



Eugene City Council

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Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

September 12, 2016

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of September 12, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

Greg Evans, President
George Brown
George Poling
Claire Syrett

Alan Zelenka, Vice President
Mike Clark
Chris Pryor
Betty Taylor

7:30 p.m. MEETING OF THE EUGENE CITY COUNCIL
Harris Hall, 125 East 8th Avenue

1. CEREMONIAL MATTERS

2. PUBLIC FORUM

3. CONSENT CALENDAR

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**
- C. Adoption of Resolution 5167 Annexing Land to the City of Eugene (McBirney Family Trust; A 16-5)**
- D. Adoption of Resolution 5168 Annexing Land to the City of Eugene (Cowan, Doug; A 16-6)**
- E. Approval of Overseas Travel Request**

4. PUBLIC HEARING

An Ordinance Extending the Rental Housing Code Sunset Date and Providing For an Effective Date

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: September 12, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This item is to acknowledge awards and achievements and inform the public of proclamations signed by the Mayor. No action is required by the City Council.

BACKGROUND

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: September 12, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: September 12, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the following minutes: May 3, 2016, Boards and Commissions Interviews, May 4, 2016, Boards and Commissions Interviews, July 25, 2016, Work Session and Meeting, and July 27, 2016, Work Session.

ATTACHMENTS

- A. May 3, 2016, Boards and Commissions Interviews
- B. May 4, 2016, Boards and Commissions Interviews
- C. July 25, 2016, Work Session and Meeting
- D. July 27, 2016, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

MINUTES

Eugene City Council
Saul Room - Atrium
99 West 10th Avenue—Eugene, Oregon

May 3, 2016
6:00 p.m.

COUNCILORS PRESENT: Betty Taylor, Alan Zelenka, George Poling, Greg Evans, Chris Pryor

COUNCILORS ABSENT: George Brown, Mike Clark, Claire Syrett

Council President Greg Evans called the May 3, 2016, meeting of the Eugene City Council to order.

A. BOARDS AND COMMISSIONS INTERVIEWS

The council interviewed Kelley Eason, Jon Jasper, Georgette Silber, Garrett Dunlavey, Shaun Londahi, and Zach Mulholland for vacancies on the Budget Committee. Each candidate was asked the following questions:

- 1. What factors do you think are important in assessing the financial health of the City government? How would you describe the difference between a stable budget and a sustainable budget for Eugene?*
- 2. Due to limited resources there are many unfunded needs and competing priorities facing the City today. As the economy stabilizes and the city looks towards the future needs of the community what factors should be used to make difficult choices on expanding or adding service areas?*
- 3. Are there specific pieces of information that you think would be helpful for the public to understand about the City's financial situation?*
- 4. Taking into account that broad community input is an important part of the Budget Committee discussions and decision-making, what types of information and community feedback would you consider as part of analyzing and discussing the City's budget?*

Greg Evans adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Chuck Crockett
City Recorder

MINUTES

Eugene City Council
Saul Room - Atrium
99 West 10th Avenue—Eugene, Oregon

May 4, 2016
6:00 p.m.

COUNCILORS PRESENT: Betty Taylor, George Poling, Greg Evans, Claire Syrett, Chris Pryor

COUNCILORS ABSENT: George Brown, Alan Zelenka, Mike Clark

Council President Greg Evans called the May 4, 2016, meeting of the Eugene City Council to order.

A. BOARDS AND COMMISSIONS INTERVIEWS

The council interviewed Joel Iboa, Aria Seligmann, Aimee Walsh, and Julia Johnson for vacancies on the Human Rights Commission. Each candidate was asked the following questions:

1. *Can you tell us about your efforts to advance inclusion, equity, and human rights in our community, through volunteer work or in your employment activities? Please give examples.*
2. *The Human Rights Commission, a volunteer body that builds its own annual work plan, works in coordination with City staff and directly advises elected officials on issues pertaining to human rights. As you can imagine this work and approach of the commission is different from that of a community-based human rights organization. How would you approach the work in order to be effective in this role?*
3. *The HRC's priorities include working with the community and advising the City Council on issues involving addressing poverty and homelessness in our community; engaging youth in human rights work; supporting communities of color and Lesbian, Gay, Bisexual, Transgender and Queer people and opposing expressions of bias and hate. Can you comment on your experiences and/or your interest in addressing these issues?*
4. *What do you see as the most important human rights issues in our community now? How have these issues come to your attention? What are some solutions you think will help resolve those issues?*

The council interviewed Rick Roseta for a vacancy on the Civilian Review Board. The candidate was asked the following questions:

1. *What can you tell us about your activities, personal attitudes and life experience that would demonstrate you can make objective decisions about complaints against the police?*
2. *What contacts, positive or negative, have you had with police or in the criminal justice system?*

3. *One of your neighbors is a Eugene officer. He knows you're on the CRB. Recently, he asked you a hypothetical question about what you think an officer should do in a particular situation. What would be your response to his question?*

The council interviewed Steven (Mark) Baker for a vacancy on the Planning Commission. The candidate was asked the following questions:

1. *What unique characteristics, skills and interests would you bring to the Planning Commission?*
2. *As a group, the Planning Commission often works on lengthy processes and decisions. Describe your skills, experience and approach that will assist you in working in a constructive, collaborative manner.*
3. *As a Planning Commissioner, you will be responsible for making objective recommendations and decisions on a wide variety of planning and land use related matters. How would you balance your personal or neighborhood perspective with the broad interests of the community as a whole?*
4. *Please describe how you would contribute to the diversity of views on the Planning Commission. How you would seek to improve equity and inclusion, including bringing perspectives of underrepresented members of our community into the land use planning and decision process?*
5. *The Planning Commission must often consider and balance complex issues when reviewing planning documents and making land use decisions. As an example, through Envision Eugene, the city is in the process of implementing strategies to accommodate 34,000 new residents over the next 20 years. In your opinion, what are the most important factors for the Planning Commission to consider in these efforts?*

Councilor Evans adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Chuck Crockett
City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

July 25, 2016
5:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, *Claire Syrett via phone*, Chris Pryor

Mayor Piercy opened the July 25, 2016, meeting of the Eugene City Council.

A. WORK SESSION: City Hall Discussion

MOTION AND VOTE *with friendly*: Councilor Evans, seconded by Councilor Pryor, moved to direct the City Manager to investigate options for value engineering and possible redesign of the current City Hall phase 1 in order to be ready to rebid the project in February or March 2017, and return to council not later than November 15, 2016.

PASSED 5:3, Councilors Zelenka, Poling, and Clark opposed.

Council discussion:

- The butterfly lot should be taken off the table at this time.
- City Hall is in the wrong location and it is the wrong plan.
- There is value in engaging in conversations with the County as long as a conclusion is reached by November.
- It is advisable to accept bids now; delaying the project now will add costs.
- The County's proposal provides an opportunity to pause and work collaboratively.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to direct the City Manager to work with the County and the Court to investigate the following possibilities: (1) a new city hall on the butterfly lot and a courthouse on the full city hall block; (2) phase 1 of a new city hall as currently planned and a wrap-around courthouse; (3) other options that may arise. Factors to consider include, but are not limited to, parking, phase 2, and Farmer's Market. The joint work with the County and Court shall be completed by November 15, 2016. This motion is contingent on the County agreeing to (1) obtain a judicial declaration that removes any legal question about the deed restriction prohibiting city hall on the butterfly lot, and (2) an arrangement acceptable to the City Manager whereby the County assists the City in funding the analysis needed to evaluate the above options in this motion. **PASSED 7-1**, Councilor Zelenka opposed.

B. WORK SESSION: Cell Towers in Residential Areas

Planning Director Robin Hostick and City Attorney Anne Davies gave a summary on what the City has done on code revisions for cell towers, what they learned from other cities, and what proposed changes they are recommending.

Council discussion:

- More information about what setbacks the County requires was requested.
- Proposal looks very good; great balance without compromising residential livability.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to direct staff to prepare amendments to the city code, including items D-F as described in today's AIS, in addition to the previously directed amendments. **PASSED 8:0.**

C. ACTION: Avago Technologies Enterprise Zone Investment

Community Development Manager Denny Braud gave a brief background, update, and review of criteria on the proposed project.

Council discussion:

- Proposal helps move both Council and cross-jurisdictional goals forward.
- Avago will still pay taxes on the land.
- Granting a two-year extension providing the company meets all requirements is reasonable given the size of the investment.
- This project is well-designed and has a public benefit.
- Three million dollars is significant for Eugene in terms of lost tax money.
- Avago is a good employer and a great addition to our community; however, the additional tax exemption isn't needed because the company already got a great deal on the property.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to adopt Resolution No. 5166 for the two-year exemption extension. **PASSED 5:3,** Councilors Brown, Taylor, and Syrett opposed.

D. ACTION: Zone Change for 945/955 Coburg Road

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to direct the City Manager to initiate the rezoning of properties at 945 and 955 Coburg Rd. to C-1. **PASSED 8:0.**

Council discussion:

- This has been an ongoing issue for many years; errors were made years ago.
- There is some concern about the City setting a precedent.
- It is not in the best interest of council to get involved in zone changes; however, this was an error on the part of City planning.
- Owner and neighbors worked together to resolve this issue and should be rewarded.

E. WORK SESSION: Rest Stop Discussion

Division Manager Mia Cariaga and Neighborhood Involvement Manager Michael Kinnison gave an update on rest proposals, potential sites, and relaxed ordinance criteria for Nightingale Health Sanctuary rest stop.

Council discussion:

- Proposed camp will have a very small footprint; camps already in existence have been good neighbors.
- This is a County issue; seems appropriate for them to help find places.
- Previous concepts were pilot programs that have worked; City should replicate them.
- Camp sites need to be dispersed around the city; relax criteria.
- In previous year, Harlow Neighbors were opposed to rest stops next to residential areas.
- Concerned about proximity to residential area, bar, and illegal camp of Ward 4 proposal.
- Most appealing thing about rest stops is they are authorized, everyone is vetted, and they are supervised.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to authorize (1) the City Manager to locate a rest stop for the NHS at either the Lone Oak or Amazon Corridor properties with the final choice left to the City Manager after further investigation and (2) up to two thousand dollars for the rest stop. **PASSED 7:1**, Councilor Clark opposed.

The meeting adjourned at 7:06 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**July 25, 2016
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, *Claire Syrett via phone*, Chris Pryor

Mayor Piercy opened the July 25, 2016, meeting of the Eugene City Council.

1. PUBLIC FORUM

1. John Barofsky – Supported proposed CDBG projects and believed they are all worthy.
2. Diane Seals – Supported council helping New Zone Art Gallery find a new location.
3. Brittany Quick-Warner – Supported MUPTE application for Granite Properties.
4. Art Kennedy – Supported council helping New Zone Art Gallery find a new location.
5. Michael Gannon – Supported Nightingale being a part of rest stop process.
6. Sue Sierralupé – Gave an update on Occupy Medical and announced an upcoming clinic.
7. Tom Mulhern – Supported CDBG funding for recommended community projects.
8. Sally Korn Oft – Supported council helping New Zone Art Gallery find a new location.
9. Dianne Cunningham – Supported council helping New Zone Art Gallery find a new location.
10. Drix – Supported displaying an award for a former City Manager at the Hult Center.
11. Chris Cunningham – Expressed gratitude for council support of Nightingale.
12. Charleen Strow - Supported CDBG funding for recommended community projects.
13. Bodhi Richards - Supported CDBG funding for recommended community projects.
14. Tracy Joscelyn - Expressed gratitude for council support of Nightingale.
15. Robyn Hernandez - Supported CDBG funding for recommended community projects.
16. Heather Sielicki – Appreciated City efforts and continued work on homelessness.

Council discussion:

- Need to connect what is already happening with opportunities to keep New Zone going.
- Good usage of Community Development Block Grant funds.
- New Zone is important to downtown and the community.

2. CONSENT CALENDAR

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to approve the items on the Consent Calendar, except items B, F, and G. **PASSED 8:0**

VOTE ON ITEM B: PASSED 8:0

VOTE ON ITEM F: PASSED 5:3, Councilors Brown, Taylor and Clark opposed.

VOTE ON ITEM G: PASSED 8:0

3. ACTION: Appoint Members to West Eugene Enterprise Zone Public Benefit Criteria Review Task Force

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to appoint John Roberts, Jennifer McRaven and Councilors Poling and Pryor to the Public Benefit Criteria Review Task Force. **PASSED 8:0.**

4. ACTION: An Ordinance Concerning Imposition of a Three Percent Tax on the Retail Sales of recreational Marijuana; Adding Provisions to the Eugene Code, 1971; Providing For an Effective Date; and Referring the Code Amendments to the Electors of the City at the November 8, 2016 Election.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to adopt Council Bill 5156, and Ordinance concerning imposition of a three percent tax on the retail sales of recreational marijuana to be used for general government purposes. **PASSED 7:1,** Councilor Brown opposed.

Council discussion:

- This sets a terrible precedent for taxing one product.
- This should be as specific as possible on how revenues should be used.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to direct the City Manager to schedule a follow-up work session in September, on uses of the marijuana tax revenues, should that pass. **PASSED 7:1,** Councilor Brown opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to appoint Councilors Syrett, Evans, and Poling to the voters' pamphlet proponent committee for the Retail Cannabis Sales Tax. **PASSED 7:1,** Councilor Brown opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to direct the City Manager to include on a supplemental budget sufficient appropriation offset by General Fund contingency and the Reserve for Revenue Shortfall to produce a voters' pamphlet. **PASSED 8:0**

5. PUBLIC HEARING AND POSSIBLE ACTION: An Ordinance Concerning Climate Recovery and Amending Sections 6.675 and 6.685 of the Eugene Code, 1971.

1. Howard Saxion – Sustainability Commission supports CRO amendments.
2. Mark Robinowitz – Said we need to focus more on traffic aspects to fight climate change.
3. Michael Gannon – Said the City needs to create information to understand impact of usage.
4. Coreal Riday-White – Supported climate recovery ordinance amendments with a few changes.
5. Brittany Quick-Warner – Supported CRO with community process to reach goals.
6. Debra McGee – Supported climate recovery ordinance amendments with a few small changes.
7. Alex Loznak – Supported climate recovery ordinance amendments with a few small changes.
8. Laurie Powell – Supported climate recovery ordinance amendments with a few small changes.
9. Babe O'Sullivan – Supported climate recovery ordinance amendments with a few small changes.
10. Joshua Skov – Supported climate recovery ordinance amendments with a few changes.
11. Claire Petitt – Supported climate recovery ordinance amendments with a few changes.
12. Elizabeth Brown – Supported climate recovery ordinance amendments with a few changes.

Council discussion:

- Council needs to clarify language in the ordinance and add missing benchmarks.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

July 27, 2016
12:00 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Piercy opened the July 27, 2016, meeting of the Eugene City Council.

The Mayor adjourned the meeting of the Eugene City Council and convened a meeting of the Eugene Urban Renewal Agency.

A. URBAN RENEWAL AGENCY: Eugene Water & Electric Board Riverfront Update

City Attorney Glenn Klein gave an update on the EWEB Riverfront negotiations and agreement.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Taylor, moved to amend the agency director authority to enter into agreement with EWEB about the Riverfront property by: (a) authorizing the purchase of property, but if only if EWEB holds the agency and city harmless for any legal claim based on environmental contamination existing as of the date title transfers to the agency, and (b) the possible elimination of the environmental mitigation fund and the remnant parcel provision provided there is sufficient reduction in price. **PASSED 6:1**, Councilor Brown opposed.

The Mayor adjourned the meeting of the Eugene Urban Renewal Agency and reconvened the meeting of the Eugene City Council.

B. WORK SESSION: Granite Properties – Application for Multiple-Unit Property Tax Exemption for Commercial/Residential Property Located at 844 Olive

Community Development Manager Denny Braud, Senior Planner Nan Laurence, and Economic and Prosperity Manager Amanda Noble Flannery gave a PowerPoint presentation reviewing the MUPTE program, overview of the Olive Lofts, public benefit criteria, and panel recommendations.

Council discussion:

- Interest expressed in panel's evaluation of all areas except financial evaluation.
- MUPTE is not needed for this project; key assumptions are too high.
- It would benefit the area if the developer could attract non-alcoholic related businesses for the retail space.

- KLCC should be held financially and operationally harmless for relocation of its tower.
- More affordable housing is needed downtown.
- Review process to add public benefit greatly improved; issues with needs assessment remain.
- More time is needed to look over the proposal; act in September.
- This project fits goals to incentivize development downtown..

MOTION: Councilor Zelenka, seconded by Councilor Taylor, moved to adopt the resolution in Attachment F to approve the tax exemption with the change to section 1, paragraph I, adding the words or to the city at the end of the sentence.

MOTION TO POSTPONE AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to postpone the final decision on the MUPTE application until council returns from break. **FAILED 3:4**, Councilors Brown, Taylor, and Syrett supported.

VOTE ON MAIN MOTION: PASSED 4:3, Councilors Brown, Taylor, and Zelenka opposed.

C. ACTION: An Ordinance Concerning Climate Change

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Taylor, moved to adopt the July 27, 2016, version of Council Bill 5157, and ordinance concerning climate recovery. **PASSED 7:0.**

Council discussion:

- This represents a set of goals the City is going to work on and report on.
- More time is needed to consider suggestions and testimony submitted at the public hearing.
- There is urgency to pass this and get working on the Climate and Energy Action Plan.

D. COUNCIL MOTION

MOTION AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to approve a continuation of the neighborhood matching grant funds previously awarded to CCPA and that those funds be taken from the funds approved as part of the FY17 budget for the neighborhood matching grant program. **PASSED 7:0.**

Council discussion:

- CCPA has raised the matching funds and are ready to go; no further delay of project.

The meeting adjourned at 1:27 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: September 12, 2016
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

SEPTEMBER 12	MONDAY
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5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. WS: Process Session	90 mins - CS
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7:30 p.m. Harris Hall	Council Meeting Expected Absences: 1. Ceremonial Matters (APWA Reaccreditation) 2. Public Forum 3. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda c. Approval of McBirney Family Trust Annexation (A 16-5) d. Approval of Doug Cowan Annexation (A 16-6) e. Approval of Overseas Travel Request 4. PH: Ordinance on Rental Housing Code Extension of Sunset	CS/Forrest CS/Forrest PDD/Berg-Johansen PDD/Berg-Johansen CMO/Cariaga PDD/Nicholas
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SEPTEMBER 14	WEDNESDAY
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Noon Harris Hall	Council Work Session Expected Absences: A. WS: Police Auditor & CRB Annual Reports B. WS: Use of Marijuana Tax Funds and Retail Cannabis Regulations	45 mins – PA/Gissiner 45 mins - CAO
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SEPTEMBER 19	MONDAY
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6:00 p.m. SEHS Cafeteria	Council Open Public Forum Expected Absences: 1. Public Forum: South Willamette Planning	
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SEPTEMBER 20	TUESDAY	** WORK SESSION ADDED **
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Noon Harris Hall	Joint Work Session w/Lane County Expected Absences: A. JEO WS: Downtown Planning and Development	
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SEPTEMBER 21	WEDNESDAY
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Noon Harris Hall	Council Work Session Expected Absences: A. WS: Police Auditor Annual Performance Evaluation B. WS: City Hall Project Update	45 mins – CS/Beraldo 45 mins – CS/Penwell
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SEPTEMBER 26	MONDAY
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5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. Public Forum Follow-Up	
7:30 p.m. Harris Hall	Council Meeting Expected Absences: 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda 3. Action: Ordinance on Rental Housing Code Extension of Sunset 4. Action: Res. Authorizing Eminent Domain for Property Interests for Commerce Street Bike/Ped Bridge	CS/Forrest CS/Forrest PDD/Nicholas PW/Royer

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

SEPTEMBER 28 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:
A. WS: Zone of Benefit/Reimbursement District for Privately Funded Public Improvements 45 mins – PW/Schoening
B. WS: Renter Protection 45 mins – PDD/Jennings

OCTOBER 10 MONDAY

5:30 p.m. Council Work Session
Harris Hall Expected Absences:
A. Committee Reports and Items of Interest: HRC, SC, HSC, LCOG, MPC, PSCC 30 mins
B. WS: Contracting Equity Program Update 45 mins – CS/Silvers

7:30 p.m. Council Meeting
Harris Hall Expected Absences:
1. Ceremonial Matters (Oregon Urban and Community Forestry Award; Judge Mary Mori)
2. Public Forum
3. Consent Calendar
a. Approval of City Council Minutes CS/Forrest
b. Approval of Tentative Working Agenda CS/Forrest

OCTOBER 12 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:
A. WS: Envision Eugene 90 mins – PDD/Harding

OCTOBER 17 MONDAY

7:30 p.m. Council Public Hearing
Harris Hall Expected Absences:
1. PH:

OCTOBER 19 WEDNESDAY

Noon Joint Work Session w/Lane County
Harris Hall Expected Absences:
A. JEO WS: Downtown Planning and Development

OCTOBER 24 MONDAY

5:30 p.m. Council Work Session
Harris Hall Expected Absences:
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager 30 mins
B. WS: Parks and Recreation System Plan 45 mins – PW/Burke

7:30 p.m. Council Meeting
Harris Hall Expected Absences:
1. Public Forum
2. Consent Calendar
a. Approval of City Council Minutes CS/Forrest
b. Approval of Tentative Working Agenda CS/Forrest
c. Approval of Stadter Annexation, 4075 Gilham Rd (A 16-7) PDD/Berg-Johansen
3. PH: Ordinance Concerning Annual Maintenance of Land Use Code PDD/Hansen

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

OCTOBER 26 WEDNESDAY

Noon **Council Work Session**
Harris Hall **Expected Absences:**
A. WS: Human Rights Commission Annual Report and Work Plan 45 mins – CS/Kinnison
B. WS: Sustainability Commission Annual Report and Work Plan 45 mins – CS/Nelson

NOVEMBER 9 WEDNESDAY

Noon **Council Work Session**
Harris Hall **Expected Absences:**
A. WS: 45 mins –
B. WS: 45 mins –

NOVEMBER 14 MONDAY

5:30 p.m. **Joint Work Session w/Lane County**
Harris Hall **Expected Absences:**
A. JEO WS: Downtown Planning and Development 90 mins - CS

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**
1. Pledge of Allegiance to the Flag
2. Public Forum
3. Consent Calendar
a. Approval of City Council Minutes CS/Forrest
b. Approval of Tentative Working Agenda CS/Forrest
4. Action: Ordinance Concerning Annual Maintenance of Land Use Code PDD/Hansen

NOVEMBER 16 WEDNESDAY

Noon **Council Work Session**
Harris Hall **Expected Absences: Evans, Taylor**
A. WS: Parks and Recreation System Plan 45 mins – PW/Burke
B. WS: 45 mins –

NOVEMBER 21 MONDAY

7:30 p.m. **Council Public Hearing**
Harris Hall **Expected Absences:**
1. PH: Enterprise Zone Revised Public Benefit Criteria PDD/Nobel

NOVEMBER 23 WEDNESDAY

Noon **Council Work Session**
Harris Hall **Expected Absences:**
A. WS:
B. WS:

NOVEMBER 28 MONDAY

5:30 p.m. **Council Work Session**
Harris Hall **Expected Absences:**
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager 30 mins
B. WS:

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**
1. Public Forum
2. Consent Calendar

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

- a. Approval of City Council Minutes
- b. Approval of Tentative Working Agenda

CS/Forrest
CS/Forrest

NOVEMBER 30	WEDNESDAY
--------------------	------------------

Noon
Harris Hall
Council Work Session
Expected Absences:

- A. WS: Fireworks Ban
- B. WS:

45 mins – Fire

DECEMBER 12	MONDAY
--------------------	---------------

5:30 p.m.
Harris Hall
Council Work Session
Expected Absences:

- A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed
- B. WS:

7:30 p.m.
Harris Hall
Council Meeting
Expected Absences:

- 1. Public Forum
- 2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
 - c. Adoption of Resolution Acknowledging Receipt of CAFR
- 3. URA Action: Resolution Acknowledging Receipt of Annual Financial Report
- 4. URA PH and Action: Supplemental Budget
- 5. PH and Action: Supplemental Budget

CS/Forrest
CS/Forrest
CS/Lauderbach
CS/Lauderbach
CS/Miller
CS/Miller

DECEMBER 14	WEDNESDAY
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Noon
Harris Hall
Council Work Session
Expected Absences:

- A. WS:
- B. WS:

COUNCIL BREAK: DECEMBER 15, 2016 – JANUARY 4, 2017

JANUARY 4	WEDNESDAY
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5:30 p.m.
Hult Center Lobby
State of the City
Expected Absences:

- A. State of the City

JANUARY 11	WEDNESDAY
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Noon
Harris Hall
Council Work Session
Expected Absences:

- A. Election of 2017 Council Officers
- B. WS:
- C. WS:

JANUARY 17	TUESDAY
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7:30 p.m.
Harris Hall
Council Public Hearing
Expected Absences:

- 1. PH:

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

JANUARY 18

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS:

B. WS:

JANUARY 23

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

A. Committee Reports and Items of Interest: HRC, SC, HSC, LCOG, MPC, PSCC

30 mins

B. WS:

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum

2. Consent Calendar

a. Approval of City Council Minutes

CS/Forrest

b. Approval of Tentative Working Agenda

CS/Forrest

JANUARY 25

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS:

B. WS:

FEBRUARY 8

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS:

45 mins –

B. WS:

45 mins –

FEBRUARY 13

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

A. Committee Reports and Items of Interest

B. WS:

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum

2. Consent Calendar

a. Approval of City Council Minutes

CS/Forrest

b. Approval of Tentative Working Agenda

CS/Forrest

FEBRUARY 15

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS:

B. WS:

FEBRUARY 21

TUESDAY

7:30 p.m.

Council Public Hearing

Harris Hall

Expected Absences:

1. PH:

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

FEBRUARY 22	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

FEBRUARY 27	MONDAY
--------------------	---------------

5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

MARCH 8	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

MARCH 13	MONDAY
-----------------	---------------

5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed	
B. WS:	

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

MARCH 15	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

COUNCIL BREAK: MARCH 16, 2017 – APRIL 10, 2017

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

September 8, 2016

ON THE RADAR

Work Session Polls/Council Requests

Status

- | | |
|---|-----|
| 1. Inclusionary Zoning (Taylor)..... | TBD |
| 2. Commercial Setback Code Requirement (Zelenka)..... | TBD |
| 3. Expansion of OVE Pilot Program (Zelenka)..... | TBD |

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of Resolution 5167 Annexing Land to the City of Eugene (McBirney Family Trust; A 16-5)

Meeting Date: September 12, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3C
Staff Contact: Erik Berg-Johansen
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

This item is a request to annex approximately 7.66 acres of vacant land located west of Brae Burn Drive on the south side of West 40th Avenue. It is located within the Urban Growth Boundary and is bounded to the north, east and south by city limits. Annexation would extend the city limits to include this property.

The property is zoned R-1 Low-Density Residential with /WR Water Resources Conservation and /UL Urbanizable Lands Overlays. The Metro Plan and the South Hills Study designate the subject property for low-density residential use. Annexation will allow for future development consistent with the property's designation and the Eugene Code. Plans for future development of the site are not included as part of this annexation application.

BACKGROUND

The city's annexation procedures provide for City Council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the City Council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided consistent with Eugene Code requirements. No written testimony has been received as of this date. Referral comments were provided by affected agencies including City of Eugene Public Works and EWEB. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the

approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The South Hills Study is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution.
2. Adopt the draft resolution with specific modifications as determined by the City Council.
3. Deny the draft resolution.
4. Defer action until after the council holds a public hearing on the proposed annexation.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt Resolution No. 5167, which approves the proposed annexation request consistent with the applicable approval criteria.

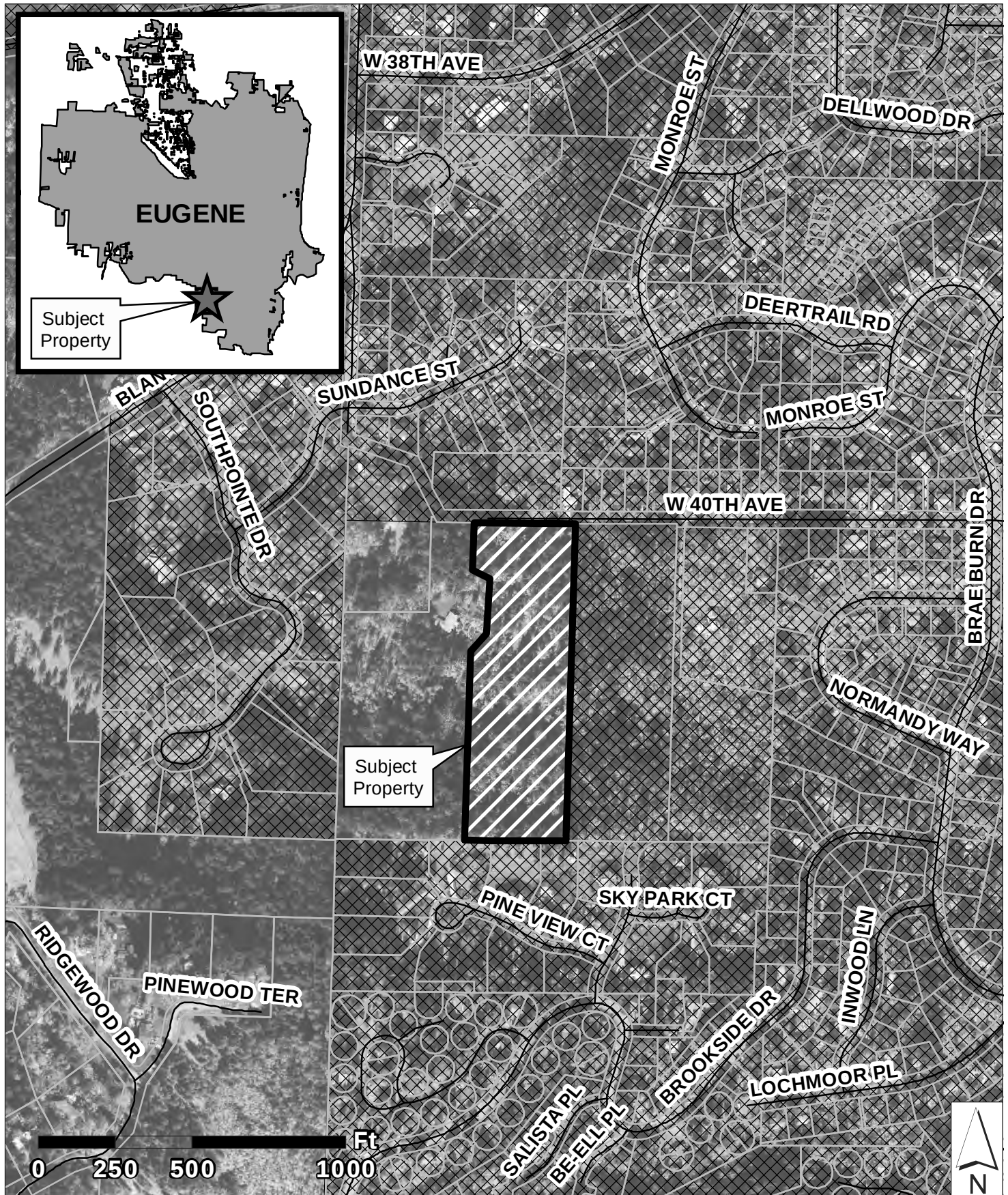
ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

Staff Contact: Erik Berg-Johansen
Telephone: 541/682-5437
Staff E-Mail: erik.berg@ci.eugene.or.us

McBirney Family Trust (A 16-5) Attachment A



Legend

 Subject Property  City Limits  Taxlots

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

September 2016



RESOLUTION NO. _____

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-03-18-22, PORTION
OF TAX LOT 601).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by McBirney Family Trust on June 9, 2016, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 18-03-18-22, portion of Tax Lot 601. The portion of Tax Lot 601 subject to annexation is bounded on the north by the south margin of West 40th Avenue. The portion of Tax Lot 601 that extends from the south margin of West 40th Avenue to the center line of West 40th Avenue does not require annexation because it is already within the City limits.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation is attached as Exhibit C.

D. On August 12, 2016, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Southwest Hills Neighborhood Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 12, 2016.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 18-03-18-22, portion of Tax Lot 601, depicted

on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL/WR to R-1/WR pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 12th day of September, 2016.

City Recorder

SITE PLAN

FOR

MCBIRNEY FAMILY TRUST ANNEXATION
NW 1/4, NW 1/4, SECTION 18, T. 18 S., R. 3 W., W.M.
ASSESSOR'S MAP 18-03-18-22, TAX LOT 601
EUGENE, LANE COUNTY, OREGON
JULY 20, 2016

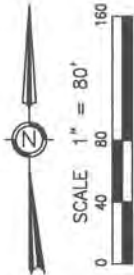
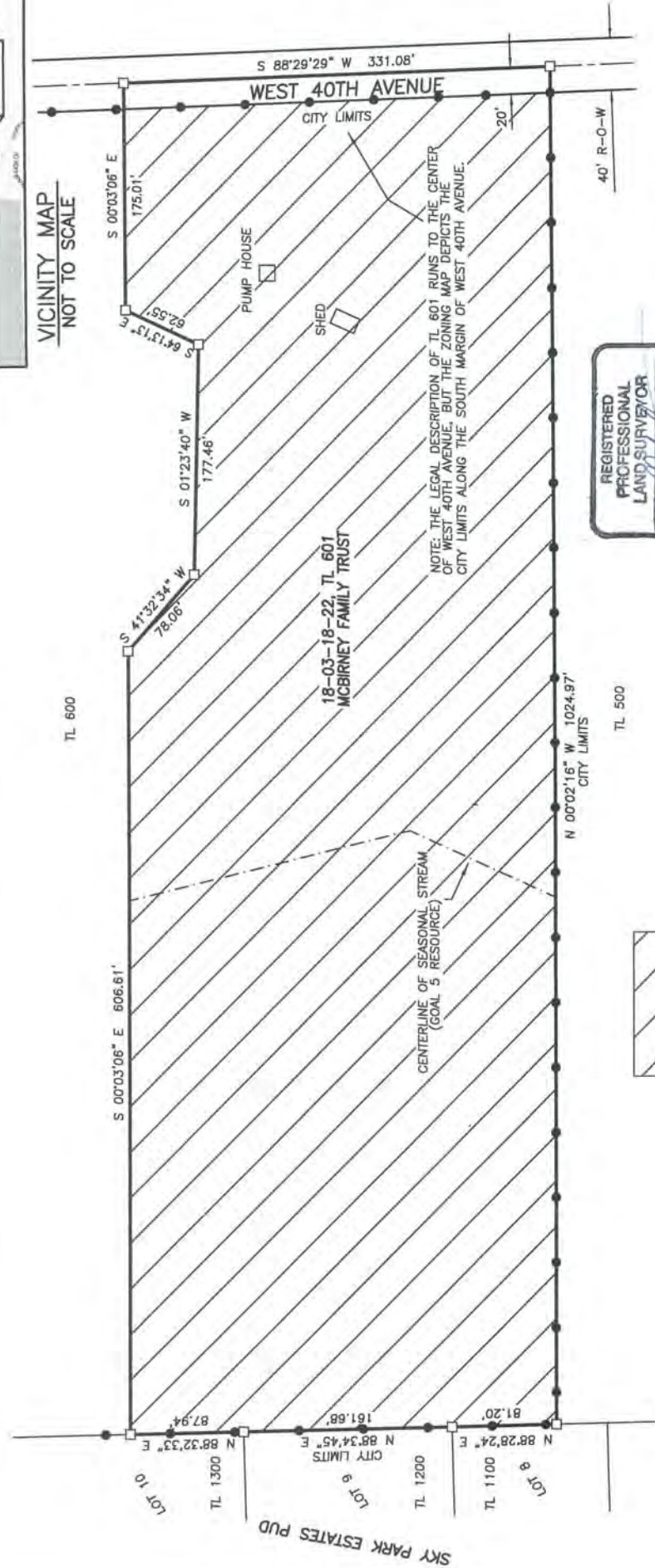


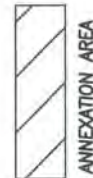
Exhibit A (Map Reduced in Size)



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1987
LLOYD L. TOLBERT
2813

Expires 6/30/18



NOTE: COURSES AND DISTANCES DEPICTED HEREON ARE BASED ON
COUNTY SURVEY FILE 42825, ON FILE IN THE OFFICE OF THE
LANE COUNTY SURVEYOR, IN LANE COUNTY, OREGON.

TOLBERT ASSOCIATES, LLC
LAND SURVEYING & LAND USE PLANNING
P.O. BOX 22603
EUGENE, OREGON 97402
(541) 359-8426
WWW.TOLBERTASSOCIATES.COM
CADD FILE--1397ANNEX.DWG
DWN BY: LLT

Exhibit B

**LEGAL DESCRIPTION
FOR THE ANNEXATION OF THE MCBIRNEY FAMILY TRUST PROPERTY
TO THE CITY OF EUGENE
ASSESSOR'S MAP NO. 18-03-18-22, TAX LOT 601
JULY 20, 2016**

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book, 2 Page 28 Lane County Oregon Plat Records; thence along the west line of said Lot 24 South 00°03'06" East 175.01 feet; thence leaving said west line bearing South 64°13'13" East 62.55 feet; thence South 01°23'40" West 177.46 feet; thence South 41°32'34" West 78.06 feet returning to said west line; thence along said west line South 00°03'06" East 606.61 feet to the north line of Lot 10, Sky Park Estates P.U.D as platted and recorded in File 73, Slide 717 in the Lane County Oregon Plat Records; thence along said north line of Sky Park Estates P.U.D. North 88°32'33" East 87.94 feet to the northeast corner of said Lot 10, being common to the north west corner of Lot 9; thence North 88°34'45" East 161.68 feet to the northeast corner of said Lot 9, being common to the northwest corner of Lot 8; thence North 88°28'41" East 81.20 feet; thence leaving said north line of Sky Park Estates P.U.D. and along the east line of said Lot 24 North 0°02'16" West 1044.97 feet to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet to the point of beginning, all in Lane County, Oregon.

Containing 7.66 acres, more or less

Courses and distances depicted hereon are based on County Survey File 42825, on file in the office of the Lane County Surveyor, in Lane County, Oregon.

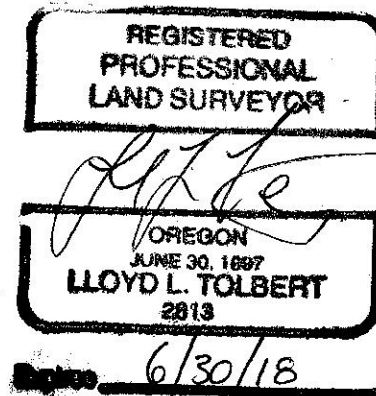


Exhibit C



Planning Director's Findings and Recommendation Annexation Request for McBirney Family Trust (City File A 16-5)

Application Submitted: June 9, 2016
Applicant: Carmen McBirney, McBirney Family Trust
Property Included in Annexation Request: Tax Lot 601 of Assessor's Map 18-03-18-22
Zoning: R-1 Low-Density Residential with /WR Water Resources Conservation and /UL Urbanizable Lands Overlays
Location: South side of West 40 th Avenue, west of Brae Burn Drive
Surveyor: Lloyd Tolbert
Lead City Staff: Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is: (a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.		
Complies		Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the city limits, consistent with subsection (a).
☒ YES	☐ NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic</i> text): <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i> <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i> <i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i> As addressed below under subsection (3), and consistent with these policies, a minimum level of
☒ YES	☐ NO	

		<p>key urban facilities and services can be provided to the area in an orderly and efficient manner.</p> <p>The <u>South Hills Study</u> is the applicable refinement plan for the area. The following policies from that plan are applicable to this request (in <i>italic text</i>):</p> <ul style="list-style-type: none"> • <i>Insure that annexation serves a public purpose as well as a private purpose</i> • <i>That future annexation requests within the potential urban service area be evaluated upon the following bases:</i> <ul style="list-style-type: none"> a. <i>The ability of the community to provide public services for the potential development in an economic and efficient manner; and</i> b. <i>The previous maintenance of the property as a desirable residential environment (Note: if the City adopts an ordinance governing vegetation removal as a result of the present City Council subcommittee research, the standards set forth in that ordinance could provide the basis for evaluation previous maintenance of the property).</i> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services, consistent with the refinement plan policies above.</p> <p>Further, the proposed annexation facilitates development of a vacant property within the City's UGB. This serves a public purpose because wastewater systems will be brought closer to other undeveloped properties. A private purpose is served because annexation allows the property owner to develop the land.</p> <p>Finally, the annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and the applicable refinement plan.</p>
EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.		
Complies ☒ YES ☐ NO		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u></p> <p>Currently, there are no existing public wastewater lines available to serve this property. The applicant has submitted documentation establishing feasibility of orderly extension of the public wastewater system to serve the subject property per a Technical Memorandum prepared by Dennis Boeger, P.E. of Boeger & Associates, LLC, dated July 18, 2016. Although the precise location of the line has not yet been determined, the general alignment takes into consideration natural resources, setbacks, and slopes. Additionally, the applicant obtained and submitted consent from adjacent affected property owners per public utility easement documents which have been secured (recording no. 2016-042502 and 2016-042503) - in anticipation of future construction of said wastewater pipes. As an informational item, there are no capital improvements planned to install public wastewater in this area at this time, and therefore, the proposed extension of public wastewater to serve the subject property would be reviewed</p>

		<p>through the privately engineered public improvement (PEPI) process, and financial surety would be the responsibility of the private developer.</p> <p><u>Stormwater</u> Public stormwater systems are not available to serve this property. Development proposals must demonstrate consistency with flood control standards; retention may be a feasible option for this site if soil tests demonstrates adequate infiltration rates exist on-site and applicable stormwater management design standards are adhered to. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The property abuts West 40th Avenue, an unimproved local street. Compliance with applicable street standards, such as street connectivity, street widths, and street improvements will be evaluated at the time of development.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Edgewood Elementary School, Spencer Butte Middle School, and South Eugene High School.</p>
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CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date is set in accordance with state law.

INFORMATION:

- ◆ Upon approval of the annexation, the base zoning of R-1 Low-Density Residential and the /WR Water Resources Conservation overlay will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



ANNEXATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
18-03-18-22	00601	R-1/UL	7.66

Property Address: NO ADDRESS yet. First lot to the east of 780 W. 40th

Plans for Future Development & Permit Number (if applicable): One house & detached garage

Public Service Districts:

Name	
Parks:	Tugman Park
Electric:	EWEB
Water:	EWEB
Sanitary Sewer:	EWEB
Fire:	Eugene Fire Department
Schools:	Elementary: Edgewood Middle: Spencer's Butte High: South Eugene High
Other:	

Filing Fee



A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)



Submit a detailed written statement describing how this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:

- ☒ Show the date & north arrow on site plan.
- ☒ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☒ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☒ Show city limits & UGB (if applicable)
- ☒ Clearly label the affected territory and any public right of ways to be annexed.
- ☒ Show all adjacent streets, alleys, and accessways.
- ☒ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☒ Show the location of all existing structures. *shed?*

Other Application Requirements (Submit 5 copies of all)

- ☒ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☒ Notarized Consent to Annexation form.
- ☒ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☒ Summary of Urban Service Provision form.
- ☐ A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- ☐ Census Information Sheet. *?*

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

JUN - 9 2016

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 18-03-18-22-00601

Name (print): McBirney Family Trust

Address: 2780 Capital Dr.

Email: cmcbrayan58@gmail.com

City/State/Zip: Eugene OR 97403

Phone: 541-345-0215 Fax:

Signature: A. L. McBirney

Date: 8-6-15

Carmen S. McBirney

8-6-15

PROPERTY OWNER OF TAX LOT:

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

PROPERTY OWNER OF TAX LOT:

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

SURVEYOR:

Name (print):

Company/Organization:

Address:

City/State/Zip: _____ Phone: _____ Fax: _____

E-mail: _____

Signature: _____ Date: _____

REPRESENTATIVE (If different from Surveyor):

Name (print): _____

Company/Organization: _____

Address: _____

City/State/Zip: _____ Phone: _____ Fax: _____

E-mail: _____

Signature: _____ Date: _____

****Attached additional sheets if necessary.**

REPRESENTATIVE (If different from Surveyor):

Attachment C

Name (print): Christine M. Ryan

Company/Organization: _____

Address: 2780 Capital Dr.

City/State/Zip: Eugene, OR 97403 Phone: 541-232-4444 Fax: _____

E-mail: c.mcbryan58@gmail.com

Signature:  Date: 7/13/16

****Attached additional sheets if necessary.**

FOR ASSESSMENT AND
TAXATION ONLY

18031822
EUGENE

LCATCAB - 2015-03-27 08:12

CANCELLED
900
1000
904
1800
300
200

EUGENE
18031822



This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

Property Owner(s) Name: A.R. McBicney and Carmen S. McBicney

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

18-03-18-22-00601

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

_____ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

X will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

Date and Contractor are yet to be determined.

The line will be extended from the west boundary of TL 18-03-18-21-00135 (4134 Normandy Way)

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

NO

If yes,
location? ?

If no, how will stormwater be handled after development? -

?

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway.

West 40th Avenue

Will dedication for additional street right-of-way be required upon further development of this site?

 Yes

 No

 Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

 Yes

 X No

 Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Tugman Park @ 36th Avenue and Hilyard St.
Blanton Ridge Trail head @ 40th Ave & Blanton

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

Application #: C * 2008 - _____
For City Use Only

* CB = Coburg
CR = Creswell
FL = Florence
OA = Oakridge

CG = Cottage Grove
EU = Eugene
JC = Junction City
SP = Springfield

PETITION

Petition Signature Sheet Annexation by Individuals

RECEIVED

JUL 13 2016

LANE COUNTY
ASSESSMENT & TAXATION

JUN -9 2016

We, the following property owners/electors, consent to the annexation of the following territory to the City of (Insert Name of City):

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
<i>A. B. McBirney</i>	8-6-15	A. B. McBirney	2780 Capital Dr. Eugene, OR 97403	18-03-18-22-0069	✓	✓	7.66
<i>Carmen S. McBirney</i>	8-6-15	Carmen S. McBirney					
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Christina M. Ryan (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X Christina M. Ryan (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

Christina M. Ryan
Lane County Department of Assessment and Taxation
July 13, 2016
Date Certified

Cynthia Kunnish
Lane County Clerk or Deputy Signature
July 13, 2016
Date Certified

- b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.

Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.

- 21. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).
 - a. Annexation to a city;
 - b. Contractual annexation agreements with a city;
 - c. Annexation to an existing district (under conditions described previously in Policy #20); or
 - d. Creation of a new service district (under conditions described previously in Policy #15).

JUN - 9 2016

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 18-03-B-22-00601 Address: West 40th Avenue

Legal Description: See attached "Exhibit B"

In the corporate limits of said city, which is owned by the undersigned

DATED this 5th day of August, 20 15.

A. R. Birney, trustor
Carman J. McBirney, trustor

STATE OF OREGON)

County of Lane) ss

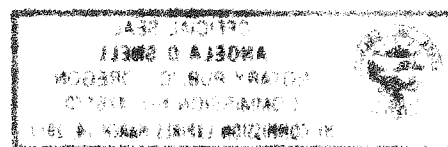
On this 5th day of August, 20 15, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, McBirney Family Trust, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Angela D. Snell
 Notary Public for Oregon
 My Commission Expires March 14, 2017



JUN - 9 2015

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

_____ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

_____ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property. ?

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

From:
Christine Ryan, Trustee
The McBirney Family Trust
190 Brae Burn Drive
Eugene, Oregon 97405



August 7, 2015

To: Eugene City Planning and Development

Re: Application for the annexation of Tax lot 18-03-18-22-00601

A) Property Description:

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book 2, Page 28 Lane County Oregon Plat Records, and running thence along the west line of said lot 24, South 0°03'06" East 175.01 feet to a point; thence leaving said west line, South 64°13'13" East 62.55 feet to a point; thence South 1°23'40" West 177.46 feet to a point; thence South 41°32'34" West 78.06 feet to a point on said west line; thence along said west line, South 0°03'06" East 606.61 feet, more or less, to the southwest corner of said Lot 24; thence along the south line of said Lot 24, North 88°40' East 330.00 feet, more or less, to the southeast corner of said Lot 24; thence along the east line of said Lot 24, North 0°02'16" West 1044.97 feet, more or less, to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet, more or less, to the point of beginning, containing 7.66 acres, more or less, being all in Lane County Oregon.

B) Approval Criteria, Code 9.7825

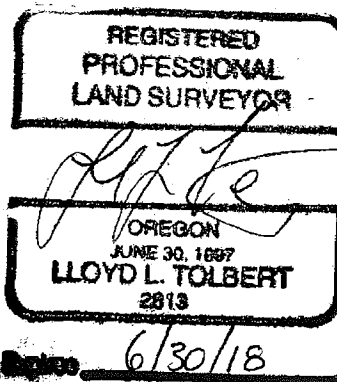
- (1) The land proposed to be annexed is within the city's urban growth boundary and is contiguous to the city limits.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner. *See exhibit A for the feasibility statement for the sewer line.*

**LEGAL DESCRIPTION
FOR THE ANNEXATION OF THE MCBIRNEY FAMILY TRUST PROPERTY
TO THE CITY OF EUGENE
ASSESSOR'S MAP NO. 18-03-18-22, TAX LOT 601
JULY 20, 2016**

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book, 2 Page 28 Lane County Oregon Plat Records; thence along the west line of said Lot 24 South 00°03'06" East 175.01 feet; thence leaving said west line bearing South 64°13'13" East 62.55 feet; thence South 01°23'40" West 177.46 feet; thence South 41°32'34" West 78.06 feet returning to said west line; thence along said west line South 00°03'06" East 606.61 feet to the north line of Lot 10, Sky Park Estates P.U.D as platted and recorded in File 73, Slide 717 in the Lane County Oregon Plat Records; thence along said north line of Sky Park Estates P.U.D. North 88°32'33" East 87.94 feet to the northeast corner of said Lot 10, being common to the north west corner of Lot 9; thence North 88°34'45" East 161.68 feet to the northeast corner of said Lot 9, being common to the northwest corner of Lot 8; thence North 88°28'41" East 81.20 feet; thence leaving said north line of Sky Park Estates P.U.D. and along the east line of said Lot 24 North 0°02'16" West 1044.97 feet to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet to the point of beginning, all in Lane County, Oregon.

Containing 7.66 acres, more or less

Courses and distances depicted hereon are based on County Survey File 42825, on file in the office of the Lane County Surveyor, in Lane County, Oregon.



CERTIFICATION OF DESCRIPTION

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: _____

Registered Professional Land Surveyor

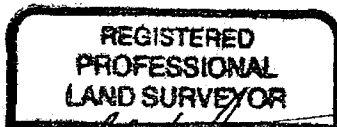
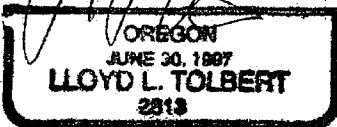
Date

7/20/16

Print Name: _____

Lloyd L. Tolbert

Seal:



Expires 6/30/18



Exhibit A

Boeger & Associates, LLC

Attachment C

Civil and Environmental - Engineering and Planning

Received

July 18, 2016

TECHNICAL MEMORANDUM

JUL 22 2016

Christine Ryan – Annexation Application
Application File Name – McBirney Family Trust (A 16-5)
NW ¼, NW ¼, Section 18, T. 18 S., R 3W

City of Eugene
Planning Division

This memorandum addresses the feasibility of a new sewer to serve the subject property considered for Annexation to the city of Eugene.

The new 8" sewer is proposed to serve tax lot 601 and shall be installed from the subject property, easterly down the rear of two private tax lots (500 and 100) and connect to an existing sanitary sewer manhole. This manhole is WWMH #13206. The exact location of the new 8" sewer on the subject tax lot 601 has not yet been determined, the distance is estimated to be approximately 700 LF to the connection to the existing manhole. The ground slope along this route averages 12.6%. There is more than adequate slope to meet city requirements.

The soils along the pipe route are mapped as Dixonville-Philomath-Hazelair complex, per the Soils Classification Service. There should be little to no hard rock that requires more than average excavating practices. The new pipe alignment will be adjacent to a goal 5 resource stream. This stream has been identified by city staff, and the required setback has been flagged and tied by the project surveyor. The pipe alignment is therefore confirmed to be outside the setback line.

The existing manhole depth from rim to flow line is 6.2 feet. The new trench will be dug at a minimum depth along the pipe route, with a grade just upstream of the manhole connection. The existing soils support the excavation depth needed. The proposed alignment has also been established to miss significant trees where possible.

In summary, the proposed route of the new 8" gravity sewer line meets the setback criteria from the Goal 5 resource, has more than adequate slope, and has been selected to minimize impact to significant trees and can easily be dug to the required depth based on the existing soils present.

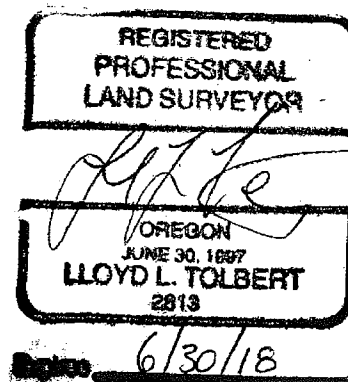


**LEGAL DESCRIPTION
FOR THE ANNEXATION OF THE MCBIRNEY FAMILY TRUST PROPERTY
TO THE CITY OF EUGENE
ASSESSOR'S MAP NO. 18-03-18-22, TAX LOT 601
JULY 20, 2016**

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book, 2 Page 28 Lane County Oregon Plat Records; thence along the west line of said Lot 24 South 00°03'06" East 175.01 feet; thence leaving said west line bearing South 64°13'13" East 62.55 feet; thence South 01°23'40" West 177.46 feet; thence South 41°32'34" West 78.06 feet returning to said west line; thence along said west line South 00°03'06" East 606.61 feet to the north line of Lot 10, Sky Park Estates P.U.D as platted and recorded in File 73, Slide 717 in the Lane County Oregon Plat Records; thence along said north line of Sky Park Estates P.U.D. North 88°32'33" East 87.94 feet to the northeast corner of said Lot 10, being common to the north west corner of Lot 9; thence North 88°34'45" East 161.68 feet to the northeast corner of said Lot 9, being common to the northwest corner of Lot 8; thence North 88°28'41" East 81.20 feet; thence leaving said north line of Sky Park Estates P.U.D. and along the east line of said Lot 24 North 0°02'16" West 1044.97 feet to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet to the point of beginning, all in Lane County, Oregon.

Containing 7.66 acres, more or less

Courses and distances depicted hereon are based on County Survey File 42825, on file in the office of the Lane County Surveyor, in Lane County, Oregon.



CERTIFICATION OF DESCRIPTION

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: _____

Registered Professional Land Surveyor

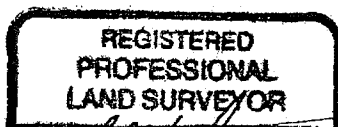
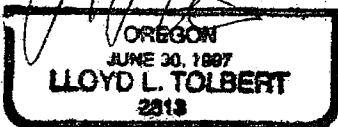
Date

7/20/16

Print Name: _____

Lloyd L. Tolbert

Seal:



Expires 6/30/18

JUN - 9 2016

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

A.R. McBirney and Carmen S. McBirney

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

18-03-18-22-00601

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

_____ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

X will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

Date and Contractor are yet to be determined.

The line will be extended from the west boundary of TL 18-03-18-21-00135
C4134 Normandy Way,

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

NO

If yes,
location? ?

If no, how will stormwater be handled after development? -
?

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. _____

West 40th Avenue

Will dedication for additional street right-of-way be required upon further development of this site?

_____ Yes _____ No _____ ? Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

_____ Yes X No _____ Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004).)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Tugman Park @ 36th Avenue and Hilyard St.
Blanton Ridge Trail head @ 40th Ave & Blanton

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

JUN - 9 2016 For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

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Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property. ?

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.



LANE COUNTY

Property Account Summary

As Of 7/13/2016 Status: Active

Account No.: 1861630 Alternate Property Number: 1803182200601
 Account Type: Real Property
 TCA: 00406
 Situs Address: 10 UNKNOWN
 ANYTOWN OR
 Legal: Township 18 Range 03 Section 18 Quarter 22 TL 06601 2014-008840

Parties:

Role	Name & Address
Owner	MCBIRNEY FAMILY TRUST 2780 CAPITAL DR EUGENE OR 97403
Taxpayer	RYAN CHRISTINE 2780 CAPITAL DR EUGENE OR 97403
Trustee	MCBIRNEY A R 2780 CAPITAL DR EUGENE OR 97403
Trustee	MCBIRNEY CARMEN S 2780 CAPITAL DR EUGENE OR 97403
Trustee	RYAN CHRISTINE 2780 CAPITAL DR EUGENE OR 97403

Property Values:

Value Name	2015	2014	2013	2012	2011
MKTTL	\$388,893	\$269,470	\$0		
AVR	\$311,426	\$131,967	\$0		
TVR	\$311,426	\$131,967	\$0		

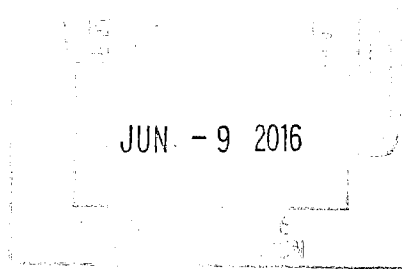
Property Characteristics:

Tax Year	Characteristic	Value
2015	Property Class	190 Potential dev vacant
	Change Property Ratio	1XX Residential
	Size	7.66
	Code Split	N
	Neighborhood	411502

Exemptions:

(End of Report)

From:
Christine Ryan, Trustee
The McBirney Family Trust
190 Brae Burn Drive
Eugene, Oregon 97405



August 7, 2015

To: Eugene City Planning and Development

Re: Application for the annexation of Tax lot 18-03-18-22-00601

A) Property Description:

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book 2, Page 28 Lane County Oregon Plat Records, and running thence along the west line of said lot 24, South 0°03'06" East 175.01 feet to a point; thence leaving said west line, South 64°13'13" East 62.55 feet to a point; thence South 1°23'40" West 177.46 feet to a point; thence South 41°32'34" West 78.06 feet to a point on said west line; thence along said west line, South 0°03'06" East 606.61 feet, more or less, to the southwest corner of said Lot 24; thence along the south line of said Lot 24, North 88°40' East 330.00 feet, more or less, to the southeast corner of said Lot 24; thence along the east line of said Lot 24, North 0°02'16" West 1044.97 feet, more or less, to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet, more or less, to the point of beginning, containing 7.66 acres, more or less, being all in Lane County Oregon.

B) Approval Criteria, Code 9.7825

- (1) The land proposed to be annexed is within the city's urban growth boundary and is contiguous to the city limits.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner. *See exhibit A for the feasibility statement for the sewer line.*

BB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

Lane County Clerk
Lane County Deeds and Records

2014-010481



\$47.00

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03/25/2014 02:12:37 PM

RPR-DEED Cnt=1 Stn=15 CASHIER 02

\$5.00 \$11.00 \$21.00 \$10.00

FOR
RECORDER'S USE

Grantor's Name and Address*

Christine Ryan
McBirney Family Trust
2780 Capital Dr.
Eugene, OR 97403

After recording, return to (Name and Address):

see grantee above

Until requested otherwise, send all tax statements to (Name and Address):

see grantee above

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that

Christine Ryan
hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto A.R. McBirney, Carmen S. McBirney, and Christine Ryan, co-trustees of the McBirney Family Trust, dated * hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in _____ County, State of Oregon, described as follows (legal description of property):

*06/30/1993

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book 2, Page 28 Lane County Oregon Plat Records and running thence along the west line of said Lot 24, South 0°03'06" East 175.01 feet to a point; thence leaving said west line, South 64°13'13" East 62.55 feet to a point; thence South 1°23'40" West 177.46 feet to a point; thence South 41°32'34" West 78.06 feet to a point on said west line; thence along said west line, South 0°03'06" East 606.61 feet more or less to the southwest corner of said Lot 24; thence along the south line of said Lot 24, North 88°40' East 330.00 feet more or less to the southeast corner of said Lot 24; thence along the east line of said Lot 24, North 0°02'16" West 1044.97 feet more or less to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet more or less to the point of beginning, containing 7.66 Acres more or less, being all in Lane County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ change vesting. [Ⓢ] However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. [Ⓢ] (The sentence between the symbols [Ⓢ], if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on 3/20/2014; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

STATE OF OREGON, County of LaneThis instrument was acknowledged before me on March 20, 2014by Christine Ryan

This instrument was acknowledged before me on _____

by _____

as _____

of _____



OFFICIAL SEAL
DIANNE MICHELLE SCHAFER
NOTARY PUBLIC - OREGON
COMMISSION NO. 472555
MY COMMISSION EXPIRES OCTOBER 25, 2016

Notary Public for Oregon

My commission expires 10-25-16

CITY FILE NO.

APPROVED AND ACCEPTED BY CITY OF EUGENE, OR

JUN - 9

2016

City Deputy Recorder

Amy Matthew

8-30-16

Date

Lane County Clerk
Lane County Deeds and Records

Attachment
2016-042503



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\$77.00

08/30/2016 01:44:43 PM

RPR-ESMT Cnt=1 Stn=15 CASHIER 02
\$15.00 \$20.00 \$10.00 \$11.00 \$21.00

PUBLIC UTILITY EASEMENT

SHARON RAE SMITH and SYLVIA ANN EMORY, Successor Trustees of the SMITH FAMILY REVOCABLE TRUST dated December 11, 1996, restated May 24, 2004, and as amended, GRANTOR(S) convey to the CITY OF EUGENE, an OREGON MUNICIPAL CORPORATION, GRANTEE, an easement over, across, and under the following described land and real property:

See Attached Exhibit "A" for description & Exhibit "B" for depiction

for **public utilities** including, but not limited to, sewer, water, electrical, gas, telephone and telegraph, pipes and lines, and other utilities and for cables, poles, braces, fixtures and appurtenances attached thereto, and for said purposes to place, construct, operate, repair, maintain, inspect, reconstruct and replace said utility pipes, lines, poles, cable wires, fixtures and appurtenances and necessary installations, and the right to enter upon such premises for said purposes.

No building, structure, tree, or other obstruction shall be erected or placed on or in the easement area.

Subject to the foregoing limitation Grantor may use said easement area for roadway, parking, or landscape purposes, or for any other purpose not inconsistent with said easement.

The true and actual consideration for this easement is \$ other.

Dated this 18 day of March 20 16

X Sharon Rae Smith, Successor Trustee X Sylvia Ann Emory
Sharon Rae Smith, Successor Trustee Sylvia Ann Emory, Successor Trustee

STATE OF OREGON, County of Lane, ss:

This instrument was acknowledged before me this 18 day of March 20 16
by Sharon Rae Smith acting in her capacity as Successor Trustee of the Smith Family Revocable Trust dated December 11, 1996, and as amended.



Giovanna M. Mackey
Notary Public for Oregon
6-22-2018
My Commission Expires

STATE OF OREGON, County of Lane, ss:
This instrument was acknowledged before me this 18 day of March 20 16
by Sharon Rae Smith acting in her capacity as Successor Trustee of the Smith Family Revocable Trust dated Sylvia Ann Emory
December 11, 1996, and as amended.



Giovanna M. Mackey
Notary Public for Oregon
6-22-2018
My Commission Expires

AFTER RECORDING RETURN TO: City of Eugene, City Recorder, Eugene, Oregon 97401
UNTIL A CHANGE IS REQUESTED, MAIL ALL TAX STATEMENTS TO:
City of Eugene, Finance Department, Eugene, Oregon 97401

Exhibit "A"

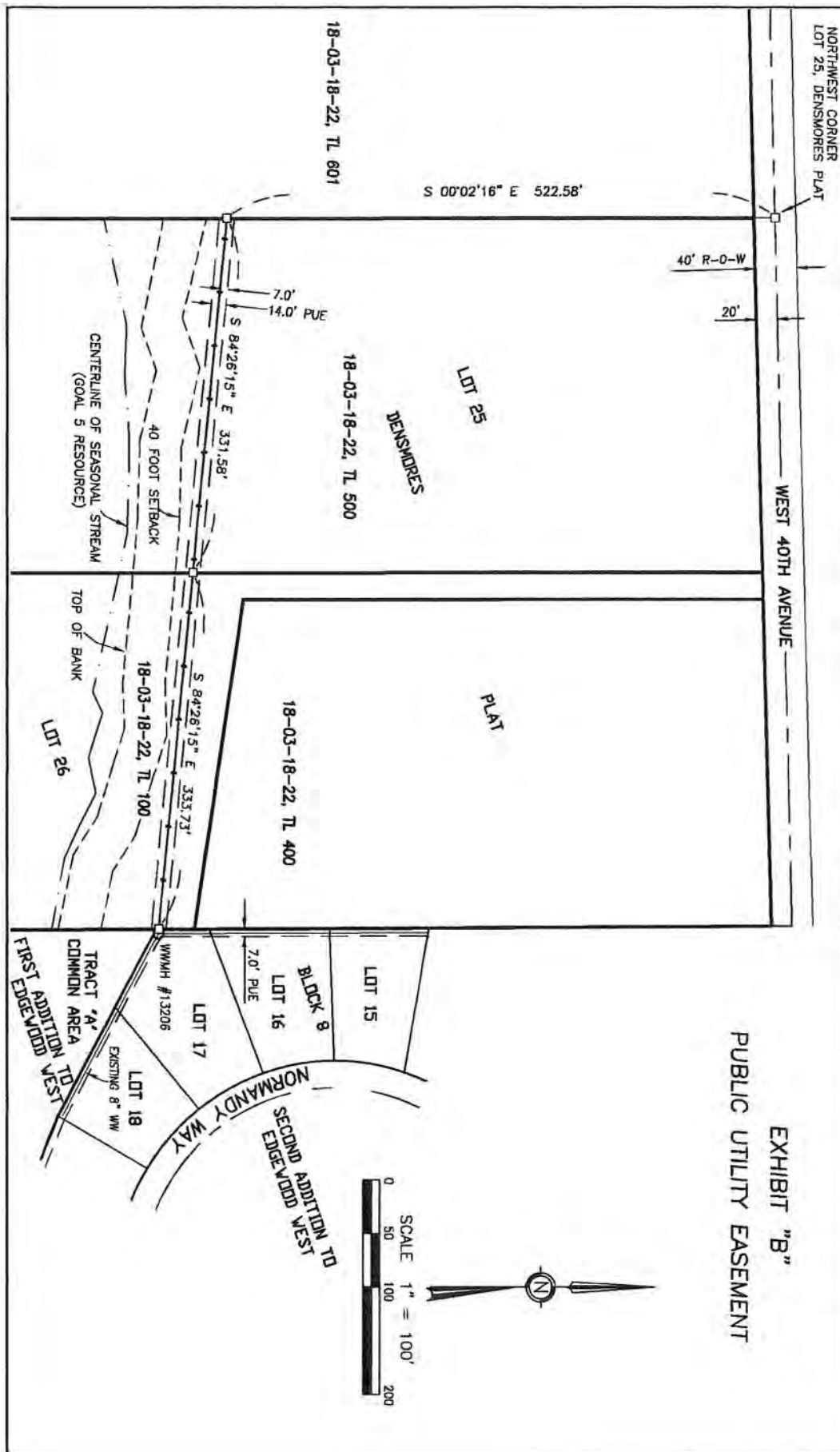
**Legal Description
Of
Public Utility Easement
Assessor's Map 18-03-18-22, Tax Lot 500**

An easement, fourteen (14) foot in width over and across that certain tract of land described in a Warranty Deed to Co-Trustees of Revocable Trust, recorded July 18, 2006, Document No. 2006-050238, Lane County Oregon Deeds and Records, the centerline of which is described as follows:

Beginning at the northwest corner of Lot 25, Densmores Plat, as platted and recorded in Book 2, Page 28 in the Lane County Plat Records, in Lane County, Oregon; thence along the west line of said Lot 25 South 00°02'16"East 522.58 feet; thence leaving said west line of Lot 25 bearing South 84°26'15"East 331.58 feet to the east line of said Lot 25 and there ending, all in Eugene, Lane County, Oregon.

The sidelines of said easement being shortened or lengthened to intersect with the above-mentioned east and west lines of Lots 25, Densmores Plat.

Bearings used hereon are based on County Survey File 42825, on file at the Lane County, Oregon Surveyor's Office.



CITY FILE NO. _____

APPROVED AND ACCEPTED BY CITY OF EUGENE, OR

JUN - 9 2016

City Deputy Recorder

Date

8-30-16

Lane County Clerk
Lane County Deeds and Records Attachment

2016-042502



01596859201600425020030039

\$77.00

08/30/2016 01:44:43 PM

RPR-ESMT Cnt=1 Stn=15 CASHIER 02
\$15.00 \$20.00 \$10.00 \$11.00 \$21.00

PUBLIC UTILITY EASEMENT

JOHN F. BREEDEN AND ~~JOANNE BREEDEN~~, GENERAL PARTNERS, THE BREEDEN FAMILY LIMITED PARTNERSHIP, U/A/D DECEMBER 31, 2001, AS TO AN UNDIVIDED THREE-FOURTHS (3/4) INTEREST AND ROBERT L. BREEDEN AND ~~SUSAN L. BREEDEN~~, Trustees and any successor trustee of the BREEDEN FAMILY REVOCABLE TRUST dated June 15, 2006, AS TO AN UNDIVIDED ONE-FOURTH (1/4) INTEREST, AS TENANTS IN COMMON, GRANTOR(S) convey to the CITY OF EUGENE, an OREGON MUNICIPAL CORPORATION, GRANTEE, an easement over, across, and under the following described land and real property:

See Attached Exhibit "A" for description & Exhibit "B" for depiction

for public utilities including, but not limited to, sewer, water, electrical, gas, telephone and telegraph, pipes and lines, and other utilities and for cables, poles, braces, fixtures and appurtenances attached thereto, and for said purposes to place, construct, operate, repair, maintain, inspect, reconstruct and replace said utility pipes, lines, poles, cable wires, fixtures and appurtenances and necessary installations, and the right to enter upon such premises for said purposes.

No building, structure, tree, or other obstruction shall be erected or placed on or in the easement area.

Subject to the foregoing limitation Grantor may use said easement area for roadway, parking, or landscape purposes, or for any other purpose not inconsistent with said easement.

The true and actual consideration for this easement is \$ 0

Dated this 2nd day of JUNE 2016

X [Signature] X [Signature]

STATE OF OREGON, County of Lane, ss:

This instrument was acknowledged before me this 7TH day of JUNE 2016 by John F. Breedon acting in his/her capacity as general partner of the Breedon Family Limited Partnership.



[Signature]
Notary Public for Oregon
10/24/17
My Commission Expires

This instrument was acknowledged before me this 2 day of June 2016 by Robert Breedon acting in his/her capacity as Trustee of the Breedon Family Revocable Trust.



[Signature]
Notary Public for Oregon
2/22/20
My Commission Expires

AFTER RECORDING RETURN TO: City of Eugene, City Recorder, Eugene, Oregon 97401
UNTIL A CHANGE IS REQUESTED, MAIL ALL TAX STATEMENTS TO:
City of Eugene, Finance Department, Eugene, Oregon 97401

9/29/05

Exhibit "A"

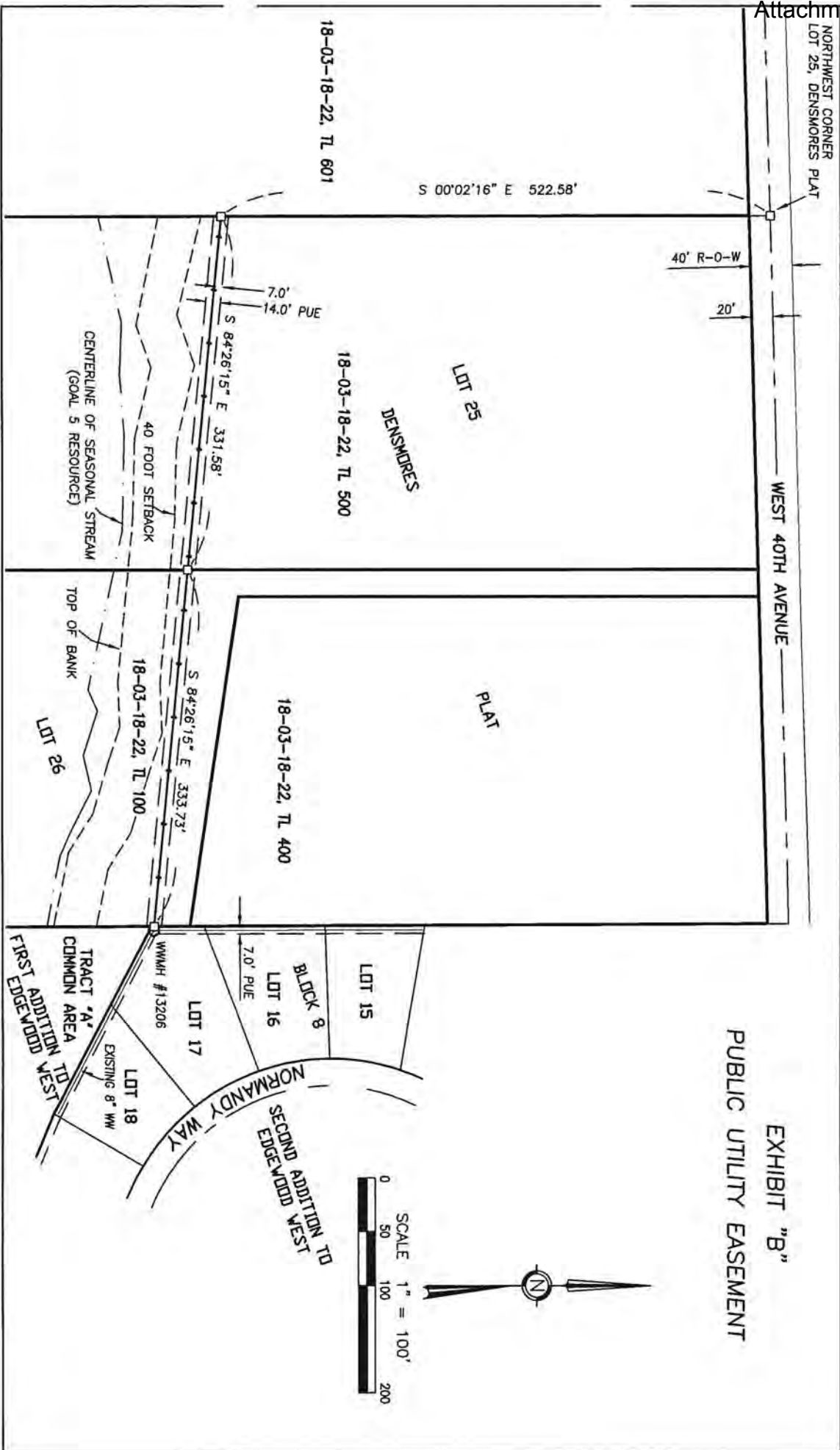
**Legal Description
Of
Public Utility Easement
Assessor's Map 18-03-18-22, Tax Lot 100**

An easement, fourteen (14) foot in width over and across that certain tract of land described in a Lot Line Adjustment Deed, recorded February 27, 2015, Document No. 2015-007921, Lane County Oregon Deeds and Records, the centerline of which is described as follows:

Beginning at the northwest corner of Lot 25, Densmores Plat, as platted and recorded in Book 2, Page 28 in the Lane County Plat Records, in Lane County, Oregon; thence along the west line of said Lot 25 South 00°02'16"East 522.58 feet; thence leaving said west line of Lot 25 bearing South 84°26'15"East 331.58 feet to the east line of said Lot 25, being common with the west line of Lot 26, Densmores Plat and the **True Point of Beginning**; thence continuing South 84°26'15"East 333.73 feet to the west line of Second Addition of Edgewood Park as platted and recorded in Book 57, Page 26 in the Lane County Plat Records, in Lane County, Oregon and there ending, all in Eugene, Lane County, Oregon.

The sidelines of said easement being shortened or lengthened to intersect with the above-mentioned west line of Lot 26, Densmores Plat and the west lines of above-mentioned Second Addition of Edgewood West and First Addition of Edgewood West as platted and recorded in Book 53, Page 16 in the Lane County Plat Records, in Lane County, Oregon.

Bearings used hereon are based on County Survey File 42825, on file at the Lane County, Oregon Surveyor's Office.



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of Resolution 5168 Annexing Land to the City of Eugene (Cowan, Doug; A 16-6)

Meeting Date: September 12, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3D
Staff Contact: Erik Berg-Johansen
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

This item is a request to annex approximately 0.49 acre of vacant land located at 160 Howard Avenue. The property is located west of River Road on the south side of Howard Avenue. It is located within the Urban Growth Boundary and is separated from the city only by a public right-of-way. Annexation would extend the city limits to include this property.

The property is zoned R-1 Low-Density Residential with /UL Urbanizable Lands Overlay. The Metro Plan and the River Road - Santa Clara Urban Facilities Plan designate the subject property for low-density residential use. Annexation will allow for future development consistent with the property's designation and the Eugene Code. Plans for future development of the site are not included as part of this annexation application.

BACKGROUND

The city's annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice for this annexation request was provided consistent with Eugene Code requirements. No written testimony has been received as of this date. Referral comments were provided by affected agencies including City of Eugene Public Works and EWEB. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and limited testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The River Road - Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject property. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

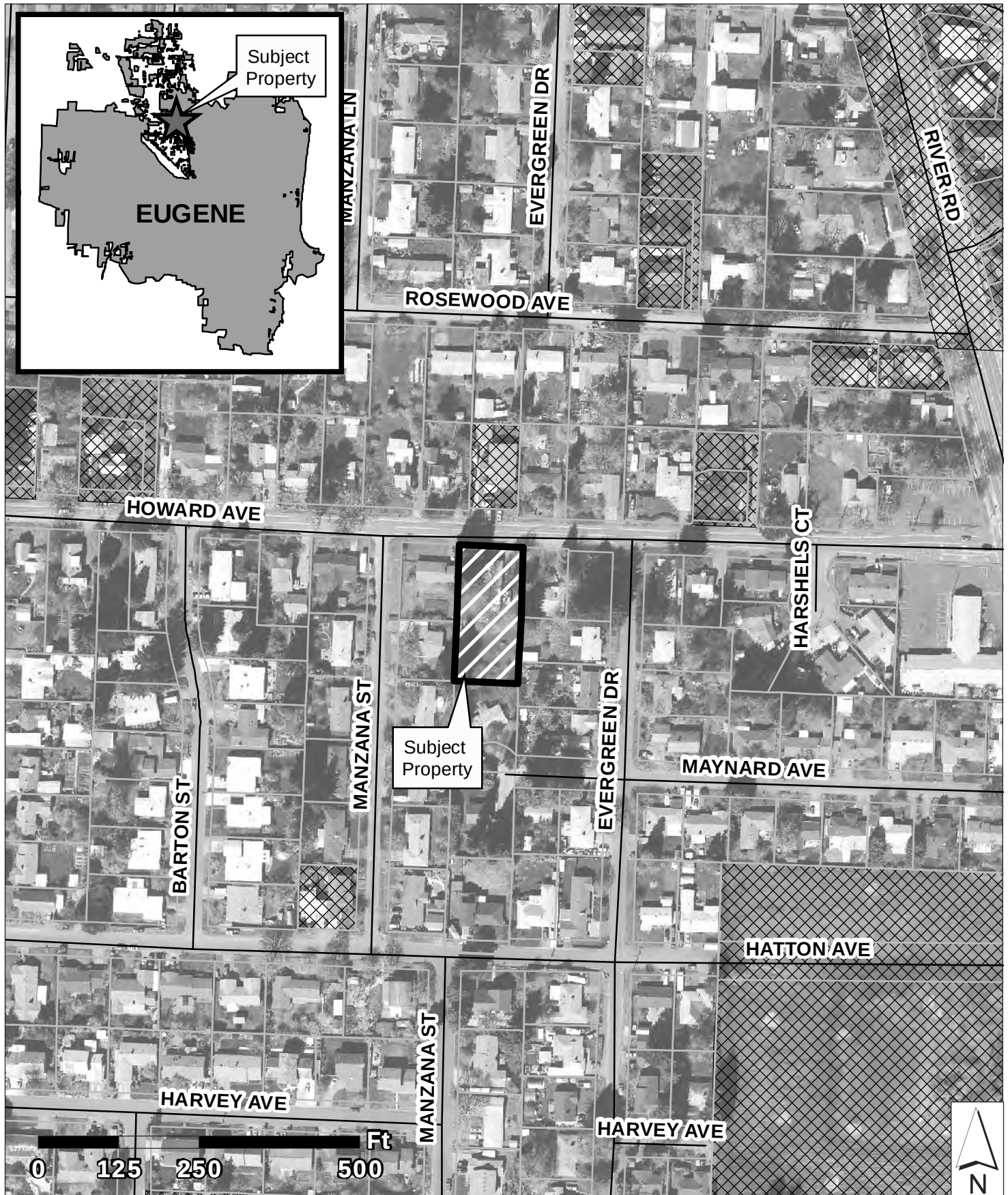
Move to adopt Resolution No. 5168, which approves the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Public Testimony from Maria Bennett

FOR MORE INFORMATION

Staff Contact: Erik Berg-Johansen
Telephone: 541-682-5437
Staff E-Mail: erik.berg@ci.eugene.or.us



Legend

Subject Property

 City Limits

 Taxlots

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

September 2016



RESOLUTION NO. _____

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-14-44, TAX LOT
100).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Doug Cowan on behalf of DSC Investment Trust on June 29, 2016, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-14-44, Tax Lot 100.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation is attached as Exhibit C.

D. On August 12, 2016, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 12, 2016.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-14-44, Tax Lot 100, depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 12th day of September, 2016.

City Recorder

Annexation Site Plan

Tax Map 17-04-14-44

Tax Lot 100

July 5, 2016

Exhibit A

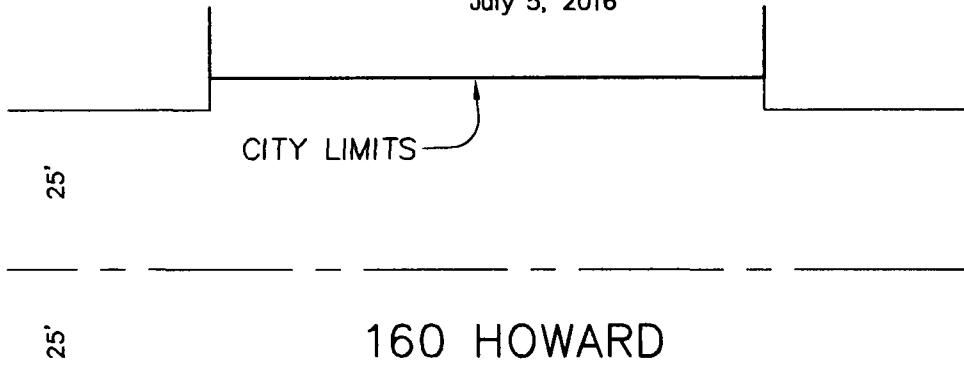
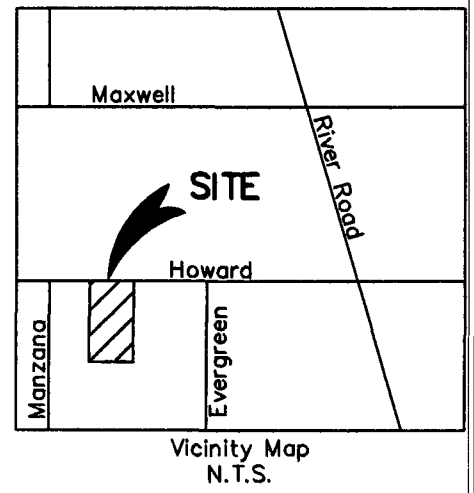
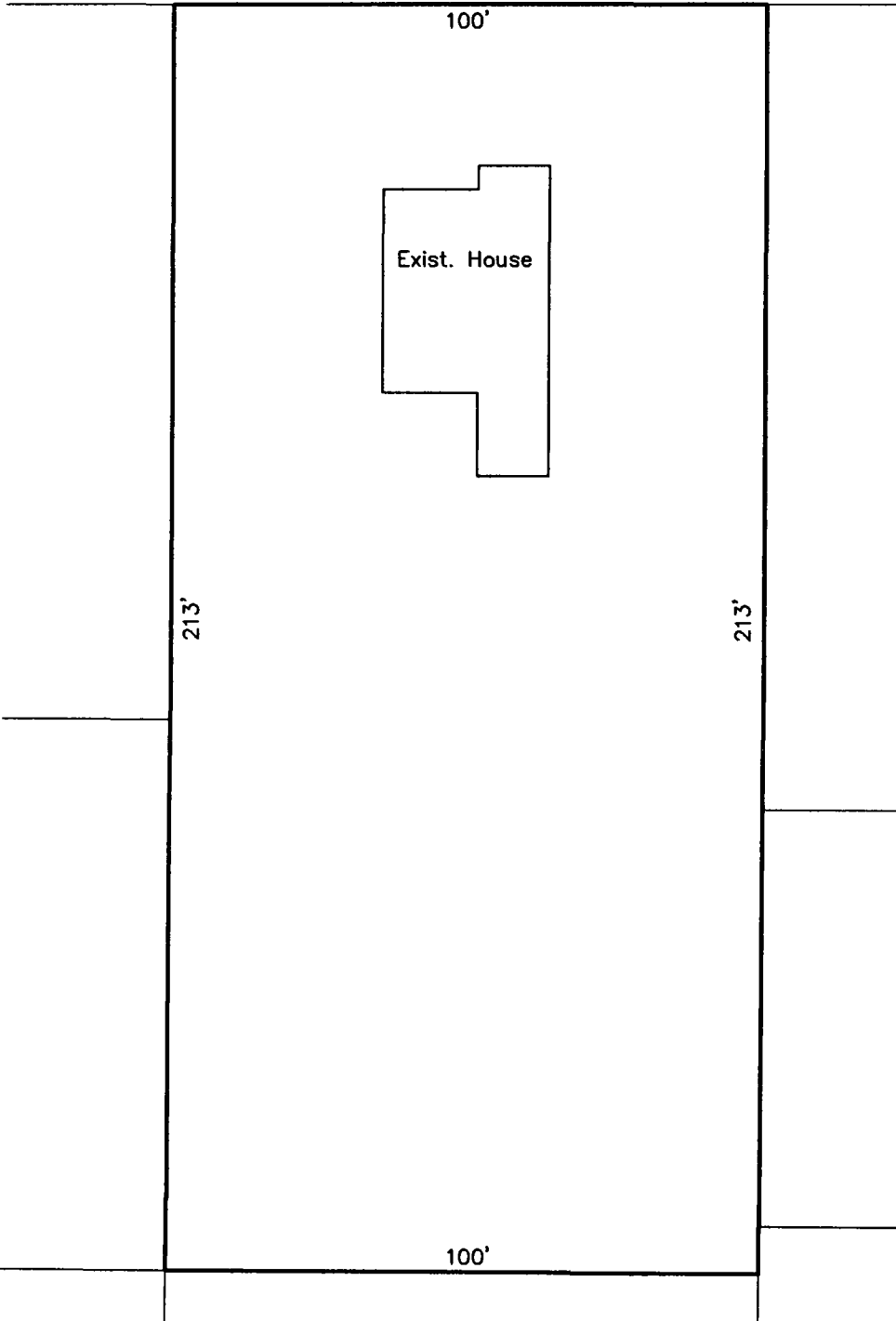
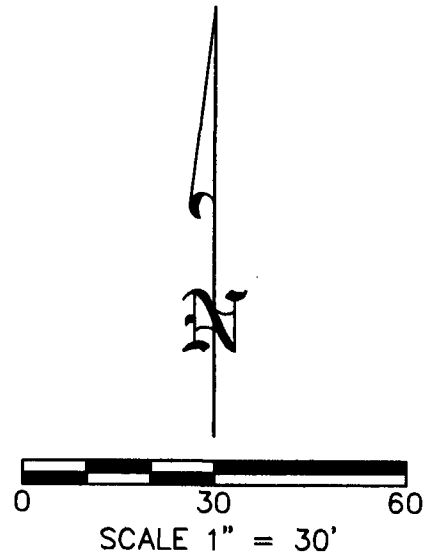


Exhibit B

Beginning at the Northeast corner of Lot 2, Block 1, Huetter Park, as platted and recorded in Book 19, Page 20, Lane County Oregon Plat Records, thence East 100 feet; thence North 213 feet to the South line of Howard Avenue; thence West 100 feet; thence South 213 feet to the point of beginning, in Lane County, Oregon.

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for the Doug Cowan Property (City File A 16-6)

Application Submitted: June 29, 2016
Applicant: Doug Cowan, DSC Investment Trust
Property Included in Annexation Request: Tax Lot 100 of Assessor's Map 17-04-14-44
Zoning: R-1 Low-Density Residential with /UL Urbanizable Lands Overlay
Location: 160 Howard Avenue; west of River Road, on south side of Howard Avenue
Surveyor: Dave Collier, Pacific Surveying
Lead City Staff: Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:		
(a) Contiguous to the city limits; or		
(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.		
Complies		Findings: The annexation area is within the City's urban growth boundary (UGB), and as proposed, will be separated from the city only by a public right of way, consistent with subsection (b).
☒ YES	☐ NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic</i> text): <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i> <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i> <i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i>
☒ YES	☐ NO	

		<p>The <u>Metro Plan</u> designates the annexation area as appropriate for commercial use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for commercial uses. The property is currently zoned R-1/UL Low-Density Residential with a Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement plan.</p>
EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.		
<p>Complies</p> <p>☒ YES ☐ NO</p>		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Public wastewater is available within Howard Avenue, via an 8-inch PVC pipe. The existing residence is connected to the public system by a 4-inch service line per connection record no. 34910. The lien docket indicates that wastewater related assessments have been paid.</p> <p><u>Stormwater</u> Public stormwater systems are not available to serve this property. The soil classification is Type B, which typically indicates that good infiltration rates can be expected. Development proposals must demonstrate consistency with flood control standards; on-site retention is a feasible option for this site. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The property abuts Howard Avenue, a Lane County Road. Compliance with applicable street standards will be ensured at the time of development.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property.</p>

		<p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Howard Elementary School, Kelly Middle School, and North Eugene High School.</p>
--	--	--

CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date is set in accordance with state law.

INFORMATION:

- ◆ Upon approval of the annexation, the base zoning of R-1 Low-Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

**ANNEXATION**

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-14-44	100	R1	0.50

Property Address: 160 HOWARD

Plans for Future Development & Permit Number (if applicable): LAND PARTITION

Public Service Districts:

Name			
Parks:	RIVER ROAD		
Electric:	EWEE		
Water:	EWEE		
Sanitary Sewer:	EUGENE		
Fire:	RIVER ROAD W.D.		
Schools:	Elementary: HOWARD	Middle: KELLY	High: NORTH EUGENE
Other:			

Filing Fee

- ☐ A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- ☐ Submit a detailed written statement describing how this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 1/2" x 14" sheet of paper. Site plans shall include the following information:

- ☐ Show the date & north arrow on site plan.
- ☐ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☐ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☐ Show city limits & UGB (if applicable)
- ☐ Clearly label the affected territory and any public right of ways to be annexed.
- ☐ Show all adjacent streets, alleys, and accessways.
- ☐ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☐ Show the location of all existing structures.

Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)

- ☐ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☐ Notarized Consent to Annexation form.
- ☐ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☐ Summary of Urban Service Provision form.
- ☐ A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- ☐ Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 100

Name (print): DOUG COWAN

Address: 263 SPYGLASS DR.

Email: _____

541-222-9039

City/State/Zip: EUGENE, OR 97401

Phone: _____

Fax: _____

Signature: Douglas Cowan

Date: 6/28/16

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print): DAVE COLLIER

Company/Organization: PACIFIC SURVEYING

Address: 75506 BLUE MT. SCHOOL RD.

541-767-0790

City/State/Zip: COTTAGE GROVE, OR

Phone: _____

Fax: _____

97424

E-mail: PACIFICSURVEY@FASTMAIL.FM

Signature: D. P. Collier

Date: 6-27-16

REPRESENTATIVE (If different from Surveyor):

Name (print):

Company/Organization:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Signature:

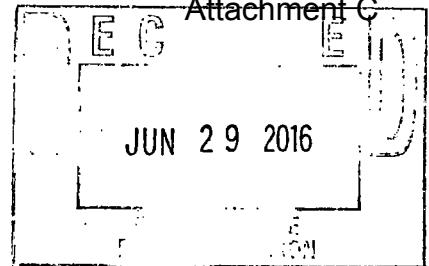
Date:

****Attached additional sheets if necessary.**

Annexation Written Statement

Tax Map 17-04-14-44

Tax Lot 100



Applicable criteria for Annexation, Eugene Code 9.7825.

9.7825 Annexation - Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

(1) The land proposed to be annexed is within the city's urban growth boundary and is:

- (a) Contiguous to the city limits; or
- (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

(Section 9.7825 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)

(1) The land proposed to be annexed is within the city's urban growth boundary and is:

- (a) Contiguous to the city limits; or
- (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

The property fronts Howard Avenue which is in the River Road area and is within the UGB and is within the City Limits.

(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

The following Metro/refinement plans are applicable:

River Road - Santa Clara Urban Facilities Plan Policies.

(1) General Land Use. Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses. (Policy 1)

The property's current use is residential and is in a residential neighborhood. It's proposed use is to remain residential.

(2) Residential Land Use.

(a) Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan. (Policy 1)

The proposal is to keep the property as LDR.

(b) Evaluate traffic and compatibility impacts when considering new residential development on parcels fronting arterial streets. (Policy 3)

The property fronts Howard Avenue which is not an arterial street.

(c) Provide adequate buffering and traffic control for existing non-

residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)

The property does not front River Road.

(d) Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria. (Policy 5)

The proposal is for LDR.

(e) Design residential development which is adjacent to the Greenway, parks, and other identified natural features in a manner that ensures its compatibility with those features. (Policy 6)

The property is not adjacent to natural features or parks. It is in a residential neighborhood.

The following criteria also applies:

River Road/Howard Subarea.

(a) Maintain the status of non-conforming uses.

The current use is residential, which is conforming.

(b) Maintain the status of existing medium-density land use.

The current use would equate to LDR.

(c) Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.

The property fronts Howard Avenue, but is on the South side, which is not within the described boundaries.

(d) Recommend professional office development on the east side of River Road between Owosso and Corliss.

The property is not within the described boundary.

(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

All key urban facilities are currently available on site.

Annexation Policies of the Eugene-Springfield Metropolitan Area General Plan

The Eugene-Springfield Metropolitan Area General Plan ("Metro Plan") is the comprehensive planning document for the City of Eugene. Most annexation actions are directed by the policies found in the Growth Management Chapter, which have been collected below. A successful annexation application must explain how the annexation is consistent with one or more of these policies, and does not conflict with any of these policies.

This list of policies was collected to cover most typical annexation requests. There are additional policies in the Metro Plan. The applicant is responsible for reviewing the Metro Plan for additional policies that may pertain to the applicant's property.

Policies:

8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
 - b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the *Metro Plan*.

10. Annexation to a city through normal processes shall continue to be the highest priority.

15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.

17. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.

19. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:
 - a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program);

- b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.

Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.

20. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).
- a. Annexation to a city;
 - b. Contractual annexation agreements with a city;
 - c. Annexation to an existing district (under conditions described previously in Policy #19); or
 - d. Creation of a new service district (under conditions described previously in Policy #14).

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-14-44 Address: 160 HOWARD

Legal Description: BEGINNING AT THE NE CORNER OF LOT 2, BLOCK 1, HLETTER PARK, AS PLATTED AND RECORDED IN BOOK 19, PAGE 20, LANE COUNTY OREGON PLAT RECORDS, THENCE EAST 100 FEET; THENCE NORTH 213 FEET TO THE SOUTH LINE OF HOWARD AVE; THENCE WEST 100 FEET; THENCE SOUTH 213 FEET TO THE POINT IN the corporate limits of said city, which is owned by the undersigned OF BEGINNING.

DATED this 28 day of June, 2016

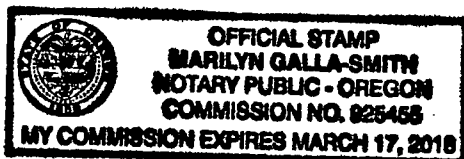
Douglas Cowan

STATE OF OREGON)

County of Lane) ss

On this 28 day of June, 2016, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Douglas Cowan who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Marilyn Galla-Smith
Notary Public for Oregon

My Commission Expires 3-17-18

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

DOUG COWAN

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-14-44 # 100

Wastewater – All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

☒ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" IN HOWARD

☐ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

N/A

Stormwater – Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

NO

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

_____ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

☒ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property.

6" MAIN IN HOWARD

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

Census Information Sheet – CONFIDENTIAL

Please complete the attached survey and return it with your annexation application. It is not necessary to include the names of all individuals. Addresses and number of people living at each address is essential and sex and age information is helpful. If you have any questions, please contact the Planning Department at 541-682-5377.

City of Eugene Address: 160 HOWARD AVE.

HOUSING TYPE**TENURE**

Single Unit Structure	(✓)	Owner-Occupied	()
Multiple Unit Structure	()	Renter-Occupied	()
Trailer or Mobile Home	()	Vacant	(✓)
Seasonal	()		

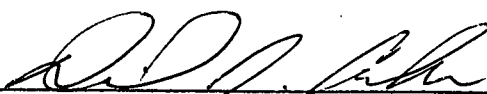
RESIDENTS

	Last Name	First Name	Sex	Age
Respondent	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

Portland State University School of Urban and Public Affairs
Center for Population Research and Census (503) 725-3922

Certification of Description

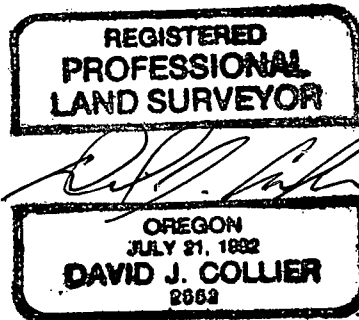
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: 
Registered Land Surveyor

Print Name: DAVID J. COLLIER

Date: 6-27-16

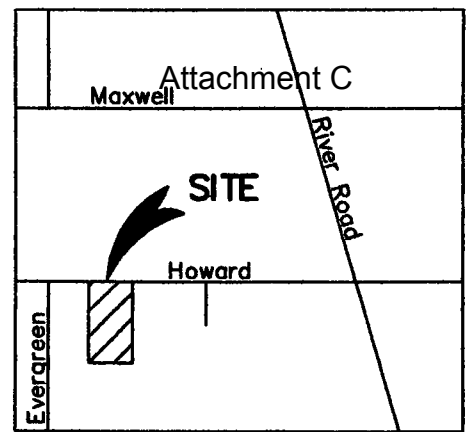
Seal:



Map and Tax Lot: 17-04-14-44 Address: 160 HOWARD

Legal Description: BEGINNING AT THE NE CORNER OF LOT 2, BLOCK 1, HLETTER PARK, AS PLATTED AND RECORDED IN BOOK 19, PAGE 20, LANE COUNTY OREGON PLAT RECORDS, THENCE EAST 100 FEET; THENCE NORTH 213 FEET TO THE SOUTH LINE OF HOWARD AVE; THENCE WEST 100 FEET; THENCE SOUTH 213 FEET TO THE POINT In the corporate limits of said city, which is owned by the undersigned OF BEGINNING.

Annexation Site Plan
Tax Map 17-04-14-44
Tax Lot 100



Vicinity Map
N.T.S.

25'

25'

160 HOWARD

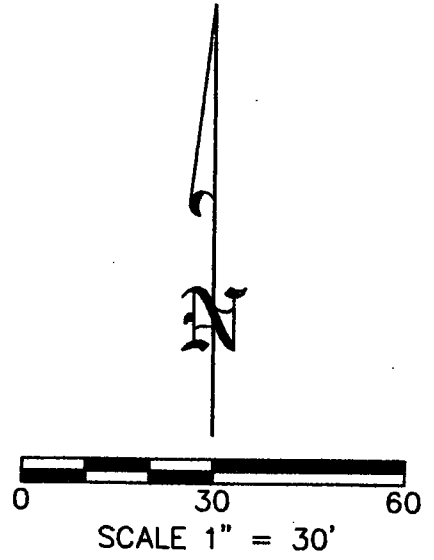
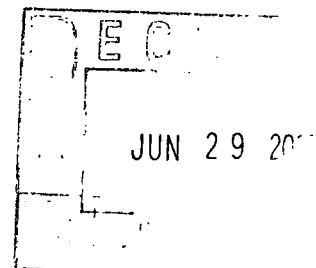
100'

Exist. House

213'

213'

100'



17041444
EUGENE

LCATJ00 - 20130426 13:49

CANCELLED
400
402
7500
7501
7518
7519
7520
7538
7539
7600
4800

REVISION: 17041444 - CANCELLED - 4/27/20
SUBMIT: 17041444 - 17041444 - 17041444 - 17041444

S.E. 1/4 S.E. 1/4 SEC. 14 T.17S. R.4W. WM.
Lane County

1" = 100'



EUGENE
17041444



Incomplete Land Use Application: **180 Day Completeness Review Process**

Please Complete and Return to:

Eugene Planning Division

Attn: Erik Berg-Johansen

File #: A 16-6

99 West 10th Avenue
Eugene, OR 97401

Completeness Review Step (Check ONE box)



I intend to submit all of the missing or incomplete materials as identified by the City in completeness review. I understand that according to State law I have up to 180 days from the date the application was submitted to provide the missing or incomplete materials and that after that date, if I have not submitted the missing information, my application will be void. I also hereby agree to allow the City a reasonable period of time for a review and determination of completeness upon submittal of the missing or incomplete materials and the required number of copies.



I intend to submit some, but not all, of the missing or incomplete materials as identified by the City in completeness review. I understand that according to State law I have up to 180 days from the date the application was submitted to provide the missing or incomplete materials that I intend to submit and that after that date, if I have not submitted the missing information, my application will be void. I also hereby agree to allow the City a reasonable period of time for a review and determination of completeness, upon submittal of the missing or incomplete materials and the required number of copies. The materials I do not intend to submit are those items I have listed on the lines below (attach additional sheets if necessary).



I do not intend to submit any of the missing or incomplete materials as identified by the City in the completeness review. I understand that the City will proceed with review of the application materials previously submitted. I also understand that incomplete applications may not provide adequate evidence to demonstrate compliance with applicable criteria and standards. Please deem my application complete as of the date this form is received by the City of Eugene Planning Division.

DAVE COLLIER

Printed Name of Applicant or Applicant's Representative

[Signature]

Signature of Applicant or Applicant's Representative

Date

7-27-16

Annexation Site Plan

Tax Map 17-04-14-44

Tax Lot 100

July 5, 2016

CITY LIMITS

25'

25'

160 HOWARD

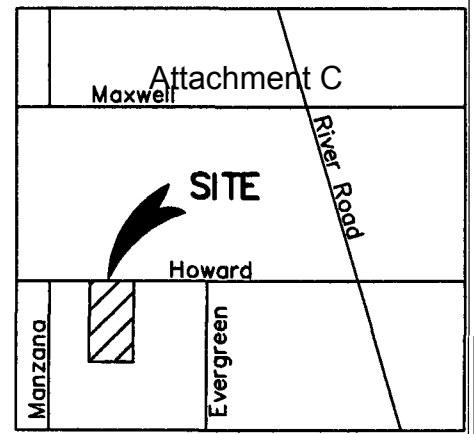
100'

Exist. House

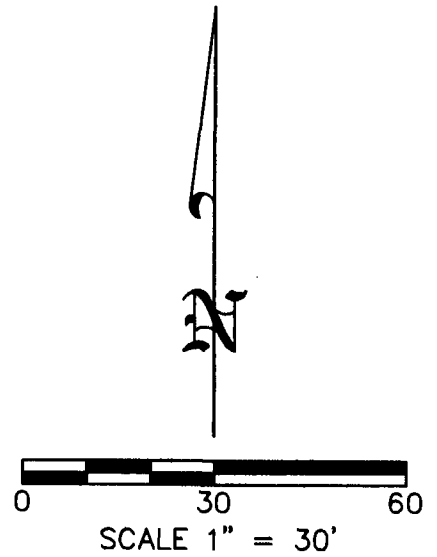
213'

213'

100'



Vicinity Map
N.T.S.



Beginning at the Northeast corner of Lot 2, Block 1, Huetter Park, as platted and recorded in Book 19, Page 20, Lane County Oregon Plat Records, thence East 100 feet; thence North 213 feet to the South line of Howard Avenue; thence West 100 feet; thence South 213 feet to the point of beginning, in Lane County, Oregon.

Application #: C * 2008 - _____
For City Use Only

* CB = Coburg
CR = Creswell
FL = Florence
OA = Oakridge
CG = Cottage Grove
EU = Eugene
JC = Junction City
SP = Springfield

PETITION

Petition Signature Sheet
Annexation by Individuals

RECEIVED

JUL 25 2016

LANE COUNTY
ASSESSMENT & TAXATION

We, the following property owners/electors, consent to the annexation of the following territory to the City of (Insert Name of City):

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
1. Douglas Cowan		DOUG COWAN	263 SPYGLASS DR., EUGENE, OR 97401	17-04-14-44-00100	✓		1.50
2.		SSC Investment Trust					
3.			160 HOWARD				
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

1. DAVE COWAN (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X [Signature] (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 1. I hereby certify that this petition includes 1 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

[Signature]
Lane County Department of Assessment and Taxation
7-25-2016
Date Certified

[Signature]
Lane County Clerk or Deputy Signature
7/27/16
Date Certified



Property Account Summary

As Of 7/25/2016 Status: Active

Account No.: 0394997 **Alternate Property Number:** 1704144400100
Account Type: Real Property
TCA: 00412
Situs Address: 160 HOWARD
EUGENE OR 97404
Legal: Township 17 Range 04 Section 14 Quarter 44 TL 00100

Parties:

Role	Name & Address
Owner	DSC INVESTMENT TRUST 263 SPYGLASS DR EUGENE OR 97401
Taxpayer	DSC INVESTMENT TRUST 263 SPYGLASS DR EUGENE OR 97401
Trustee	COWAN DOUGLAS STUART 263 SPYGLASS DR EUGENE OR 97401

Property Values:

Value Name	2015	2014	2013	2012	2011
MKTTL	\$188,724	\$181,953	\$158,685	\$148,711	\$161,722
AVR	\$119,382	\$115,905	\$112,529	\$109,251	\$106,069
TVR	\$119,382	\$115,905	\$112,529	\$109,251	\$106,069

Property Characteristics:

Tax Year	Characteristic	Value
2015	Property Class	101 Res conforming improved
	Change Property Ratio	1XX Residential
	Size	0.50
	Code Split	N
	Neighborhood	431500

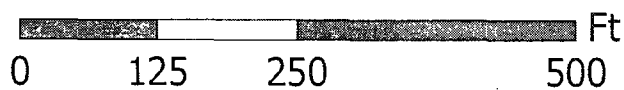
Exemptions:

(End of Report)

Cowan Annexation



- Streets
- EUG
- Taxlots
- Water Bodies



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



<Map Date Here>

RECEIVED

Attachment D

AUG 31 2016

August 29, 2016
CITY OF EUGENE
PLANNING & DEVELOPMENT

To Erik Berg-Johansen
From Maria L Bennett
RE: 160 Howard Ave. Eugene, Oregon 97404
Tax Lot 100 of Assessors MAP 17-04-14-44

Greetings,

I have recently received a notice of consideration of Annexation for 160 Howard Avenue, Eugene, Oregon 97404. I want the city council to understand why I oppose this request and then share my understanding of the processes of annexation.

I am the homeowner of 55 Howard Ave. Eugene, Oregon. I purchased this home in 2008. I live in this area because it is a country home just outside the city. It is a place of peace and quiet just minutes away from the city. I consider this area the garden district of River Road in Eugene. My neighbors and I all concur that this is the opportune area for micro-farming and gardening. If you drive down this area of Howard you will find a small oasis of "Green" minded people who enhance the area with immaculate gardens and landscape. To develop this area as an extension of the City and filling it with apartment complexes and multi-housing complexes would diminish the value that this outlying community offers. Just as the City of Portland has the Powell district and City lights down town, it also has a garden district on the SW side. Similarly Eugene has the Whitaker area, the nostalgia of Blair Street, and the newly developed downtown "San Francisco style" city. It could potentially add to its list of tourist attractions the orchards of the Santa Clara area and the garden district of river road.

Please take this idea into consideration as the City council deliberates over the Annexation request.

Further it is my understanding that for property in this area to annex into the city it is required that a property adjacent to it must have already been annexed into the city. To my knowledge there is no property that has been annexed into the city that is adjacent to this area. To allow developers to Annex property that has no annexing right in order to construct unnecessary housing developments in this area would be a travesty. This would only open the door for further territory to be annexed allowing for further development of multilevel housing.

I wish to invite you to our neighborhood, as I would like to give you a personal tour of Howard and the surrounding areas prior to the city council meeting date.

I can be reached at 541-359-7142, email mlbpta.fit@gmail.com.

Thanks for your time and attention to this matter.

Sincerely,

Maria L Bennett



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Overseas Travel Request

Meeting Date: September 12, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3E
Staff Contact: Mia Cariaga
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

This item is to secure City Council approval of overseas travel by two councilors to Eugene's sister city of Jinju, South Korea, planned from September 29 – October 8, 2016. Section 10.07 of the Eugene City Council Operating Agreements dictate that if the Mayor or members of the City Council wish to make a council business-related trip to a destination overseas, the request is to be made in writing and placed on the Consent Calendar for approval by the City Council.

BACKGROUND

A letter was received from Jinju Mayor Chang-hee Lee, inviting Mayor Piercy and city councilors to participate in a delegation visit to Jinju in October 2016. The cost of air fare and other expenses outside of Jinju is approximately \$2,600.00 per person, which would be paid by the City of Eugene. All other expenses while delegation members are in Jinju, including lodging, ground transportation, and meals will be paid for by the City of Jinju.

Two councilors have expressed interest in participating in this sister city trip pending council approval of these travel expenses.

The City has historically paid for the sister city trips by elected officials. In the summer of 2006, the City Council approved payment of the travel expenses for both Mayor Piercy and Councilor Taylor for a 12-day trip to Irkutsk, Russia. In October 2005, the City paid for Mayor Piercy's and Councilor Papé's sister city travel to Jinju, South Korea and Kakegawa, Japan. In October 2004, the City paid for Mayor Torrey's sister city visit to Jinju, and in 1999, the City also paid for Mayor Torrey's sister city trip to Russia and Japan.

RELATED CITY POLICIES

The City policy governing this issue is found in Section 10.07 of the Eugene City Council Operating Agreements.

COUNCIL OPTIONS

The City Council can approve this request which will result in an expense to the City, or deny the request and require councilors to incur their own travel expenses.

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

SUGGESTED MOTION

Move to approve the overseas sister city travel requests for the delegation visit to Jinju, South Korea in October 2016.

ATTACHMENTS

None.

FOR MORE INFORMATION

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Extending the Rental Housing Code Sunset Date and Providing For an Effective Date

Meeting Date: September 12, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Rachelle Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

This public hearing is an opportunity for the public to provide feedback to the Eugene City Council on an ordinance that extends the current sunset date of the Rental Housing Code to March 1, 2017. The extension would allow time for further discussion of Housing Policy Advisory Board recommendations. If no further action is taken the code's ordinance will sunset on September 30, 2016 and be repealed.

BACKGROUND

The Eugene Rental Housing Code was adopted by the City Council in 2004 to set minimum habitability standards for rental housing. When the Rental Housing code was created, it included an initial sunset date of December 31, 2008. Since that time, the sunset date has been extended two times by the City Council. Currently, Eugene's Rental Housing code is scheduled to sunset on September 30, 2016, if no action is taken.

At the July 13, 2016, work session City Council directed the City Manager to prepare an ordinance to extend the sunset date to March 1, 2017, to allow time for further discussion of Housing Policy Advisory Board recommendations (Attachment B).

The public hearing is concerning the attached draft ordinance which extends the sunset date to March 1, 2017. City Council is scheduled to take action on the ordinance on September 26, 2016.

RELATED CITY POLICIES

City Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.
- Effective, Accountable Municipal Government: A government that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes and provide effective, efficient services.

Envision Eugene Pillars

- Provide affordable housing for all income levels
- Promote compact urban development and efficient transportation options
- Protect, repair, and enhance neighborhood livability

CITY MANAGER'S RECOMMENDATION

This is a public hearing. There is no City Manager recommendation.

SUGGESTED MOTION

This is a public hearing only; action is scheduled for September 26, 2016.

ATTACHMENTS

- A. Proposed Ordinance
- B. Housing Policy Advisory Board March 16, 2016 recommendations

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rachelle.d.nicholas@ci.eugene.or.us

ORDINANCE NO. _____

**AN ORDINANCE EXTENDING THE RENTAL HOUSING CODE SUNSET DATE
AND PROVIDING FOR AN EFFECTIVE DATE.****The City Council of the City of Eugene finds as follows:**

A. Sections 8.400 through 8.440, and 8.995 of the Eugene Code, 1971, ("the Rental Housing Code") were adopted by Ordinance No. 20329 on November 22, 2004. Ordinance No. 20329 also provided that the Ordinance and the Rental Housing Code be repealed effective December 31, 2008.

B. On May 27, 2008, Ordinance No. 20408 was enacted extending the sunset date to December 31, 2011. On November 28, 2011, Ordinance No. 20480 was enacted amending provisions of the Rental Housing Code and extending the sunset date to September 30, 2012. On June 11, 2012, Ordinance No. 20494 was enacted amending the Rental Housing Code and extending the sunset date to September 30, 2016.

C. The Council has determined that the September 30, 2016 sunset date and repeal date of the Rental Housing Code should be extended to March 1, 2017.

D. Pursuant to the Eugene Charter of 2002, an ordinance takes effect 30 days after its adoption by the City Council and approval by the mayor. However, with the affirmative vote of two-thirds of the members of the City Council, and upon adoption by the Council and approval by the Mayor, an ordinance may become effective immediately. (Eugene Charter of 2002, Section 32(2).)

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Unless otherwise extended by action of the City Council, the sunset date and repeal of Ordinance Nos. 20329, 20408, 20480, 20494, and this Ordinance, is March 1, 2017.

Section 2. Copies of this Ordinance shall be appended to Ordinance Nos. 20329, 20408, 20480 and 20494.

Section 3. Notwithstanding Section 1 of this Ordinance, any enforcement actions commenced to enforce the Rental Housing Code provisions prior to March 1, 2017, may continue to be pursued, and the provisions related to such enforcement actions shall remain in effect with respect to those actions. In addition, any fees owed to the City under the provisions of the Rental Housing Code remain due and owing, and all provisions related to those fees and their collection shall remain in effect with respect to those fees.

Section 4. Because the Rental Housing Code provisions are currently scheduled to sunset on September 30, 2016, an effective date of less than 30 days after adoption is necessary so that the Rental Housing Code provisions remain in effect without interruption.

Accordingly, upon the affirmative vote of two-thirds of the City Council, this Ordinance shall take effect on September 30, 2016.

Passed by the City Council this

_____ day of September, 2016.

Approved by the Mayor this

_____ day of September, 2016.

City Recorder

Mayor

Memorandum

Date: 3/16/16
 To: Housing Policy Board; Eugene City Council
 From: Eugene Rental Housing Committee
 Subject: Report on Rental Housing Code

Background:

Eugene enacted a rental housing code, with a sunset clause, in 2005. Its purpose is to "provide minimum habitability criteria to safeguard health, safety, property and public wellbeing to owners, occupants and users of rental housing." City Council has renewed the code several times, each time making minor changes. The ordinance sunsets again in September 2016. One of the changes the Council made when it renewed the Code in 2012 was to create an advisory committee to report through the Housing Policy Board on the working of the code. This is a report of the work of the committee and the code. Members of the committee are:

Heather Buch (landlord)
 Norton Cabell, chair, (chair of the Housing policy Board, a landlord)
 Eric Hall (landlord, former board member of Rental Owners Association)
 Chris Wig (tenant advocate)
 Jim Straub (landlord, former president of Rental Owners Association)
 Geni Sustello (director of public housing at HACSA)
 John VanLandingham (Legal Aid, member of the Housing Policy Board)

Synopsis of complaints:

In fiscal years 2013, 2014, and 2015:

- 72 complaints were logged. (Not every complaint is logged; some are satisfied over the phone or the housing code is determined not to apply.)
- 5 complaints were dismissed because either the tenant didn't follow up with a copy of written notice to the landlord or the tenant denied access to the landlord for repairs.
- 22 complaints were resolved before an inspection was required (usually because the landlord made the repair to the tenant's satisfaction, or because the tenant moved out).
- 46 complaints required inspection by city staff.
 - 30 required an order to correct. All were eventually corrected.
 - 16 complaints were found, after inspection, to require no action.
- 1 resulted in a fine.

The subjects of the complaints are as follows (most complaints involved more than one subject):

Tenants complained about		Inspector found:
Mold	47	14
Weather tightness	43	20
Plumbing	33	14
Electrical	15	13
Security	18	7
Heating	17	10
Smoke detector	3	4
Structural integrity	1	0
Other	3	0

Work of the committee:

Meetings of the committee have been devoted mostly to reviewing the complaints and how city staff has responded to them, and some to reviewing the costs of the program.

The committee did not review every complaint but does review those it deems interesting, especially the complicated ones and those that drag on for some time. When the code was last renewed and the committee formed, there was a perception among landlords of unfairness: of inspectors going beyond the issues in the complaint, and of inspectors taking the tenant's side. (Inspectors, it should be noted, are obligated by law to document conditions that are a threat to health or safety.) The committee found, however, no such instances and that staff regularly has acted professionally and properly.

The program has been expensive to run. It costs about \$300,000 annually, which is paid for by a \$10 per unit annual fee levied on landlords (who sometimes pass it on to tenants). That works out to almost \$12,500 per complaint actually filed or \$30,000 per "order to correct" or \$285 per logged call. The committee reviewed the budget and expenditures and didn't find any viable ways substantially to cut the costs.

Not all inquiries result in a complaint. In 2012 and 2013, an average of just over 1,000 calls were logged each year. Almost half were from landlords, most regarding billing. The inquiries (both calls and walk-ins) from tenants that didn't result in a formal complaint concerned housing issues such as pests, electrical, garbage, screens, appliances, insulation, and carbon monoxide detectors. Non-housing issues included general landlord-tenant issues, evictions, and fair housing.

With the imminent sunset, the committee has been looking at codes in other jurisdictions and worked with staff to identify gaps in our own code.

Benefits of the program:

1. Tenants who do complain about legitimate problems often get results.
2. The requirement for a written complaint helps both landlord and tenant by documenting the problem, reducing "he said, she said" arguments, and by helping to resolve problems more promptly than might occur otherwise.

3. Inspections are impartial and are performed by individuals with expertise. In a later dispute about the condition of the housing, the inspector and the report can be subpoenaed.
4. Tenants who follow the required process receive some legal protection, since landlord-tenant law prohibits retaliation against tenants who reasonably complain. However, it can be argued that no tenant complains without risk.
5. It is clearer to both parties what a landlord's obligations are, and what they are not.

And the concerns:

1. Cost. It is an expensive program to run, particularly when weighed against the actual results.
2. While this is a general fund category, city council promised that the costs of the program would be borne by the door tax, but that the latter shouldn't be a new source of revenue for the city in general. The revenue (which runs about \$320,000 annually) has exceeded the expenses (in fiscal '13 by \$18,000; fiscal '14 by \$34,000; fiscal '15 by \$66,000). The accumulated surplus since 2005 is now \$263,000. We have no recommendation regarding the surplus, feeling it will begin to shrink and the surplus will insulate against fee increases.
3. Should additional areas be covered? Should timelines for code compliance (especially in winter) be shortened?

Recommendations:

1. Renew the rental housing code and extend the sunset provision four years.
2. Retain an advisory committee.
3. Add some items to the code:
 - a. Working electrical systems. While electrical safety is covered under existing codes, working electrical is not. If electricity fails in part of a dwelling—but it doesn't create a safety risk—it is not covered.
 - b. Carbon monoxide detectors. We should mirror Oregon Landlord-Tenant Law and other jurisdictions by requiring such alarms where a potential source of CO is present.
 - c. Rats. Oregon Landlord-Tenant Law requires a landlord to provide premises free of pests and vermin. Some codes make that an ongoing problem. Pest and vermin problems, other than rats, are usually caused by tenants; an infestation of rats is usually not.
 - d. Certain appliances. Landlord-Tenant Law requires a landlord to maintain appliances the landlord provides. There is some disagreement regarding what is covered. We recommend that if a landlord provides a range, refrigerator, air conditioning, dishwasher, microwave, clothes washer, or clothes dryer, that the landlord must maintain the appliance.
4. Not add certain items to the code. The committee considered the following but is not recommending covering them:
 - a. Window screens. These are not essential, they are easily and cheaply provided by the tenant.
 - b. Insulation. Energy efficiency and insulation (or their lack) is expensive to retrofit and is usually reflected in the rent. Requiring them would have significant impact

on housing costs in Eugene. The committee has been looking into tenant education programs and will continue that effort.

c. Ventilation, particularly in bathrooms. Lack thereof usually creates mold, which is already covered by other city codes.

d. Garbage. If it is outside, it is covered by other codes.

e. Evictions, etc. These are beyond the scope of the code.

f. External maintenance. Items like working gutters and downspouts that cause water intrusion into the dwelling unit are already covered by the code.

5. Shorten some timelines. Before the City can react to a complaint, the tenant must provide ten days' written notice of the failure to the landlord. This works a serious hardship on tenants when it is an essential utility, such as no heat in the winter or no working toilet. Oregon Landlord-Tenant Law provides that if an essential utility is lacking—posing “an imminent and serious threat to the tenant’s health, safety or property”—and is not repaired within 48 hours after written notice, the tenant may terminate the tenancy. The committee doesn’t want the tenant to be forced to move out; rather it wants to allow the City to intervene. Hence, the recommendation is to shorten the 10-day notice period to 48 hours in the case of an essential utility.