the complexity of designing and constructing the improvements to city standards. City staff alone will administer and permit the construction activities.

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 Louis Lane is appropriate and a logical connection of the existing transportation and stormwater systems serving this area. Inclusion of Louis Lane right-of-way will result in annexation of approximately 1.3 acres.