



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 26, 2021

7:30 p.m. CITY COUNCIL MEETING

As the state and community recover from the COVID-19 pandemic, most City Council meetings will continue to be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of July 26, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

- 1. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 2. CONSENT CALENDAR 1**
 - A. Approval of City Council Minutes**
 - B. Approval of City Council Tentative Agenda**
- 3. PUBLIC FORUM**
- 4. CONSENT CALENDAR 2**
 - A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-24-24; Tax Lot 10100; Located Near Southeast Terminus of Oakleigh Lane) (City File: Henderson, David and Janice; A 21-5)**
 - B. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-43; Tax Lot 1200; Located at 3514 River Road) (City File: Vreim, Christopher; A 21-6)**
 - C. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-12-20; Tax Lot 900; Located at 801 River Loop 1) (City File: Kendall & James Homes, LLC; A 21-7)**

- 5. ACTION: An Ordinance Concerning Commercial Setbacks and Amending Sections 9.0500, 9.2170, 9.3125, 9.4290 and 9.4530 of the Eugene Code, 1971, and Providing an Effective Date**
- 6. ACTION: An Ordinance Vacating Portions of Mill Alley and Easements Located Within the Boundaries of the Plat of Town Run**

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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.

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or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 26, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
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 minutes for the work session on March 10, April 12, April 28, 2021; and the public hearing on July 19, 2021.

ATTACHMENTS

- A. March 10, 2021, Work Session Minutes
- B. April 12, 2021, Work Session Minutes
- C. April 28, 2021, Work Session Minutes
- D. July 19, 2021, Public Hearing Minutes

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

MINUTES

Eugene City Council Virtual Work Session Eugene, Oregon 97401

March 10, 2021
12:00 p.m.

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett and Randy Groves

Mayor Vinis opened the March 10, 2021, work session of the Eugene City Council.

1. **WORK SESSION: Housing Tools and Strategies – Moving Upstream**

Economic Development Manager Anne Fifield, Development Investment Liaison Allie Camp, and Town Square Analyst Josh Berman provided an update on the Housing Tools and Strategies project and identified next steps for organization-wide coordination towards progress on increasing housing affordability in Eugene.

Council Discussion:

- Councilor Evans – asked the classification standard for mobile homes and mobile home parks; inquired how this affects System Development Charges (SDCs) and development of future projects; stated he thinks mobile homes on wheels should be included in the inventory.
- Councilor Clark – suggested each housing type has an effect on the whole; asked staff why they chose to use 2018 numbers for development costs and stated he would like to see the most up-to-date information possible used going forward; suggested staff could look further into why single family home starts have dropped over the past decade or more.
- Councilor Syrett – expressed kudos to staff for the agenda materials prepared for this topic; stated she likes the plan to implement a coordinated strategy, and the Housing Implementation Pipeline (HIP) feels like the right evolution for the Housing Tools and Strategies project.
- Councilor Zelenka – stated he would like metrics to be an integral part of the HIP; stated the most important metric for him is the number of affordable housing units year over year being built.
- Councilor Groves – complimented staff on the presentation; asked staff about current programs for first-time homebuyers; stated that soft costs and SDCs per ADU are much higher than other housing types and hopes staff are looking into ways to redistribute costs; inquired into the percentage of new homes purchased that are by people migrating into the community from inflated housing markets.
- Councilor Keating – asked how many people per month staff and service providers are lifting out of houselessness, and where in the implementation plan it illustrates how many people are being placed in housing given that 138 individuals are slipping into houselessness each month; inquired into the use of American Rescue plan dollars and if a FEMA-style shelter will be one of those uses.
- Councilor Yeh – stated this type of coordinated strategy across departments is the most effective way to go; asked if economic prosperity efforts and renter protections are part of the HIP; agreed that metrics are important and would like to see reporting of trends, such as units created, building costs, rents, and housing prices, and especially in relation to incomes.
- Councilor Semple – complimented staff on the agenda materials prepared for this topic; expressed interest in exploring something similar to the Metro HomeShare program; stated that SDCs seem to have become a slush fund and she will be watching them closely.

- Mayor Vinis – reminded Council that affordable housing built with public funds are known and that metric will be certain; stated though this work session is on housing and not just homelessness, it is important to remember the continuum begins with the person in the tent.
- Councilor Clark – shared that active listings of homes for sale are decreasing drastically, housing prices increased 13 percent over the one-year period between November 2019 and 2020, and the eviction moratoriums and mortgage forbearances will be ending this year; urged Council to find actions to take quickly.
- Councilor Zelenka – stated most of the time and energy spent has been toward universal policies, and though intended to lower the builder’s cost, he is not sure that means the purchase price is lower; stated he feels the numbers show the City has gotten off track and that more time is being spent on policies than getting units built; shared he plans to propose a work session on a bond or levy for housing and for climate change action because money is needed for action.
- Councilor Groves – asked staff to elaborate on plans for 6th and 7th Avenues which he feels are ripe for redevelopment; stated that wage stagnation and economic development is part of the housing problem and can’t lose sight of that; suggested the Live-Work housing model may make more sense now considering the current pandemic and the fact that offices are downsizing, and encouraged staff to look into it.
- Councilor Syrett – shared information about the land bank model proposed by SquareOne Villages for its Peace Village project; stated there are other entities besides the City that can do this work and provide affordable housing, including multi-family housing, without requiring on-going public subsidies for residents; agreed with Councilor Clark that it is important to keep this work moving quickly; stated she would not want to see Bethel or other neighborhoods who are already waiting their turn for a neighborhood plan to be bypassed by the 6th and 7th Avenues corridor.
- Councilor Keating – stated that society would need less Affordable Housing stock if investments were made more intentionally in housing affordability strategies and he sees the HIP ultimately doing this; asked staff how the Engage Eugene survey informs the work of the HIP; suggested West 11th is an existing transportation corridor with potential for mixed economy and a mixed commercial/residential hybrid.
- Mayor Vinis – stated there is an opportunity before the final report is done to continue to try and learn new things with the Coronavirus Relief Funds.
- Councilor Clark – stated Eugene is seeing growth at nearly double the rate planned for through the Envision Eugene process; stated metrics will be the key all along the way to see how the City are doing compared to its goals.
- Councilor Zelenka – stated he is encouraged that the Housing Policy Board Renters Protections Committee has reconvened and asked staff when the committee will be sending a report to Council; stated he is particularly interested in learning more from the committee about Portland’s Fair Access in Renting Ordinance.

The meeting adjourned at 1:38 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Jessica Gebb)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**April 12, 2021
5:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett and Randy Groves

Mayor Vinis opened the April 12, 2021, work session of the Eugene City Council.

1. WORK SESSION – Homelessness Update

Assistant City Manager Kristie Hammitt and Public Works Director Matt Rodrigues provided an overview of the current homelessness crisis, shared an update of City responses, and identified needs and next steps for addressing the growing number of unhoused community members and its community-wide impacts.

Council Discussion:

- Councilor Zelenka – stated that more sites that are larger and managed need to be provided and this is a good start; stated that federal funds can be used to establish these sites but funds for ongoing costs of \$5-6 million will need to be found; stated the community has not been supportive of spending money on homelessness in the past but the problem has worsened to the point he believes it will be supported now, and shared he is working on a levy strategy to fund homelessness and climate change projects; stated homelessness is the symptom and the problem is lack of affordable housing, lack of mental health services and access to substance abuse services.
- Councilor Clark – stated he appreciates the fast work and attempt to respond to this problem; asked the City Manager if the CDC guidelines to shelter in place are an edict or law and why compliance is required; stated the City seems to be prioritizing that guidance over the impact on businesses and neighborhoods and thinks this may not be the right track; suggested that congregate shelter, even though it presents some risks, may be the less impactful option; suggested Council use the \$15 million set aside for City Hall to buy 5-6 sprung structures and create a centralized emergency system for housing; stated there are some people who want to live on the streets and will refuse a lawful sheltering option, which needs to be addressed.
- Councilor Groves – expressed appreciation for the work; shared that a recent City count reported 67 RVs, trailers and large vehicles and 33 cars in a very small geographical area in West Eugene and he is concerned for workers and businesses in the area; directed Council's attention to Attachment E, the COVID-19 public health criteria, and stated the City is not capable of enforcing the rules set under that criteria; asked staff what process the City is using to identify the safe sites and how quickly the sites will be identified; asked how private landowners are being brought in to help with the process; stated that establishing rules and enforcing them is going to be critical for the camps to be successful.
- Councilor Syrett – asked staff to confirm that the strategies laid out in the Technical Assistance Collaborative (TAC) report are still being pursued; stated what is being discussed is a tactical response to an acute crisis and not the City's strategy for reducing homelessness; supported the proposal by staff and agreed that purchasing sprung structures with Recovery Act funds may be a viable option; shared she met with staff to relay concerns from neighbors about the size of the

Washington Jefferson camp and that Whiteaker is once again being asked to shoulder a disproportionate share of the burden of providing places for people to be.

- Councilor Yeh – asked clarifying questions regarding the timeline to complete occupancy of sites; asked if this work is expected to impact the work being done on the TAC with the County; asked when staff will come back to Council with recommendations around parking issues; expressed appreciation that staff is looking for solutions.
- Councilor Keating – expressed gratitude to staff and service providers for the proposal; stated he believes that in the midst of a global pandemic it is irresponsible to ignore CDC and public health guidelines and that more than half of the unhoused population requires medical attention; stated the moratorium on evictions will expire in 2.5 months and that in one year car camping increased from 337 to 879 vehicles; asked what the metric for success is in terms of numbers and what the engagement plan is for the public and private sector regarding land acquisition.
- Councilor Evans – thanked staff for the presentation; stated the City’s current and past practice of doing sweeps clearly has failed, since people move out of a troubled spot and return a week later; stated the number of crimes are being under-reported against businesses, employees and the homeless themselves; stated the legitimately homeless need to be disaggregated from the predators and the City must figure out how to address these serious issues; asked if it would be appropriate to ask for FEMA money in an emergency context to deal with what is happening on the streets in terms of the human services situation; asked about the current capacity of Lane County to help develop specific strategies for those who are on the streets and need treatment or services.
- Councilor Semple – expressed appreciation for the amount of work being done and stated she supports the ordinance change for bigger sites; stated she is frustrated with what is going on every day and recognizes that the public is, too; stated this is a day-to-day crisis that is exhausting for everyone.
- Councilor Zelenka – stated this is a good proposal and will be another tool effective in the near-term as it is responsive and will help with the frustration the community feels; asked staff what the process is for approving the new sites and purchasing land; asked what Council’s role is and how the public engagement process will move forward.
- Councilor Clark – clarified his previous comments were meant to articulate that the City’s response is unbalanced in a manner that results in the community bearing the brunt of consequences that are excessive; asked for more detail regarding the rules that will be in place for the sites; asked what will be done with people who refuse to go to a site because they don’t want to follow rules; asked Police Chief Skinner how enforcement could be done differently in a scenario where there is adequate sanctioned space for the unhoused to be; stated he would like to have a discussion with the Municipal Judge about holding people accountable so the opportunities created are not ignored but rather taken advantage of.
- Councilor Groves – stated he agrees with much of what he heard from other councilors and believes it is critical and is Council’s responsibility as fiscal managers of public funds to have a way to measure progress and regression; stated he has two motions to make, including one dealing with challenges experienced in the industrial area as large trucks and semis attempt to make deliveries to business on streets that are filled with cars and vehicles with people living in them.
- Councilor Keating – stated a FEMA-style, low-barrier shelter would be appropriate especially considering Lane County has the highest unhoused population per capita of any county in the country; thanked staff and service providers for providing management of sites and acknowledged that every site must see some level of management to be successful; stated he is unsure a bond or levy would be supported to fund ongoing costs related to the unhoused, and instead believes it would need to be surcharge tax or consumption fee.

- Councilor Evans – stated he would like to look into having more Community Service Officers (CSOs) who don't wear uniforms assigned to specific trouble spots that do not require an armed police response.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to schedule an April 26, 2021, public hearing on the Ordinance set forth in Attachment F of this AIS, with the revised May 1, 2023, sunset date and, due to the immediate need to establish lawful sites to park vehicles or erect tents, authorize the abbreviated notice of the public hearing date as allowed pursuant to Section 28, subsection 4 of the Eugene Charter. **PASSED 8:0**

MOTION: Councilor Groves, seconded by Councilor Clark, moved to direct the City Manager to return to Council within two weeks with a proposed plan for actions intended to address vehicle camping through parking restrictions in the West Eugene commercial/industrial areas. Those administrative actions should include: (1) implementation of no parking zones on one side of each street in the area; (2) no parking zones on both sides of the street where private travel lanes or driveways lead to loading docks or loading/unloading yards requiring a 90 degree turn from the street; and (3) the provision of limited duration parking on the side of streets where parking is allowed in the areas recommended by staff.

Council Discussion:

- Councilor Groves – stated this is critical to the businesses and workers in West Eugene who are experiencing difficulties conducting business; stated there is raw sewage being dumped in the street and this area contains a number of businesses that prepare food; stated it is a bad situation which needs to be brought under control now.
- Councilor Zelenka – stated the same problem is everywhere, not just in West Eugene; suggested a friendly amendment to provide broader application by removing the restriction to West Eugene.
- Councilor Keating – asked a clarifying question regarding the April 26 public hearing.
- Councilor Clark – stated this issue is critical and businesses and workers have waited too long for Council to address it; stated that acting now in this specific way signals that Council is hearing how bad it is for people in our community.
- Councilor Semple – stated everyone is desperate to see Council doing something now; voiced concern over telling people to leave with nowhere to go; stated that crime that is unrelated to camping needs to be addressed.
- Councilor Zelenka – pointed out the motion is not implementing anything, it is directing the City Manager to return with a proposed plan in two weeks; said he would like to see that plan and is willing to have the motion move forward now.
- Councilor Groves – stated his goal is to provide a framework for the plan that comes back to Council, who will then have a chance to discuss this further; stated he wishes it could move faster because the workers and businesses in West Eugene need relief.
- Councilor Keating – stated he thinks the motion is overly prescriptive; stated the City has a history of using dislocation rather than relocation tactics; stated he worries this may set a precedent for how Council advances policy in the future and would be more comfortable fleshing this out in two weeks rather than the eleventh hour; stated he would prefer to table the motion to April 26.
- Mayor Vinis – stated she agrees with Councilor Keating in not wanting to rush on something which Council hasn't had a chance to digest or discuss; questioned whether a vote is needed today.
- Councilor Groves – stated he is trying to do what is right for the workers in West Eugene who cannot operate businesses and earn wages without deliveries.

- Mayor Vinis – stated she is not questioning the need, just whether this motion needs to move forward today if the topic is already on the agenda in two weeks.
- Councilor Groves – stated he would like the motion to move forward today so as to specifically frame the proposed plan that comes back to Council.

MOTION AND VOTE: Councilor Keating, seconded by Councilor Yeh, moved to table the motion until April 26. **FAILED 3:5 (Councilors Keating, Yeh, and Evans in favor)**

RESTATED MOTION AND VOTE (*with friendly amendment*): Councilor Groves, seconded by Councilor Clark, moved to direct the City Manager to return to Council within two weeks with a proposed plan for actions intended to address vehicle camping through parking restrictions in commercial/industrial areas. Those administrative actions should include: (1) implementation of no parking zones on one side of each street in the area; (2) no parking zones on both sides of the street where private travel lanes or driveways lead to loading docks or loading/unloading yards requiring a 90 degree turn from the street; and (3) the provision of limited duration parking on the side of streets where parking is allowed in the areas recommended by staff. **PASSED 7:1 (Councilor Keating opposed)**

Mayor Vinis adjourned the meeting at 7:14 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Jessica Gebb)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**April 28, 2021
12:00 p.m.**

Councilors Present: Emily Semple, Jennifer Yeh, Mike Clark, Claire Syrett, Matt Keating, Randy Groves, Greg Evans, Alan Zelenka

Mayor Vinis opened the April 28, 2021, work session of the Eugene City Council.

1. ACTION: An Ordinance Allowing For the Temporary Establishment of “Safe Parking” and “Safe Tent” Sites That Are Larger Than Allowed Under Section 4.816 of the Eugene Code, 1971; Declaring an Emergency; Providing For an Immediate Effective Date; and Providing a Sunset Date

MOTION to AMEND: Councilor Keating, seconded by Councilor Groves, moved to amend the second sentence of paragraph B of the Ordinance findings to remove the words “illicit camping” and replace the words “those camping” with “unhoused residents” so the sentence reads: “This often results in unsanitary and unsafe conditions for unhoused residents and for the surrounding community, particularly the nearby businesses and residents.”; and to amend the first sentence of Section 5 to replace the words “illicit camping” with the words, “significant increase in vehicular living and unsanctioned erection of tent camps” so the sentence reads: “Due to the immediate need to address the significant increase in vehicular living and unsanctioned erection of tent camps occurring throughout the community by establishing lawful sites to park vehicles or erect tents, an emergency is declared to exist that cannot be addressed by the Ordinance adoption procedures in Section 28 Subsection 1 of the Eugene Charter of 2002.”

Council Discussion:

- Councilor Keating – spoke to the reason for this amendment, including that there are people living in their vehicles who are not participating in illegal or illicit activity and Council should not generalize in the ordinance; stated that the point of ordinance is to lift people out of poverty by establishing safe sites to camp or park.
- Councilor Zelenka – noted the tradition of councilors making a motion speaking to their intention beforehand, which is helpful in deliberations.

VOTE: PASSED 6:0, Councilors Clark and Semple absent.

- Councilor Keating – spoke to the reason for his next motion to amend; suggested changing the wording to reflect the provision of potable water and renewable power as a goal, so as to not prevent the acquisition of certain land for the purposes of the ordinance.

MOTION to AMEND: Councilor Keating, seconded by Councilor Yeh, moved to amend the second sentence of the paragraph entitled “Safe Tent Sites” in Section 1 to add the goal of providing renewable power and potable water so the sentence reads: “In addition to any conditions imposed by City Council at time of site approval to address site specific issues, all safe tent sites authorized and established pursuant to this ordinance shall have adequate

garbage and toilets with the goal of providing renewable power and potable water and at all sanctioned sites.”

- Councilor Zelenka – suggested specifying electricity as the renewable power; said the motion reflected an important change in wording to the goal; remarked that it is a good idea to have water which includes the handwashing stations.
- Councilor Syrett – stated support for the proposed amendment; asked about intent behind use of renewable power specification and if EWEB transmission line would satisfy the goal.
- Councilor Keating – stated specification of renewable power will adhere to CRO goals; stated EWEB transmission line satisfies the need, but not the goal.
- Councilor Syrett - proposed a friendly amendment to add the word garbage collection to the text and read “pursuant to this ordinance shall have adequate garbage collection, toilets, and potable water, with the goal of providing renewable power at all sanctioned sites.”; Councilor Keating and Councilor Yeh accepted.
- Councilor Semple – asked if handwashing was included in port-a-potty needs; supported adding them specifically to the ordinance; requested a friendly amendment to add handwashing facilities; Councilor Keating and Councilor Yeh accepted.

MOTION RESTATED (*with friendly amendments*): Councilor Keating, seconded by Councilor Yeh, moved to amend the second sentence of the paragraph entitled Safe Tent Sites in section 1 to add the goal of providing renewable power and potable water so the sentence reads “in addition to any conditions imposed by the city council at time of site approval to address site specific issues all safe tent sites authorized and established pursuant to this ordinance shall have adequate garbage collection, toilets, and handwashing stations and a goal of providing renewable power at all sanctioned sites.”

- Councilor Semple – questioned why toilets were specified instead of port-a-potties; expressed concern about City’s liability if it does not provide plumbing; asked why the change was requested only for tent sites and not the car camping sites.
- Councilor Keating – explained the assumption that car camping will be close to the tent camping facilities; stated his support for extending these services to car campers if the council chooses to do that; consented to Councilor Semple’s motion for car camping sites that mirrors tent sites motion.
- Councilor Semple – said it’s critical to have equitable services for tent sites and car camping sites.
- Mayor Vinis – clarified the safe parking sites section specifies “adequate garbage and toilets”, noting it could be parallel to safe tent sites and added if wanted.
- Councilor Semple – asked if it could be one motion to make the car camping and safe tent sites language the same; Councilors Keating and Yeh supported it.
- Councilor Zelenka – agreed with Councilor Semple.
- Councilor Groves – noted providing power to those housed in tents and automobiles is very different than power to trailers/RVs; expressed concern that if power is being delivered to every individual site then could get in way of ability to serve.
- Councilor Semple – interested in powering up phones, wheelchairs, life-sustaining equipment; said Council must be clear on how much electricity is paid for.

MOTION RESTATED (*with friendly amendments*): Councilor Keating, seconded by Councilor Yeh, moved to amend the paragraphs entitled Safe Tent Sites and Safe Parking Sites in section 1 so that the sentences read “in addition to any conditions imposed by the City Council at the time of site approval to address site specific conditions, all safe tent or safe parking sites authorized and established pursuant to this ordinance shall have

adequate garbage collection, toilets, handwashing stations and potable water, with a goal of providing renewable power at all sanctioned sites.”

VOTE: PASSED 7:1, Councilor Clark opposed.

- Councilor Keating – said he hoped for unanimous support of his next motion due to the nation’s history of relocating populations and how problematic it has been.

MOTION to AMEND: Councilor Keating, seconded by Councilor Zelenka, moved to amend the first and second sentences of section 2 to replace the word “relocating” with “transitioning” so that the sentences read, “When a safe parking site is authorized and established pursuant to this ordinance, transitioning the vehicles unlawfully parked on City right-of-way in West Eugene shall be prioritized. When a safe tent site is authorized and established pursuant to this ordinance, transitioning the tent campers and 13th and Chambers and Washington-Jefferson park shall be prioritized.”

Council Discussion:

- Councilor Semple – shared her confusion with the use of the word “transition,” as it implies steps to relocation instead of relocating in one action and is unclear as a goal of the ordinance.
- Councilor Keating – stated relocation is harsh and nebulous, regardless of intent; noted relocating implies force and historically an action taken against someone’s will; stated transitioning someone from point to point in collaboration with service providers is more appropriate and the intent of ordinance will still be recognized.
- Councilor Semple – suggested “move” instead of “relocate”.
- Councilor Keating – stated his position that “move” is in the same category as “relocate”, noting the ultimate goal to lift people out of poverty; stated service providers use transition vocabulary and said he felt that “transition” will be less controversial with the homeless population and community.
- Councilor Semple – stated belief that transition does not fit here and will not support the motion with that language.
- Councilor Groves – stated his understanding of Councilor Keating’s intent and was supportive of the concept; stated for practical application he was in agreement with Councilor Semple as transitioning doesn’t imply immediacy; expressed support for the word “move”.
- Councilor Zelenka – suggested using “moving” instead of “transitioning” in the name of compromise.
- Councilor Keating – reiterated that “move” is in same category as “relocate” and does not accept that as a friendly amendment.
- Councilor Zelenka – noted that the paragraph in question is for a very specific action, and agreed with Councilor Keating’s intent; remarked on Opportunity Village’s success with moving and transitioning people; stated that “move” can be used as an amendment.
- Councilor Clark – asked staff whether the point of opening up the new camps was to address anyone or specifically the people illegally camped in those two specified areas in the ordinance; stated disagreement with the comparison of those camping illegally to the relocation of Japanese-Americans during WW2, as the people currently camped are being located from an illegal area to a legal area; said he doesn’t have a problem with that language in the ordinance.
- Councilor Syrett – suggested an alternative for wording; asked City Attorney if the City of Eugene has authority to require illegally camped individuals to go to one of these spaces; offered a friendly amendment to change the language to read, “When a safe parking site is authorized and established pursuant to this ordinance, those living in vehicles unlawfully parked on the City right-of-way and West Eugene shall be prioritized for occupying spaces at the safe parking site. When a safe tent site is authorized and established pursuant to this

ordinance, those living in tents at 13th and Chambers and Washington-Jefferson park shall be prioritized for occupying spaces at the safe tent site.”; Councilors Keating and Zelenka accepted.

- Councilor Yeh – supported Councilor Syrett’s suggestion.
- Councilor Clark – expressed support of Councilor Syrett’s amendment; requested more discussion as this is where the approach has failed in the past and the community is less successful in dealing with this issue; noted the inability to declare that illegal camping must be stopped and that contributes to the City’s inability to solve this problem.
- Councilor Keating – commented that one’s home may not have four walls and a roof and running water, one’s home may be on tires, on their back or in a tent, but their home is Eugene and there’s a commonality there; stated there are different points of view that inform truths.

VOTE: PASSED 8:0

- Councilor Groves – stated concern with sunset date in 2023, as it’s good policy; stated dislike of coming back and revisiting unless needed.
- Councilor Zelenka – noted sunset forces Council to look and do forced reevaluation of it; stated Council will look at it a couple months before sunset to evaluate efficacies.

VOTE ON ORDINANCE as AMENDED: PASSED 8:0

2. WORK SESSION: Review of 2020 Implementation of Bond Measure to Fix Streets and 2021 Pavement Management Report

City Manager Sarah Medary was joined by Public Works staff Matt Rodrigues and Katie Marwitz who gave a brief overview of the progress made on the bond measure projects.

Council Discussion:

- Councilor Zelenka – spoke about the improvements made to the roads since the bond measure first passed and the successful work done to complete the backlog of work on roads needing repair; requested that staff track how much is spent on active transportation in a more detailed fashion; asked about Vision Zero.
- Councilor Clark – thanked staff for the report; requested information about the current backlog of work on unimproved streets and noted the tremendous reduction in the amount compared to when the bond measure first started; inquired about maintenance overlays and if staff have seen increase in need; supported increasing capacity for staff to do maintenance overlays.
- Councilor Groves – thanked staff for their work; noted the safety aspect of this project and that it has increased safety for traffic, vehicles, and the community.
- Councilor Keating – shared concerns from South Eugene community members regarding Willamette Street and suggested a virtual tour of the projects; asked if there’s something Council can do to help businesses impacted by ongoing construction on their roads.
- Councilor Semple – spoke to Lincoln School park’s improvements being on the list of projects coming up.
- Councilor Zelenka – asked about the traffic-calming program and the bike-ped plan and highlighted both as things for Council to find additional funding for as they’re significantly underfunded.
- Councilor Clark – asked staff about the bike-ped plan timeline and the issue with charging people for STCs on projects that may not be done for a long time.
- Mayor Vinis – thanked the panel for their ongoing work on reviewing this project; remarked on the backlog and that this is work that will always need funding; spoke to potential federal

infrastructure package and how it could help with broader needs; thanked staff for their work and report.

The meeting adjourned at 1:25 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Julie Adams)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Virtual Meeting
Eugene, Oregon 97401**

**July 19, 2021
5:30 p.m.**

Councilors Present: Randy Groves, Emily Semple, Jennifer Yeh, Alan Zelenka, Matt Keating, Mike Clark, Claire Syrett

Councilors Absent: Greg Evans

Mayor Vinis opened the July 19, 2021, meeting of the Eugene City Council.

1. PUBLIC HEARING: An Ordinance Concerning Commercial Setbacks and Amending Sections 9.0500, 9.2170, 9.3125, 9.4290 and 9.4530 of the Eugene Code, 1971, and Providing an Effective Date

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Council Discussion

- Councilor Syrett – asked if staff had received feedback through other communications, such as phone or email.
- Councilor Zelenka – noted the feedback from the focus group that provided information and answered questions, which may explain why there was no testimony.
- Councilor Keating – asked if the Planning Commission discussed how this affected businesses and how it impacts the flexibility given to businesses to enable outdoor eating.
- Councilor Zelenka – thanked staff; asked staff to speak to the interplay between street design and building design; stated that private developers are responsible for the building, and the public is responsible for the right-of-way, and the importance of how these two pieces interact.

Mayor Vinis closed the Public Hearing.

2. PUBLIC HEARING: An Ordinance Vacating Portions of Mill Alley and Easements Located Within the Boundaries of the Plat of Town Run

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Council Discussion

- Councilor Zelenka – commented on the unique name of the area in question and asked about the history of it; noted the map in the packet that showed the old mill race and easement and stated the history.

Mayor Vinis closed the Public Hearing and the record.

The meeting adjourned at 5:53 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Julie Adams)

Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 26, 2021
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

This is a routine item to approve the 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.

COUNCIL OPTIONS

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

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: bforrest@eugene-or.gov



City Council Tentative Agenda

Updated July 21, 2021

**** SPECIAL NOTICE ****

As our state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held remotely using virtual meeting technology. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

July 2021					
Date	Day	Time	Title	Length	Dept. Contact
26-Jul	Monday	5:30 p.m.	Ad Hoc Committee on Police Policy Update (Work Session)	45 mins	Sarah Medary, CMO
			Response to Hate Crimes (Work Session)	45 mins	Fabio Andrade, CS Chief Skinner, EPD
		7:30 pm	Committee Reports and Items Public Forum Resolution Annexing Land to City of Eugene (Oakleigh Lane) (Consent Calendar 2) Resolution Annexing Land at 3514 River Road (Consent Calendar 2) Resolution Annexing Land at 801 River Loop 1 (A 21) (Consent Calendar 2) Ordinance on Commercial Setbacks (Action) Ordinance on Town Run Plat Vacations (Action)		Rodney Bohner, PDD Rodney Bohner, PDD Rodney Bohner, PDD Althea Sullivan, PDD Rodney Bohner, PDD
Expected absences for 7/26: none					
28-Jul	Wednesday	12 p.m.	Joint Elected Officials – Homeless Systems Transformation (Work Session)	90 mins	Sarai Johnson
Expected absences for 7/28: none					

Council Break: July 29 – September 8



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



CC Agenda Change



Official Matters



Pledge of Allegiance

September 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Sep	Wednesday	12 pm		URA- Downtown Open Space Improvements (Work Session)	45mins	Eric Brown, PDD
				TBD (Work Session)	45 mins	
Expected absences for 9/8: Groves						
13-Sep	Monday	5:30 pm		Community Safety Initiative (Work Session)	90 mins	CS
		7:30 pm		Committee Reports and Items of Interest		
	Public Forum					
Expected absences for 9/13: none						
15-Sep	Wednesday	12 pm		American Rescue Plan Act Update (Work Session)	45 mins	Jeff Gepper, PDD
				Ordinance to Finalize Compliance With ORS 197.312(5) for ADUs (Work Session & Poss. Action)	45 mins	
Expected absences for 9/15: none						
20-Sep	Monday	5:30 pm	Schedule only as needed			
		7:30 pm		TBD (Public Hearing)		
Expected absences for 9/20: none						
22-Sep	Wednesday	12 pm		TBD (Work Session)	45 mins	
				TBD (Work Session)	45 mins	
Expected absences for 9/22: none						
27-Sep	Monday	5:30 p.m.		TBD (Work Session)	45 mins	
				TBD (Work Session)	45 mins	
		7:30 pm		Committee Reports and Items of Interest		
	Public Forum					
Expected absences for 9/27: none						
29-Sep	Wednesday	12 pm		TBD (Work Session)	45 mins	
				TBD (Work Session)	45 mins	
Expected absences for 9/29: none						

October 2021					
Date	Day	Time	Title	Length	Dept. Contact
11-Oct	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
 Public Forum					
Expected absences for 10/11: none					
13-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/13: none					
18-Oct	Monday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 10/18: none					
20-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/20: none					
25-Oct	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
 Public Forum					
Expected absences for 10/25: none					
27-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/27: none					

November 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Nov	Monday	5:30 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
		7:30 pm	 Pledge of Allegiance to the Flag  Committee Reports and Items of Interest  Public Forum			
Expected absences for 11/8: none						
10-Nov	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 11/10: none						
15-Nov	Monday	5:30 pm	Schedule only as needed			
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 11/15: none						
17-Nov	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 11/17: none						
22-Nov	Monday	5:30 p.m.	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
		7:30 pm	 Committee Reports and Items of Interest  Public Forum			
Expected absences for 11/22: none						
24-Nov	Wednesday	12 pm	Schedule only as needed			
Expected absences for 11/24: none						

December 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Dec	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 12/8: none						
13-Dec	Monday	5:30 p.m.	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
		7:30 pm	 Committee Reports and Items of Interest			Liz Butterfield, CS
			 Public Forum			
			 FY22 City of Eugene Supplemental Budget (Public Hearing and Action)			
			 FY22 URA Supplemental Budget (Public Hearing and Action)			
Expected absences for 12/13: none						
15-Dec	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 12/15: none						

Council Break: December 16 – January 10

 Work Session	 Action	 Public Hearing	 Public Forum	 Consent Calendar
 Committee Reports/Items of Interest	 Ceremonial Matters	 Pledge of Allegiance		

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
"Housing Status" as a Protected Class – <i>follow-up TBD</i>	Sample	03/12/20
Response to Hate Crimes – <i>scheduled July 26</i>	Clark	03/18/21
Eugene Airport and LCC Aviation Academy – <i>to be rescheduled</i>	Evans	03/18/21
Reparations (two-part work session) – <i>Part 1 held June 23</i>	Evans	03/18/21
Waste Management at Large Events	Sample	04/08/21
Funding Source for Climate Change and Homelessness	Zelenka	05/10/21
Follow-Up Work Sessions to be Scheduled		

TAC Implementation – *ongoing; scheduled July 28*

Naming Policy –

Steam Plant Deal Points –

UPCOMING PUBLIC HEARINGS			
Date of Public Hearing	Title	Description	Staff Contact
July 19 (5:30 p.m.)	Ordinance on Commercial Setbacks	Public Hearing on a City-initiated land use code amendment to require minimum building setbacks and landscaping for development on commercially zoned property.	Althea Sullivan 541-682-5485
July 19 (5:30 p.m.)	Ordinance on Town Run Plat Vacations	The Eugene Urban Renewal Agency (URA) requests approval of four vacations of prior right-of-way and utility easements within Downtown Riverfront property (Plat of Town Run). In order to make the new subdivided lots ready for sale and subsequent development, it is necessary that the prior utility easements that crisscrossed the development site be vacated.	Rodney Bohner 541-682-5437

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 26, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
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: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-24-24; Tax Lot 10100; Located at Near Southeast Terminus of Oakleigh Lane)
(City File: Henderson, David and Janice; A 21-5)

Meeting Date: July 26, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4A
Staff Contact: Rodney Bohner
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

This item is a request to annex property located near southeast terminus of Oakleigh Lane, between River Road and the Willamette River. The property to be annexed is approximately .51 acres and is currently undeveloped. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low-Density Residential with the /UL Urbanizable Land Overlay. Both the Metro Plan and the applicable refinement plan, the River Road – Santa Clara Urban Facilities Plan, designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is contiguous to the City limits along the property's north, east, and west boundaries. Annexation will allow for future development consistent with the property's land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that: (1) the land proposed to be annexed is within the City's 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. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within 500 feet of the subject property and the affected neighborhood association (River Road Community Organization) consistent with Eugene Code requirements. No testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. 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, ability for the provision of key urban services, and absence of any testimony, 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. As the City transitions in response to lifting of COVID-19 restrictions by Governor Brown, the Permit and Information Center remains closed to the public at this time. Please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the resolution.
2. Adopt the resolution with specific modifications as determined by the City Council.
3. Deny the 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 resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt a resolution approving the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. 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: Rodney Bohner

Telephone: 541-682-5437

Staff E-Mail: RBohner@eugene-or.gov



Vicinity Map

HENDERSON, DAVID AND JANICE (A 21-5)

Attachment A



- Area to be Annexed
- Eugene City Limits
- Taxlots



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

Created on 7/12/2021
by City of Eugene Planning Division

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RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-24-24, TAX LOT 10100 LOCATED NEAR
SOUTHEAST TERMINUS OF OAKLEIGH LANE, BETWEEN RIVER
ROAD AND THE WILLAMETTE RIVER).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on May 7, 2021, by David and Janice Henderson, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-24, Tax Lot 10100, to the City of Eugene.

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

D. On June 25, 2021, a notice containing a geographical reference to the property, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter 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 July 26, 2021.

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

NOW, THEREFORE,

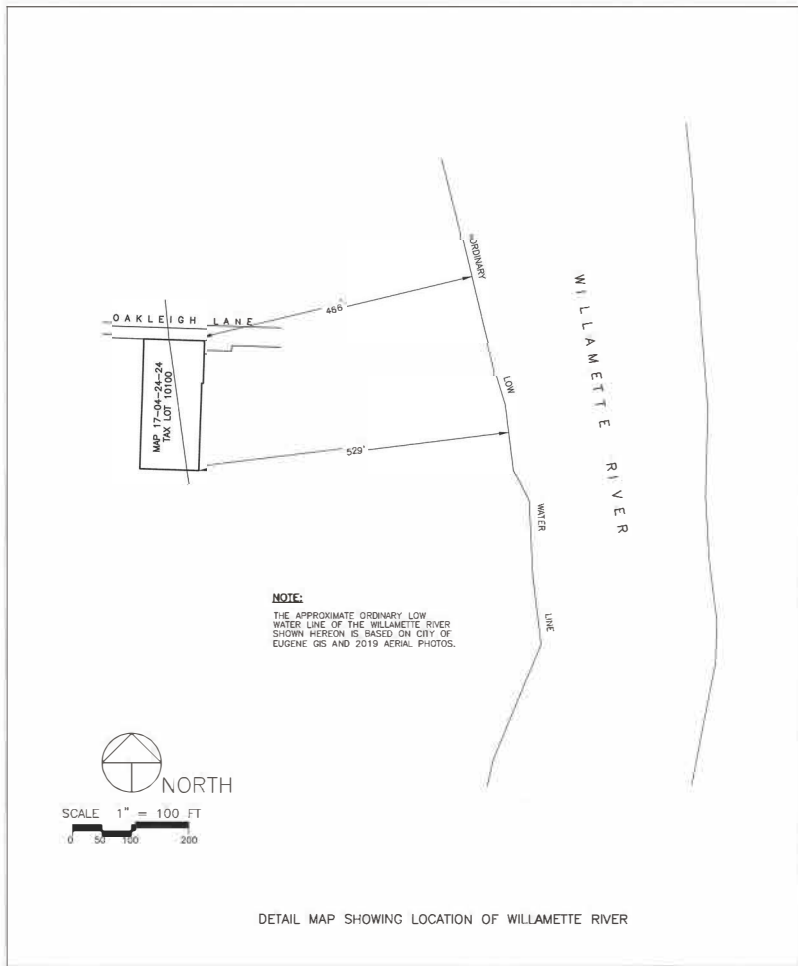
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-24, Tax Lot 10100, which is depicted on the map attached as Exhibit A, and more particularly 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 the automatic rezoning of the land pursuant to EC 9.7820(3) from R-1 Low-Density Residential with /UL Urbanizable Land Overlay to R-1 Low-Density Residential shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of July, 2021.

City Recorder



FLOOD-ZONE-NOTE

THE SUBJECT PROPERTY FALLS WITHIN FLOOD ZONE AE - SPECIAL FLOOD HAZARD AREA INUNDATED BY 100-YEAR FLOOD, AND IN FLOOD ZONE X (SHADED) AREAS OF 500-YEAR FLOOD. AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD, AS SHOWN FROM FLOOD INSURANCE RATE MAP NO. 41039C1128 F BEARING AN EFFECTIVE DATE OF JUNE 2, 1989.

BASE-FLOOD-ELEVATION-NOTE

100-YEAR BASE FLOOD ELEVATION FOR THE MOST UPSTREAM EDGE OF THE SUBJECT PROPERTY STRUCTURE WAS CALCULATED FROM THE FLOOD PROFILES FOR THE WILLAMETTE RIVER CONTAINED IN THE FEMA FLOOD INSURANCE STUDY FOR LANE COUNTY OREGON.

BASE FLOOD ELEVATION IS 401.40

ELEVATION-NOTE

ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF EUGENE DATUM. BRCH-MARK USED WAS CITY BENCHMARK NO. RRD0132, A BRASS CAP IN THE CURB AT THE NE CORNER OF THE INTERSECTION OF RIVER ROAD AND OAKLEIGH LANE.

ELEVATION = 401.58 (NGVD '28 DATUM)

EASEMENT-NOTE

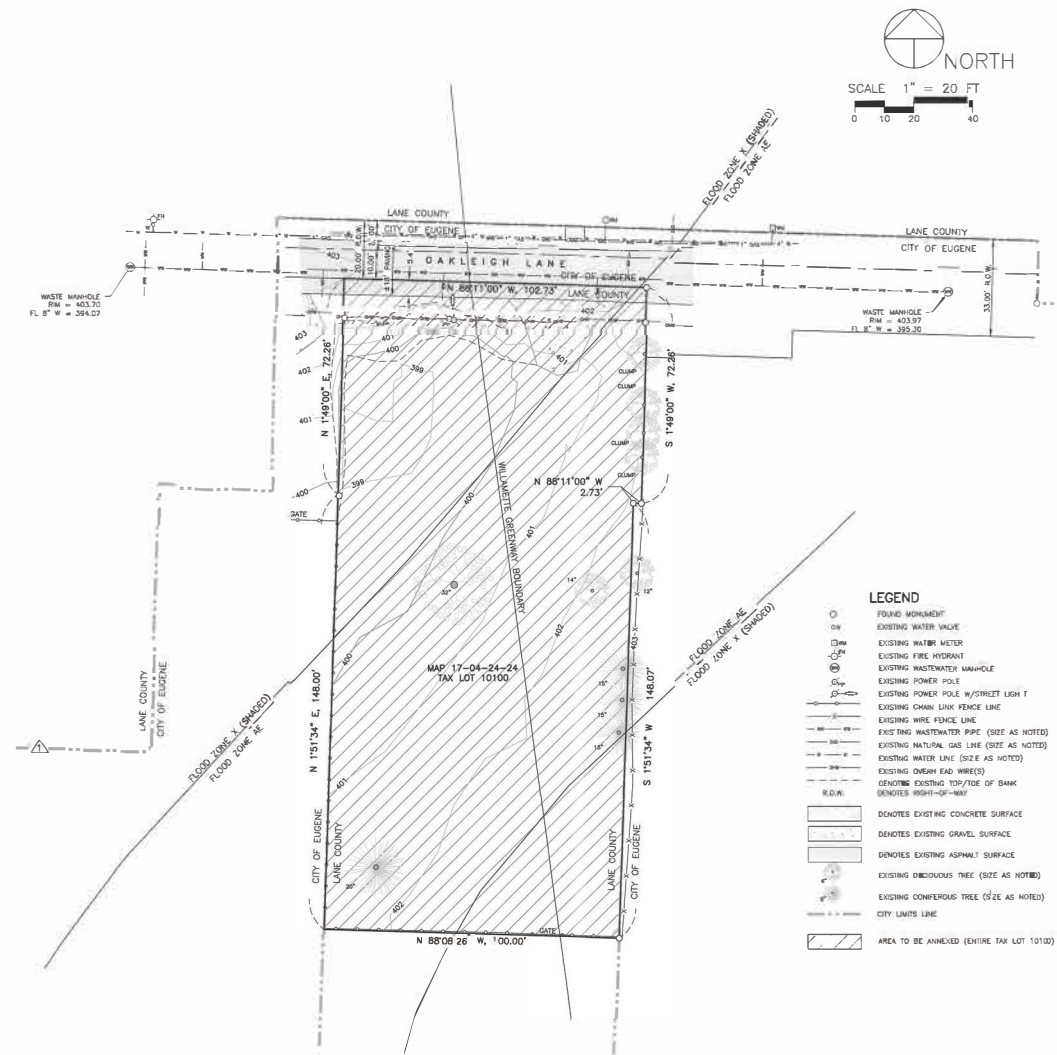
EASEMENTS MAY EXIST OVER THE SUBJECT PROPERTY THAT ARE NOT SHOWN OR NOTED HEREON.

BOUNDARY-NOTE

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. DATA SHOWN HEREON IS PER SURVEY BY BRANCH ENGINEERING IN 2011 (CSF 42125).

UTILITY-NOTE

UTILITY LOCATIONS SHOWN HEREON ARE BASED ON A COMBINATION OF FIELD SURVEY OF OBSERVABLE EVIDENCE AND UTILITY COMPANY LOCATION MAPS AND PLANTS, AND ARE SUBJECT TO FIELD VERIFICATION.



REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60053
RENEWS: 12-31-2021



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SITE PLAN FOR ANNEXATION
DAVE & JANICE HENDERSON
MAP 17 04 24 24, TAX LOT 10100
LANE COUNTY, OREGON

REVISIONS

date	by
5/3/21	GAP
5/20/21	MRD

EXISTING
CONDITIONS
PLAN

job	21-7821
drawn	NEC
date	2/24/21
checked	MRD
filed	
SHEET	1

Description of Affected Territory to be Annexed

Commencing at the Initial Point of the Plat of OAKLEIGH, as Platted and Recorded in Volume 9, Page 32, in the Plat Records of Lane County, State of Oregon; thence running along the South line of said Plat, South 88° 11' 00" East, 790.91 feet to a point that lies on the South margin of Oakleigh Lane, a 20.00 foot wide public right-of-way and the True Point of Beginning of the lands being described herein; thence leaving said True Point of Beginning and continuing along the South line of said Plat of OAKLEIGH and said South margin, South 88° 11' 00" East, 102.73 feet; thence leaving said South plat boundary and South margin and running South 1° 49' 00" West, 72.26 feet; thence North 88° 11' 00" West, 2.73 feet; thence South 1° 51' 34" West, 148.07 feet; thence North 88° 08' 26" West, 100.00 feet; thence North 1° 51' 34" East, 148.00 feet; and thence North 1° 49' 00" East, 72.26 feet to the True Point of Beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation
Annexation Request for Henderson, David and Janice
(City File: A 21-5)**

Application Submitted: May 7, 2021	
Applicant: David and Janice Henderson	
Property Included in Annexation Request: Tax Lot 10100 of Assessor's Map 17-04-24-24	
Zoning: R-1 Low-Density Residential with /UL Urbanizable Land Overlay	
Location: Near southeast terminus of Oakleigh Lane, between River Road and the Willamette River	
Representative: TBG Architects and Planners	Surveyor: SSW Engineers, Inc.
Lead City Staff: Rodney Bohner, Associate Planner, 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 contiguous to City limits along the property’s north, east, and west boundaries, 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 <u>Metro Plan</u> 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 text</i>): <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>
☒ YES	☐ NO	

		<p><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></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use. The property is zoned R-1 Low-Density Residential with a /UL Urbanizable Land overlay. The /UL overlay will be automatically removed from the property following annexation approval.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not located within an identified subarea. The proposed annexation does not appear to conflict with any of the Land Use Policies or Residential Policies. 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 <u>Metro Plan</u> 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>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> 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>Wastewater service is available in Oakleigh Lane via an 8-inch main line which demonstrates that service is available to the site. In the event of future improvements, evaluation of service connections will occur. Public Works Engineering staff note that a</p>

	<p>special assessment exists from a 1992 project and will need to be addressed at the time of connection to the public system (the assessment is \$10,195.34 as of May 2021).</p> <p><u>Stormwater</u></p> <p>The applicant proposes on-site management of stormwater runoff from future development on the site. The available soil data indicates that the site is suitable for infiltration facilities. In addition to infiltration treatment, additional options for complying with stormwater standards may be further evaluated at the time of future development.</p> <p><u>Transportation</u></p> <p>The property has frontage on Oakleigh Lane, a public street that connects to other streets allowing access to the greater public street system. In the event of further development, additional evaluation of access to the public street system will occur at that time.</p> <p><u>Solid Waste</u></p> <p>Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u></p> <p>Eugene Water and Electric Board (EWEB) staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u></p> <p>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 and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u></p> <p>Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p> <p><u>Planning and Development Services</u></p> <p>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></p> <p>A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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		<p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of River Road Elementary School, Kelly Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</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 will be set in accordance with State law.

INFORMATIONAL ITEMS:

- 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 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

May 7, 2021

City of Eugene
Planning & Development Department
99 West 10th Avenue
Eugene, Oregon 97401

RE: Oakleigh Lane (202101/1.3)
Annexation – Cover Letter

Property Address: Not assigned (Oakleigh Lane)
Assessor's Map: 17-04-24-24
Tax Lot: 10100

Applicant: David and Janice Henderson
8120 Schoonover Street
Elverta, California 95626
Contact: Dave Henderson
jan4dave@comcast.net

Applicant's Representative: TBG Architects + Planners
132 East Broadway, Suite 200
Eugene, Oregon 97401
Contact: Zach Galloway, AICP
541.687.1010
zgalloway@tbg-arch.com

On behalf of the applicant David and Janice Henderson, enclosed is an Annexation application for property located on Oakleigh Lane. In accordance with the Annexation submittal requirements, the following attachments are provided for review by the City staff and City Council:

Annexation Application – 1 Copy

Annexation Written Statement – 5 Copies

Annexation Attachments – 5 Copies

ATTACHMENT A	Tax Assessor's Map
ATTACHMENT B	Legal Description
ATTACHMENT C	Consent to Annexation Form
ATTACHMENT D	Petition for Annexation Form
ATTACHMENT E	Summary of Urban Service Provision Form
ATTACHMENT F	Census Information Form
ATTACHMENT G	<u>Envision Eugene Comprehensive Plan</u> , Urban Growth Boundary Map

City of Eugene – Annexation Application
May 7, 2021
Page 2 of 2

Plan Sets – 3 Copies:
Existing Conditions Plan

If you have any questions, please do not hesitate to call me at your convenience. Thank you for your time and consideration of this proposal.

Sincerely,

A handwritten signature in black ink that reads "Zach Galloway". The signature is stylized with a long horizontal line extending from the end.

Zach Galloway, AICP
Senior Planner

ZG/nl

cc: David and Janice Henderson, *Property Owners*
Michael R. Dahrens, PLS, *SSW Engineers Inc*
Anna Backus, PE, *KPFF Consulting Engineers*

Z:\PROJ\202101 Oakleigh Lane Planning\Corresp\Agency\Annexation\202101-AX_CvrLtr.docx

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
17-04-24-24	10100	R-1/UL	0.51

Property Address: NOT ASSIGNED - OAKLEIGH LANE

Plans for Future Development & Permit Number (if applicable): N/A

Public Service Districts:

Name			
Parks:	RIVER ROAD PARK & RECREATION DISTRICT		
Electric:	EWEB		
Water:	RIVER ROAD WATER DISTRICT		
Sanitary Sewer:	CITY OF EUGENE		
Fire:	RIVER ROAD WATER DISTRICT / CITY OF EUGENE		
Schools:	Elementary: RIVER ROAD	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 ½" x 11" 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.
- N/A [SITE IS VACANT]

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.
- ☒ 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.

Page 3 of 4

REPRESENTATIVE (If different from Surveyor):

Name (print): ZACH GALLOWAY

Company/Organization: TBG ARCHITECTS + PLANNERS

Address: 132 EAST BROADWAY, SUITE 200

City/State/Zip: EUGENE, OREGON 97401

Phone: 541.687.1010 Fax:

E-mail: zgalloway@tbg-arch.com

Signature: 

Date: 5.5.21

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



May 7, 2021

City of Eugene
Planning & Development Department
99 West 10th Avenue
Eugene, Oregon 97401

RE: Oakleigh Lane (202101/1.3)
Annexation – Written Statement

Property Address: Not assigned (Oakleigh Lane)
Assessor's Map: 17-04-24-24
Tax Lot: 10100

Applicant: David and Janice Henderson
8120 Schoonover Street
Elverta, California 95626
Contact: Dave Henderson
916.200.6989
jan4dave@comcast.net

Applicant's Representative: TBG Architects + Planners
132 East Broadway, Suite 200
Eugene, Oregon 97401
Contact: Zach Galloway, AICP
541.687.1010
zgalloway@tbg-arch.com

WRITTEN STATEMENT

In accordance with the Annexation application procedures and submittal requirements, this written statement describes the proposal and demonstrates that the proposed annexation complies with the applicable criteria listed under Eugene Code (EC) Section 9.7825.

The Annexation application process is subject to similar procedural requirements as a land use application; however, it is not a formal land use application. As recognized in EC 9.7055, this Annexation application is prepared for review and approval by the Eugene City Council.

I. Annexation Request

The applicant requests approval of an annexation for property located on Oakleigh Lane in the River Road community and identified at Tax Lot 10100 on Assessor's Map 17-04-24-24. Eugene Code (EC) 9.7810 outlines the submittal requirements and EC 9.7825 provides the Annexation review criteria. The vacant site is currently outside the city limits and must be annexed prior to development.

As demonstrated in Annexation Approval Criteria in Section IV, below, the Annexation request meets all applicable criteria in effect at the time of filing and the application should be approved as proposed.

Project Team:

Owner & Applicant

David and Janice Henderson
8120 Schoonover Street
Elverta, California 95626
Contact: David Henderson
916.200.6989
jan4dave@comcast.net

Civil Engineer

KPFF Consulting Engineers
800 Willamette Street, Suite 400
Eugene, Oregon 97401
Contact: Anna Backus, PE
541.684.4902
anna.backus@kpff.com

Planner & Applicant's Representative

TBG Architects + Planners
132 East Broadway, Suite 200
Eugene, Oregon 97401
Contact: Zach Galloway, AICP
541.687.1010
zgalloway@tbg-arch.com

Surveyor

SSW Engineers Inc
2350 Oakmont Way, Suite 105
Eugene, Oregon 97401
Contact: Michael R. Dahrens, PLS
541.485.8383
miked@sswengineers.com

II. Site Description

A. Location and Site Context

The site is located near the eastern end of Oakleigh Lane. The site is identified as Tax Lot 10100 on Lane County Assessor's Map 17-04-24-24 (the "site"), and it totals about 0.51 acres or 22,216 square feet.

The site is located within the Urban Growth Boundary per the Envision Eugene Comprehensive Plan, and it is currently in unincorporated Lane County. On the Metro Plan diagram, the lot is designated Low Density Residential. The neighborhood refinement plan – River Road-Santa Clara Urban Facilities Plan – also designates the site as Low Density Residential. The site is zoned Low Density Residential with the Urbanizable Land Overlay zone (R-1/UL). All abutting properties are also designated Low Density Residential and zoned R-1 or R-1/UL. The site is contiguous to lots inside the Eugene city limits.

The Eugene 2035 Transportation System Plan (TSP) classifies Oakleigh Lane as a local street. It is under Lane County jurisdiction. There is existing Lane Transit District (LTD) service on River Road, which is approximately 800 feet west of the site.

III. Relevant Land Use History

Per City File No. LA 11-2, the current lot configuration was created by an approved Lot Line Adjustment application in 2011. Therefore, the subject site is a legal lot of record. There is no other known land use history associated with the site.

IV. Annexation Approval Criteria – Supporting Facts and Findings

This section is organized by the applicable approval criteria per EC 9.7825. Applicable approval criteria are outlined in ***bold italics*** below and then followed by proposed findings in normal text.

EC 9.7825 Annexation – Approval Criteria.

- (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.

Finding: The site is located within the City of Eugene's urban growth boundary (UGB). The UGB is established in the Envision Eugene Comprehensive Plan, which was adopted in 2017. The site is in the River Road community, which is entirely within the UGB. See attachments for a map of the adopted UGB. The proposed annexation is also contiguous to the city limits. The abutting lots to the east (Tax Lots 17-04-24-24-05500, 17-04-24-13-00400) and west (Tax Lot 17-04-24-24-05800) are inside the city limits. See the attached drawing for the contiguous city limits.

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

Finding: The proposed annexation is consistent with the applicable policies in the Metro Plan and in the applicable refinement plan, River Road-Santa Clara Urban Facilities Plan. The site is located within the Urban Growth Boundary (UGB) per the Envision Eugene Comprehensive Plan. On the Metro Plan diagram, the lot is designated Low Density Residential. The neighborhood refinement plan – River Road-Santa Clara Urban Facilities Plan – also designates the site as Low Density Residential.

Section C of Chapter 2, Metro Plan, includes Growth Management goals, findings, and policies. The adopted policies encourage annexation of lands within the UGB and extension of urban services upon annexation to a city. The proposed annexation is for a lot within the City of Eugene UGB. The attached Summary of Urban Service Provision form shows that the necessary urban services are available to serve the lot. Section F of Chapter 2, Metro Plan, is dedicated to the River Road and Santa Clara communities. Policies therein are supportive of annexation and the annexation is consistent with the policy directive, as described below.

3. *Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely*

manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.

The proposed annexation is voluntary. The application and required consent to annexation form are submitted by the property owners. There are no known prior individual property annexation agreements

4. *The City of Eugene shall provide urban services to the River Road and Santa Clara neighborhoods upon annexation. In the meantime, to reduce the groundwater pollution problem, Eugene will extend wastewater service to developed properties.*

The City and other utility providers have provided urban services to the site, as described in the attached Summary of Urban Service Provision form. Specifically, there are water and wastewater lines in the abutting Oakleigh Lane public right-of-way. Similar to the directive in Metro Plan Policy 4, above, the River Road-Santa Clara Urban Facilities Plan also calls for the City to extend urban services as lands are annexed. There are no policies that would preclude the proposed annexation.

- (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.***

Finding: As noted above, the site is within the UGB and contiguous to city limits. The River Road community is a long-established area that currently has urban services. The Metro Plan defines minimum urban facilities as including the following: wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, citywide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis. Each of the minimum urban services is provided to the site, in the River Road community, or city- and district-wide, as applicable. The City of Eugene provides wastewater and stormwater services, police protection, parks and recreation programs, and land use controls. The River Road Water District provides water and Eugene Water and Electric Board provides electric services. The site is within Eugene School District 4J's boundary and neighborhood schools include River Road Elementary School, Kelly Middle School, and North Eugene High School. See the attached Summary of Urban Service Provision form.

Based on the findings provided above, the proposed annexation complies with the annexation approval criteria.

V. Conclusion

Based on the information and findings contained in this written statement, associated attachments and drawings, the proposed Annexation request meets the criteria of approval contained in the Eugene Code. Therefore, the Applicant requests that the City Council approve the proposed annexation as presented. Both the applicant and the applicant's representative are available for questions, as necessary.

Attachment Contents

ATTACHMENT A	Tax Assessor's Map
ATTACHMENT B	Legal Description
ATTACHMENT C	Consent to Annexation Form
ATTACHMENT D	Petition for Annexation Form
ATTACHMENT E	Summary of Urban Service Provision Form
ATTACHMENT F	Census Information Form
ATTACHMENT G	<u>Envision Eugene Comprehensive Plan</u> , Urban Growth Boundary Map

ATTACHMENT A
Tax Assessor's Map

S.E.1/4 N.W.1/4 SEC. 24 T.17S. R.4W. W.M.
Lane County
1" = 100'

17042424

LCATSKP - 2019-01-10 10:22

CANCELLED
8001
3000
3100

17042424

July 26, 2021 Meeting - Item 4A

ATTACHMENT B

Legal Description

Description of Affected Territory to be Annexed

Commencing at the Initial Point of the Plat of OAKLEIGH, as Platted and Recorded in Volume 9, Page 32, in the Plat Records of Lane County, State of Oregon; thence running along the South line of said Plat, South 88° 11' 00" East, 790.91 feet to a point that lies on the South margin of Oakleigh Lane, a 20.00 foot wide public right-of-way and the True Point of Beginning of the lands being described herein; thence leaving said True Point of Beginning and continuing along the South line of said Plat of OAKLEIGH and said South margin, South 88° 11' 00" East, 102.73 feet; thence leaving said South plat boundary and South margin and running South 1° 49' 00" West, 72.26 feet; thence North 88° 11' 00" West, 2.73 feet; thence South 1° 51' 34" West, 148.07 feet; thence North 88° 08' 26" West, 100.00 feet; thence North 1° 51' 34" East, 148.00 feet; and thence North 1° 49' 00" East, 72.26 feet to the True Point of Beginning, 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: *Michael Dahrens*
Registered Land Surveyor

Print Name: MICHAEL R. DAHRENS

Date: 5-03-2021

Seal:



ATTACHMENT C
Consent to Annexation Form

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: 17-04-24-24 Address: 10100

Legal Description: SEE ATTACHED EXHIBIT

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

DATED this 30 day of April, 2021.

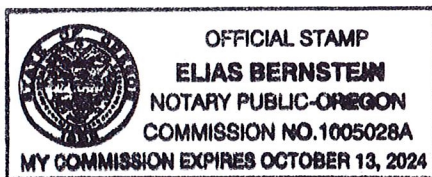
Janice Henderson Janice Henderson
David Henderson David H

STATE OF OREGON)

County of Lane)ss
)

On this 30th day of April, 2021, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, David Henderson and Janice Henderson, 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.

[Signature]
Notary Public for Oregon
My Commission Expires 10/13/2024

ATTACHMENT D

Petition for Annexation Form

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

PETITION

Petition Signature Sheet
Annexation by Individuals

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	Acre (qty)
1. <i>Janice Henderson</i>	<i>4/30/21</i>	JANICE HENDERSON	NOT ASSIGNED - OAKLEIGH LANE	17-04-24-24-10100	X		0.51
2. <i>David Henderson</i>	<i>4/30/21</i>	DAVID HENDERSON	NOT ASSIGNED - OAKLEIGH LANE	17-04-24-24-10100	X		0.51
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, N/A (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X N/A (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.

[Signature]
 Lane County Department of Assessment and Taxation

5/5/21
 Date Certified

[Signature]
 Lane County Clerk or Deputy Signature

5-5-21
 Date Certified

ATTACHMENT E

Summary of Urban Service Provision Form

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:
DAVID + JANICE HENDERSON

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

17-04-24-24-101000

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:

YES

_____ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:
8 INCH LINE IN OAKLEIGH LANE RIGHT-OF-WAY

_____ 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?

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?

If yes,
location? _____

If no, how will stormwater be handled after development? -
ON-SITE INFILTRATION _____

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. _____

OAKLEIGH LANE

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 ☒ _____ No _____ Unknown

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:

WEST BANK PARK; RASOR PARK; RUTH BASCOM RIVERBANK PATH (WEST)

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.

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.

X

_____ 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.

4-INCH MAIN IN OAKLEIGH LANE RIGHT-OF-WAY.

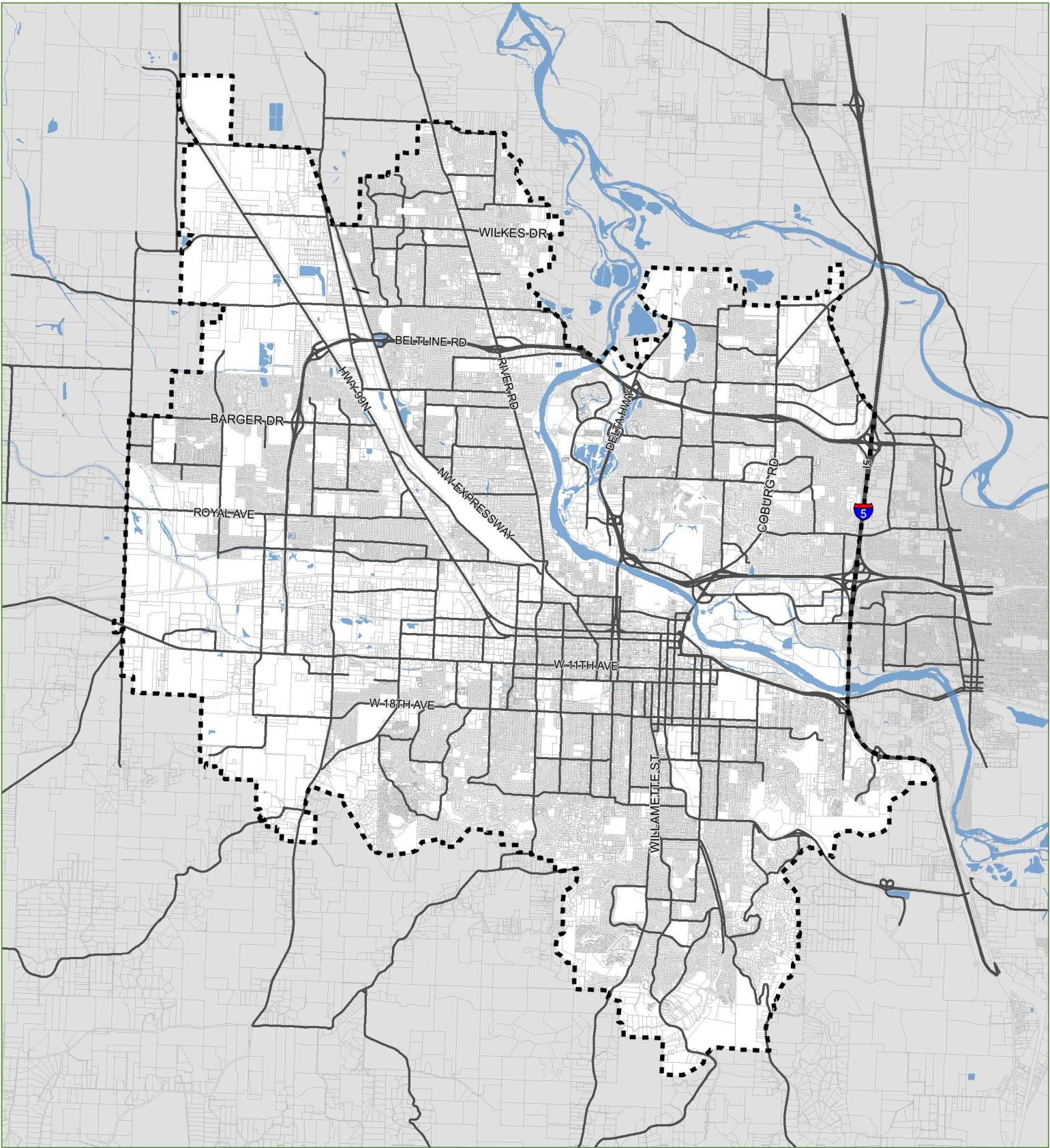
Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

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.

ATTACHMENT G

Envision Eugene Comprehensive Plan
Urban Growth Boundary Map



Eugene Urban Growth Boundary Taxlots Water Bodies Roads

Caution: This map is subject to change and for used within the scope of the May 2017 Review.

This dataset was compiled relative to numerous data sources (e.g. tax parcel boundaries) and the quality may be variable. Boundaries on the map represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. This map is not suitable for legal, engineering, or surveying purposes. This map is subject to license and copyright limitations and further distribution or resale is prohibited. This map in no way attempts to predict, determine, or require what happens on individual lots.



May 2017

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-43; Tax Lot 1200; Located at 3514 River Road) (City File: Vreim, Christopher; A 21-6)

Meeting Date: July 26, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4B
Staff Contact: Rodney Bohner
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

This item is a request to annex property located at 3514 River Road. The property to be annexed is approximately 1.89 acres and is located on the west side of River Road between Irvington Drive and West Anchor Avenue. The property is developed with a single-unit dwelling. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low-Density Residential with the /UL Urbanizable Land Overlay. Both the Metro Plan and the applicable refinement plan, the River Road – Santa Clara Urban Facilities Plan designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is contiguous to the City limits along the property's north and south boundaries. Annexation will allow for future development consistent with the property's land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that: (1) the land proposed to be annexed is within the City's 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. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within 500 feet of the subject property and the affected neighborhood association (River Road Community Organization) consistent with Eugene Code requirements. No testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. 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, ability for the provision of key urban services, and absence of any testimony, 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. As the City transitions in response to lifting of COVID-19 restrictions by Governor Brown, the Permit and Information Center remains closed to the public at this time. Please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the resolution.
2. Adopt the resolution with specific modifications as determined by the City Council.
3. Deny the 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 resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt a resolution, included as Attachment B to this AIS, approving the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

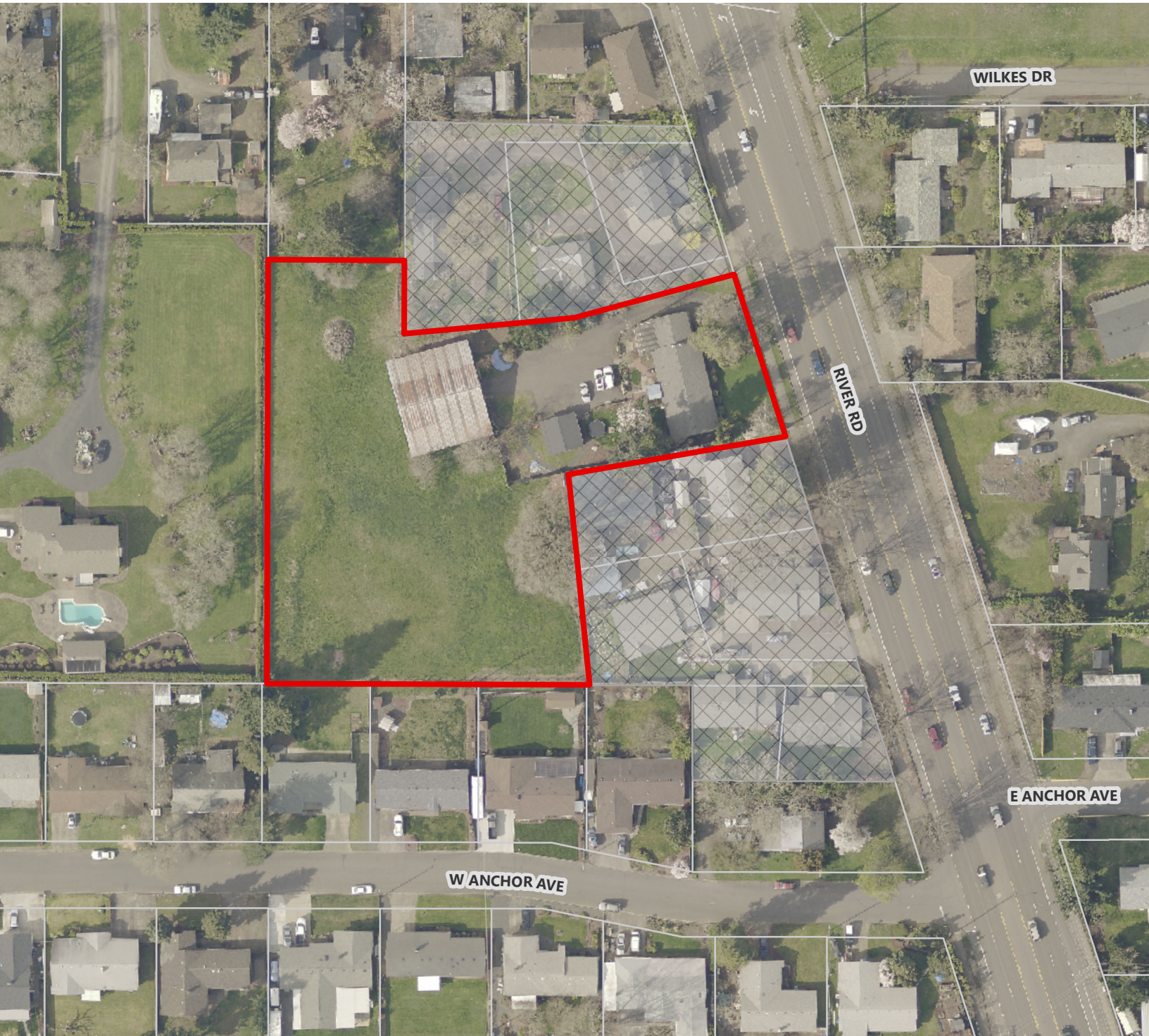
- A. Vicinity Map
- B. Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

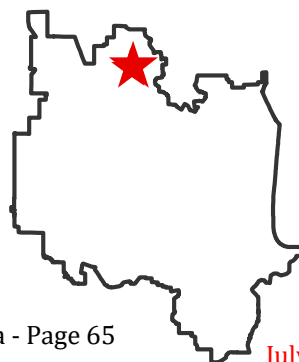
Staff Contact: Rodney Bohner

Telephone: 541-682-5437

Staff E-Mail: RBohner@eugene-or.gov



- Area of Annexation
- Eugene City Limits
- Taxlots



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

Created on 7/12/2021
by City of Eugene Planning Division

0 25 50 100
Ft



RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-02-43, TAX LOT 1200 LOCATED AT 3514
RIVER ROAD).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on May 12, 2021, by Christopher Vreim, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-02-43, Tax Lot 1200, to the City of Eugene.

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

D. On June 25, 2021, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 26, 2021.

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 which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-02-43, Tax Lot 1200 which is depicted on the map attached as Exhibit A, and more particularly 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 the automatic rezoning of the land pursuant to EC 9.7820(3) from R-1 Low-

Density Residential with /UL Urbanizable Land Overlay to R-1 Low-Density Residential shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of _____, 2021.

City Recorder

ANNEXATION SITE PLAN FOR 3514 RIVER RD

SE 1/4, SEC. 2, TOWNSHIP 17 SOUTH, RANGE 4 WEST, W.M.

EUGENE, LANE COUNTY, OREGON

DATE PREPARED: MARCH 19, 2021REVISED: JUNE 10, 2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/21

SNW Cor
Abram A. Peek
DLC #51

(EAST 55.97 Chains)
[3694.02'] DEED

TL1100

TL1000

POB

East 3694.02' and
South 237.8' from
SNW Corner of
Abram A. Peek DLC #51

(N89°52'W 100.00') DEED

(N0°08'00"E 54.26') DEED

Parcel 3
TL1204

1 PPN 2003-P1714
(Amended 1991-2015)

Parcel 2
TL1203Parcel 1
TL1202

Ex. Barn

Ex. Shed

Ex. Inc

17-04-02-34
TL06200

(S0°08'00"W 313.22') DEED

**AFFECTED
TERRITORY TO
BE ANNEXED**

(S84°37'50"W 127.45') DEED

(S74°48'23"W 121.05') DEED

(N79°34'15"E 166.98') DEED

(N6°09'05"W 156.47') DEED

(S89°44'42"E 234.47') DEED

LOT 5
TL1504LOT 4
TL1503LORING PLAT
BLOCK 1LOT 3
TL1502

LOT 2
TL1501
City Limits

LOT 1
TL1500LOT 4
TL2600LOT 5
TL2700

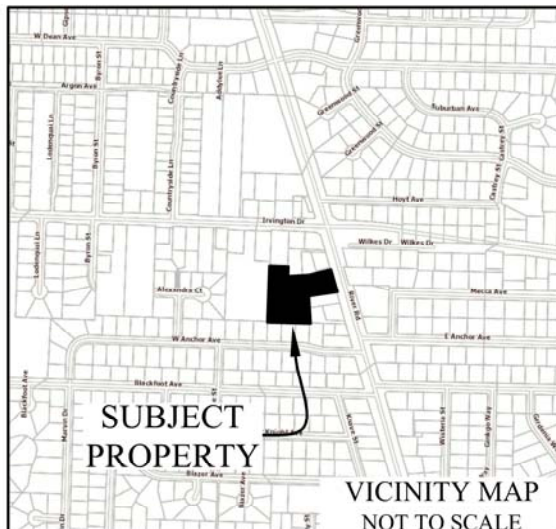
TL1600

TL2000

TL2200

STREET CLASSIFICATION NON-CONFORMING COLLECTOR ROAD
RIVER ROAD

SCALE 1" = 100'



ASSESSORS MAP/LOT: 17-04-02-43-01200

**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

**METRO PLANNING, INC**

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. XXXX

3514 RIVER RD**ANNEXATION****LEGAL DESCRIPTION**

That property described in Warranty Deed Instrument Number 2019-034712, recorded August 14, 2019, Lane County Oregon Deeds & Records, and more particularly described as follows:

Beginning 237.80 feet South of a point in the centerline of County Road No. 540 (Irvington Road, formerly known as Irving Road), referenced as being 55.97 chains East of the South Northwest corner of the Abram A. Peck Donation Land Claim No. 51, Notification No. 2074, in Township 17 South, Range 4 West of the Willamette Meridian, said point also being described as the Southerly Northwest corner of that property conveyed to Delona L. David, and described in Reception No. 64474, Lane County Oregon Deed Records; thence South 0°08' West 313.22 feet to the North line of LORING PLAT, as platted and recorded in Book 48, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon; thence South 89°44'42" East along the monumented North line of said LORING PLAT, 215.81 feet to a point 247.0 feet North 89°44'42" West of the monumented old Wets right of way of River Road (Old Highway 99 North, 60 feet wide); thence North 6°09'05" West 153.00 feet to a point 205.80 feet South 79°34'15" West of a point on said old West right of way line of River Road; thence North 79°34'15" East 185.64 feet to a point on the right of way line of River Road (100.0 feet wide); thence North 17°45'22" West along said right of way line of River Road, 123.50 feet to a point on the South line of that property described in deed recorded September 9, 2003, Reception No. 2003-087219, Lane County Deeds and Records, in Lane County, Oregon; leaving said right of way line and run along said Reception No. 2003-087219 the following three (3) courses, South 74°48'23" West 121.05 feet to a 5/8 inch iron rod, South 84°37'50" West 127.45 feet to a 5/8 inch iron rod; thence North 00°08' East 54.26 feet to a 5/8 inch iron rod bearing 100.0 feet South 89°52' East of the point of beginning; thence leaving said Reception No. 2003-087219, North 89°52' West 100.0 feet to the point of beginning, all in Lane County, Oregon.

ALSO: Beginning 237.80 feet South of a point in the centerline of County Road No. 540 (Irvington Road, formerly known as Irving Road), referenced as being 55.97 chains East of the South Northwest corner of the Abram A. Peck Donation Land Claim No. 51, Notification No. 2074, in Township 17 South, Range 4 West of the Willamette Meridian, said point also being described as the Southerly Northwest corner of that property conveyed to Delona L. David, and described in Reception No. 64474, Lane County Oregon Deed Records; thence South 0°08' West 313.22 feet to the North line of LORING PLAT, as platted and recorded in Book 48, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon; thence South 89°44'42" East along the monumented North line of said LORING PLAT, 215.81 feet to a point 247.00 feet North 89°44'42" West of the monumented old Wets right of way of River Road (Old Highway 99 North, 60 feet wide) and the true point of beginning of the tract herein described; thence North 6°09'05" West 153.00 feet to a point 205.80 feet South 79°34'15" West of a point on said old West right of way line of River Road; thence North 79°34'15" East 18.60 feet to a point; thence South 6°09'05" East 156.47 feet to the said North line of LORING PLAT; thence North 89°44'42" West along said North line, 18.66 feet to the true point of beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation
Annexation Request for Vreim Christopher
(City File: A 21-6)**

Application Submitted: May 12, 2021	
Applicant: Christopher Vreim	
Property Included in Annexation Request: Tax Lot 1200 of Assessor's Map 17-04-02-43	
Zoning: R-1 Low-Density Residential with /UL Urbanizable Land Overlay	
Location: 3514 River Road	
Representative: Metro Planning, Inc	Surveyor: EGR & Associates, Inc.
Lead City Staff: Rodney Bohner, Associate Planner, 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.						
<table border="1"> <tr> <td colspan="2">Complies</td> <td rowspan="2"> Findings: The annexation area is within the City's urban growth boundary (UGB) and contiguous to City limits along several portions of the property's north, east, and south boundaries, consistent with subsection (a). </td> </tr> <tr> <td> ☒ YES </td> <td> ☐ NO </td> </tr> </table>		Complies		Findings: The annexation area is within the City's urban growth boundary (UGB) and contiguous to City limits along several portions of the property's north, east, and south boundaries, consistent with subsection (a).	☒ YES	☐ NO
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☒ YES	☐ NO					
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.						
<table border="1"> <tr> <td colspan="2">Complies</td> <td rowspan="2"> Findings: Several policies from the <u>Metro Plan</u> 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 text</i>): <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> </td> </tr> <tr> <td> ☒ YES </td> <td> ☐ NO </td> </tr> </table>		Complies		Findings: Several policies from the <u>Metro Plan</u> 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 text</i>): <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>	☒ YES	☐ NO
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☒ YES	☐ NO					

		<p><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></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use. The property is zoned R-1 Low-Density Residential with a /UL Urbanizable Land overlay. The /UL overlay will be automatically removed from the property following annexation approval.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not located within an identified subarea. The proposed annexation does not appear to conflict with any of the Land Use Policies or Residential Policies. 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 <u>Metro Plan</u> 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>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> 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>Wastewater service is available in River Road via an 8-inch main line which demonstrates that service is available to the site. In the event of future improvements, evaluation of service connections will occur.</p>

Stormwater

A public storm system exists in River Road. Soils on the site appear to be Type C, so infiltration testing would be required for any on-site retention techniques. Any stormwater treatment or destination will be reviewed for compliance with the Stormwater Management Manual at the time of future development.

Transportation

The property has frontage on River Road, a public street that connects to other streets allowing access to the greater public street system. In the event of further development, additional evaluation of access to the public street system will occur at that time.

Solid Waste

Collection service is provided by private firms. Regional disposal sites are operated by Lane County.

Water and Electric

Eugene Water and Electric Board (EWEB) staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

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 and will continue in the same manner upon annexation.

Parks and Recreation

Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services

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.

Communications

A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

The subject property is within Eugene School District 4J and is within the district boundary of Spring Creek Elementary School, Madison Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

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 will be set in accordance with State law.

INFORMATIONAL ITEMS:

- 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 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



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
17-04-02-43	01200	R-1/UL	1.86

Property Address: 3514 River Rd. Eugene, OR 97404

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

Public Service Districts:

Name			
Parks:			
Electric:	EWEB		
Water:	EWEB (Santa Clara Water District)		
Sanitary Sewer:	EWEB		
Fire:	Santa Clara RFPD		
Schools:	Elementary: Spring Creek	Middle: Madison	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

RECEIVED

MAY 12 2021
City of Eugene
Planning Division

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 ½" x 11" 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.
- ☒ 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: 01200

Name (print): Christopher Vreim

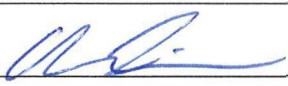
Address: PO Box 23503

Email: _____

City/State/Zip: Eugene, OR 97402

Phone: _____

Fax: _____

Signature: 

Date: 3/24/21

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: _____

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: 01200

Name (print): Christopher Vreim

Address: PO Box 23503

Email: _____

City/State/Zip: Eugene, OR 97402

Phone: _____

Fax: _____

Signature: _____

Date: _____

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): Ryan Erickson, PLS

Company/Organization: EGR & Associates, Inc.

Address: 2535B Prairie Road

City/State/Zip: Eugene, OR 97402

Phone: 541-688-8322

Fax: 541-688-8087

E-mail: rerickson@egrassoc.com

Signature: 

Date: April 30 2021

REPRESENTATIVE (If different from Surveyor):

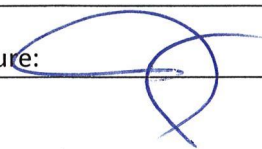
Name (print): Jed Truett

Company/Organization: Metro Planning, Inc

Address: 846 A Street

City/State/Zip: Springfield, OR 97477 Phone: (541) 302-9830 Fax:

E-mail: jed@metroplanning.com

Signature: 

Date:

4-30-21

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

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: 17-04-02-43 01200 Address: 3514 River Rd.
Eugene, OR 97404

Legal Description:

See Attached

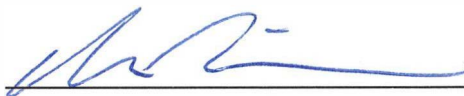
RECEIVED

MAY 12 2021

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

DATED this 25th day of March, 20 21.

City of Eugene
Planning Division



STATE OF OREGON)

)ss

County of)

On this 25th day of March, 20 21, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Christopher Vreim, 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.


Notary Public for Oregon
My Commission Expires March 03, 2023

Application #: C * 2008 - _____

For City Use Only

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

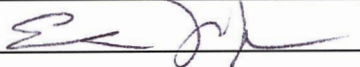
PETITION

Petition Signature Sheet Annexation by Individuals

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. 	3/25/21	Christopher Vreim	3514 River Rd Eugene, OR 97404	17-04-02-43-01200	✓		1.9 1.80
2.							
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, EISA M JOHNSON (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X  (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

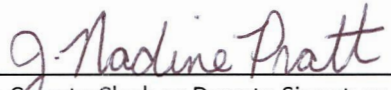
The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is 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 3. I hereby certify that this petition includes 1 valid signatures representing 33.3 (%) of the total active registered voters that are registered in the proposed annexation.


Lane County Department of Assessment and Taxation

4/15/21
Date Certified


Lane County Clerk or Deputy Signature

4-15-21
Date Certified

City of Eugene
Planning Division

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If yes,
location? Along River Road

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. Property abuts River Road

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

 Yes ^x No Unknown

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

 Yes ^x No Unknown

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:

Ferndale Park, Santa Clara Community Park

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.

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.)

 X 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. 10" .

 Along River Road
 .

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.

3514 RIVER RD

ANNEXATION

LEGAL DESCRIPTION

That property described in Warranty Deed Instrument Number 2019-034712, recorded August 14, 2019, Lane County Oregon Deeds & Records, and more particularly described as follows:

Beginning 237.80 feet South of a point in the centerline of County Road No. 540 (Irvington Road, formerly known as Irving Road), referenced as being 55.97 chains East of the South Northwest corner of the Abram A. Peck Donation Land Claim No. 51, Notification No. 2074, in Township 17 South, Range 4 West of the Willamette Meridian, said point also being described as the Southerly Northwest corner of that property conveyed to Delona L. David, and described in Reception No. 64474, Lane County Oregon Deed Records; thence South 0°08' West 313.22 feet to the North line of LORING PLAT, as platted and recorded in Book 48, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon; thence South 89°44'42" East along the monumented North line of said LORING PLAT, 215.81 feet to a point 247.0 feet North 89°44'42" West of the monumented old Wets right of way of River Road (Old Highway 99 North, 60 feet wide); thence North 6°09'05" West 153.00 feet to a point 205.80 feet South 79°34'15" West of a point on said old West right of way line of River Road; thence North 79°34'15" East 185.64 feet to a point on the right of way line of River Road (100.0 feet wide); thence North 17°45'22" West along said right of way line of River Road, 123.50 feet to a point on the South line of that property described in deed recorded September 9, 2003, Reception No. 2003-087219, Lane County Deeds and Records, in Lane County, Oregon; leaving said right of way line and run along said Reception No. 2003-087219 the following three (3) courses, South 74°48'23" West 121.05 feet to a 5/8 inch iron rod, South 84°37'50" West 127.45 feet to a 5/8 inch iron rod; thence North 00°08' East 54.26 feet to a 5/8 inch iron rod bearing 100.0 feet South 89°52' East of the point of beginning; thence leaving said Reception No. 2003-087219, North 89°52' West 100.0 feet to the point of beginning, all in Lane County, Oregon.

ALSO: Beginning 237.80 feet South of a point in the centerline of County Road No. 540 (Irvington Road, formerly known as Irving Road), referenced as being 55.97 chains East of the South Northwest corner of the Abram A. Peck Donation Land Claim No. 51, Notification No. 2074, in Township 17 South, Range 4 West of the Willamette Meridian, said point also being described as the Southerly Northwest corner of that property conveyed to Delona L. David, and described in Reception No. 64474, Lane County Oregon Deed Records; thence South 0°08' West 313.22 feet to the North line of LORING PLAT, as platted and recorded in Book 48, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon; thence South 89°44'42" East along the monumented North line of said LORING PLAT, 215.81 feet to a point 247.00 feet North 89°44'42" West of the monumented old Wets right of way of River Road (Old Highway 99 North, 60 feet wide) and the true point of beginning of the tract herein described; thence North 6°09'05" West 153.00 feet to a point 205.80 feet South 79°34'15" West of a point on said old West right of way line of River Road; thence North 79°34'15" East 18.60 feet to a point; thence South 6°09'05" East 156.47 feet to the said North line of LORING PLAT; thence North 89°44'42" West along said North line, 18.66 feet to the true point of beginning, in Lane County, Oregon.

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City of Eugene
Planning Division

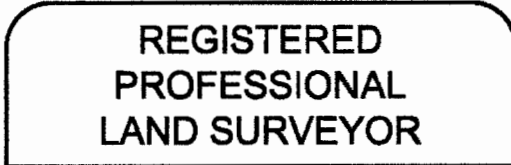
Certification of Description

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.

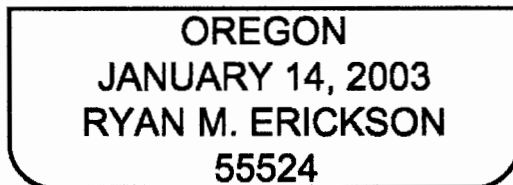
Signature: 
Registered Land Surveyor

Print Name: Ryan Erickson

Date: April 30 2021

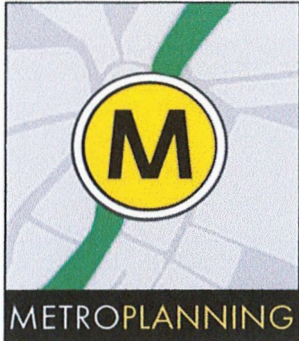
Seal: 

DIGITALLY SIGNED



OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/2021



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

ANNEXATION APPLICATION FOR CHRISTOPHER VREIM

WRITTEN STATEMENT

Submittal No.:	1
Document Date:	May 1, 2021
Applicant's Request:	Approval of annexation of property located at 3514 River Rd.
Property Owner/ Applicant:	Christopher Vreim PO Box 23503 Eugene, OR 97402
Applicant's Representative/ Planner/Project Coordinator:	Metro Planning, Inc. c/o Elsa Johnson 846 A Street Springfield, OR 97477 Tel (541) 302-9830
Subject Property:	Map 17-04-02-43; Tax Lot 01200
Location:	3514 River Rd.
Property Size:	1.86 acres
Zoning:	R-1 Low Density Residential UL - Urbanizable Land
Future Development Plans Proposed with this Annexation:	N/A

Background

This is an annexation application for approximately 1.86 acre site, located at 3514 River Road, in an area zoned Low Density Residential (R-1). The subject property is in the Urbanizable Land Overlay District, (UL), as it is located outside City of Eugene city limits, but within the Urban Growth Boundary (UGB). The tax lot on the subject property is contiguous to city limits on four of eight sides. The proposed annexation is consistent with the City's Metro Plan designation, showing the land within the UGB and included in these plan diagrams.

To facilitate city staff review of this annexation application, this written statement clearly demonstrates how the development meets the Annexation application criteria of EDC 9.7825 Criteria. The Eugene Development Code (EDC) text sections are in bold and/or italics and the responses are included in plain text.

Annexations

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.*

The subject property Tax Lot 1200 is contiguous to city limits on one of its northern boundaries, one eastern boundary, one southern and one western boundary.

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

The subject property is located within the City's urban growth boundary and in an area zoned Low Density Residential (R-1). The Metro Plan diagram indicates that the property is designated for low density residential development. The area is within the River Road-Santa Clara Refinement Plan. River Road-Santa Clara Refinement Plan standards, where relevant to residential property, are addressed below as well as subarea policies where applicable. Upon approval of this proposed annexation by the City Council, the property will remain Low Density Residential and the Urban Land (UL) Overlay will automatically cease to apply.

As further detailed below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

Several other 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:

Metro Plan Growth Management Policies:

Policy 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.*

The minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.

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

This annexation application adheres to normal processes and therefore complies to this policy.

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.

The full range of urban facilities and services are provided. This annexation application is for land designated as urbanizable within the UGB. Annexation allows for urbanizable land to transition to urban.

9.9700 River Road- Santa Clara Area 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 subject property is located within the Urban Growth Boundary and is zoned R-1 with an urbanizable land overlay. Upon annexation, the urbanizable land overlay will cease to apply. The subject property is located within the Metro Plan boundary and is designated as Low Density 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 subject property is currently occupied by a single-family residential home. This maintains the predominately low-density residential character of the area.

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

The subject property does not have frontage on an arterial street, nor is any new residential development proposed with this application. Therefore, this standard does not apply.

c. *Provide adequate buffering and traffic control for existing non-residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)*

New residential development is not proposed with this application. Therefore, this standard does not apply.

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)*

No development is associated with this application. Therefore, this standard does not apply.

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)*

No development is associated with this application. Therefore, this standard does not apply.

Subarea River Road/Wilkes

a. *Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.*

This annexation application does not include commercial development. Therefore, this standard does not apply.

b. *Rezone split-zone tax lots.*

This annexation application does not include split-zone tax lots. Therefore, this standard does not apply.

c. Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.

The subject property is located south of Swain Lane and is zoned Low Density in the Metro Plan. Therefore, this standard does not apply.

d. Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.

The subject property is south of Swain Lane and this annexation application does not include commercial development. Therefore, this standard does not apply.

e. Encourage commercial development contiguous to existing commercial used east of River Road.

This annexation application does not include commercial development. Therefore, this standard does not apply.

f. Encourage low-density zoning for property south of Brothertown, across from River Loop #2.

The subject property is southeast of Brothertown. Upon annexation the area will be zoned low density residential, consistent with the Metro Plan.

g. Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.

This annexation application does not include commercial development. Therefore, this standard does not apply.

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.*

The proposed boundary results in key urban facilities and services provided in an orderly, efficient and timely manner. Utilities required to serve the property are located within the right-of-way as shown on the Site Plan.

Electric power facilities are currently provided by Eugene Water and Electric Board, natural gas facilities are provided by Northwest Natural, and wastewater and storm sewer lines are existing.

As discussed below, public services are in place and readily available to the properties proposed for annexation. Because of the proximity to the surrounding urban facilities, services can be provided in an orderly, efficient, and timely manner.

- Electrical service is provided by EWEB.
- Water service will be transferred to EWEB upon annexation.
- Santa Clara RFPD currently provides fire service to the area. Upon annexation, service will be provided by Eugene Springfield Fire.
- Tax lot 1200 has access to River Road allowing for transportation access from the north and south.
- The property is within the Eugene School District 4J and is within the district boundaries of Spring Creek Elementary School, Madison Middle School, and North Eugene High School.

If there are any questions or concerns, please do not hesitate to contact me at Metro Planning via email (jed@metroplanning.com) or phone (541-302-9830).

Regards,

Jed Truett
Principal Planner

Christopher Vreim

Annexation Application Instructions

These are instructions for filing an application for annexation to the city of Eugene. Please read all instructions before filing an application with the City.

Step 1. Application and Fees

The application asks for information concerning the applicant, property owner, and property to be annexed. This information is required to process the annexation application. Incomplete applications will not be scheduled for a Council decision until all required materials have been submitted. Submittal requirements are listed in EC 9.7810. **Note:** 3 paper copies and one digital copy of all materials needs to be submitted. The City may require additional copies if deemed necessary.

A filing fee must accompany all applications. The fee for annexations is \$5155.70.

Step 2. Consent to Annexation, Certification of Electors, Verification (Certification) of Property Owners & Petition for Annexation

Consent to annex is necessary to initiate the annexation proceeding. The consent to annexation must be by all property owners and, if applicable, not less than 50% of the electors residing on the land proposed for annexation. Signatures shall be notarized by a Notary Public. *See EC 9.7810(3) & 9.7810(4) for alternative methods of consent.*

Verification (Certification) of Property Owners, required by EC 9.7810(5), shall be obtained by the Lane County Assessment & Taxation office (125 E 8th Ave., 682-4321). The signed petition for annexation (see below) shall be submitted to the Assessment & Taxation office for review and will be returned to the applicant along with the Verification of Property Owners.

The Petition for Annexation form may be obtained from the City of Eugene Planning Department or from the Lane County Elections office (275 W 10th Ave., 682-4234). The petition must be taken to the County Elections office to be signed by a County Elections Filing Officer for Certification of Electors as required by EC 9.7810(6).

Step 3. Summary of Urban Service Provision

The completed summary will give staff knowledge of the area proposed to be annexed. If you need assistance filling out this form, please contact your service provider(s) or come to the City's Permit and Information Center between 9 a.m. and 5 p.m. (99 West 10th Avenue).

Step 4. Legal Description

The applicant shall provide a legal description of the property to be annexed prepared by a registered land surveyor. See attached example of acceptable annexation legal descriptions. All calls within the legal description must exactly match the map provided with the application.

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City of Eugene
Planning Division

The applicant will also submit a Certification of Description verifying that the metes and bounds description of the property proposed for annexation closes and that the map outlining the boundary is a true representation of the description during the review process.

Step 5. Site Plan

A map showing the affected territory and any public streets to be annexed shall be submitted. Refer to the Annexation Application for a list of items to be included on the site plan.

Step 6. Written Statement

A written statement addressing the approval criteria of EC 9.7825 shall be submitted at the time of application. When addressing Metro Plan policies please refer to the attached information sheet on the applicable policies.

Step 7. Completeness Review

Staff will review the application for completeness. Within 30 calendar days staff will determine if the application is complete or incomplete. A Council decision date cannot be scheduled until the application is deemed complete. A public hearing is not required for most annexation applications. *See EC 9.7820(2) for instances when a hearing is required.*

Step 8. Staff Recommendation

The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.

Step 9. Noticing

At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:

1. The applicant;
2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.

Step 10. Council Decision

City council may adopt a resolution approving, modifying and approving, or denying the application for annexation or vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation. If a public hearing is required the city council shall set a date, time and place for it to conduct a hearing to consider the application. Notice of the public hearing will be: sent out not less than 14 days prior to the hearing; published in a local newspaper and posted in four places in the city for two successive

weeks prior to the hearing date. At the hearing the council may adopt a resolution approving, modifying and approving, or denying the application for annexation.

An effective date for the annexation shall be set in accordance with state law.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-12-20; Tax Lot 900; Located at 801 River Loop 1) (City File: Kendall & James Homes, LLC; A 21-7)

Meeting Date: July 26, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4C
Staff Contact: Rodney Bohner
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

This item is a request to annex property located at 801 River Loop 1. The property to be annexed is approximately 2.11 acres and is located on the north side of River Loop 1 and at the eastern terminus of Terra Linda Avenue. The property is developed with a single-unit dwelling. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned AG Agricultural with /UL Urbanizable Land and /WR Water Resources Conservation Overlays. Both the Metro Plan and the applicable refinement plan, the River Road – Santa Clara Urban Facilities Plan, designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is contiguous to the City limits along the property's south and west boundaries. Annexation will allow for future development consistent with the property's land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code Section 9.7825 which require that: (1) the land proposed to be annexed is within the City's 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. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within 500 feet of the subject property and the affected neighborhood association (Santa Clara Community Organization) consistent with Eugene Code requirements. No testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. 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, ability for the provision of key urban services, and absence of any testimony, 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. As the City transitions in response to lifting of COVID-19 restrictions by Governor Brown, the Permit and Information Center remains closed to the public at this time. Please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the resolution.
2. Adopt the resolution with specific modifications as determined by the City Council.
3. Deny the 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 resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt a resolution, included as Attachment B to this AIS, approving the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. 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: Rodney Bohner

Telephone: 541-682-5437

Staff E-Mail: RBohner@eugene-or.gov



-  Area of Annexation
-  Eugene City Limits
-  Taxlots



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

Created on 7/12/2021
by City of Eugene Planning Division

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RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-12-20, TAX LOT 900 LOCATED AT 801 RIVER
LOOP 1).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on May 12, 2021, by Kendall & James Homes, LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-12-20, Tax Lot 900, to the City of Eugene.

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

D. On June 25, 2021, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 26, 2021.

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 which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-12-20, Tax Lot 900, which is depicted on the map attached as Exhibit A, and more particularly 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 the automatic rezoning of the land pursuant to EC 9.7820(3) from AG Agricultural with /UL Urbanizable Land and /WR Water Resources Conservation Overlays to AG Agricultural with /WR Water Resources Conservation Overlay shall become effective in accordance with State law.

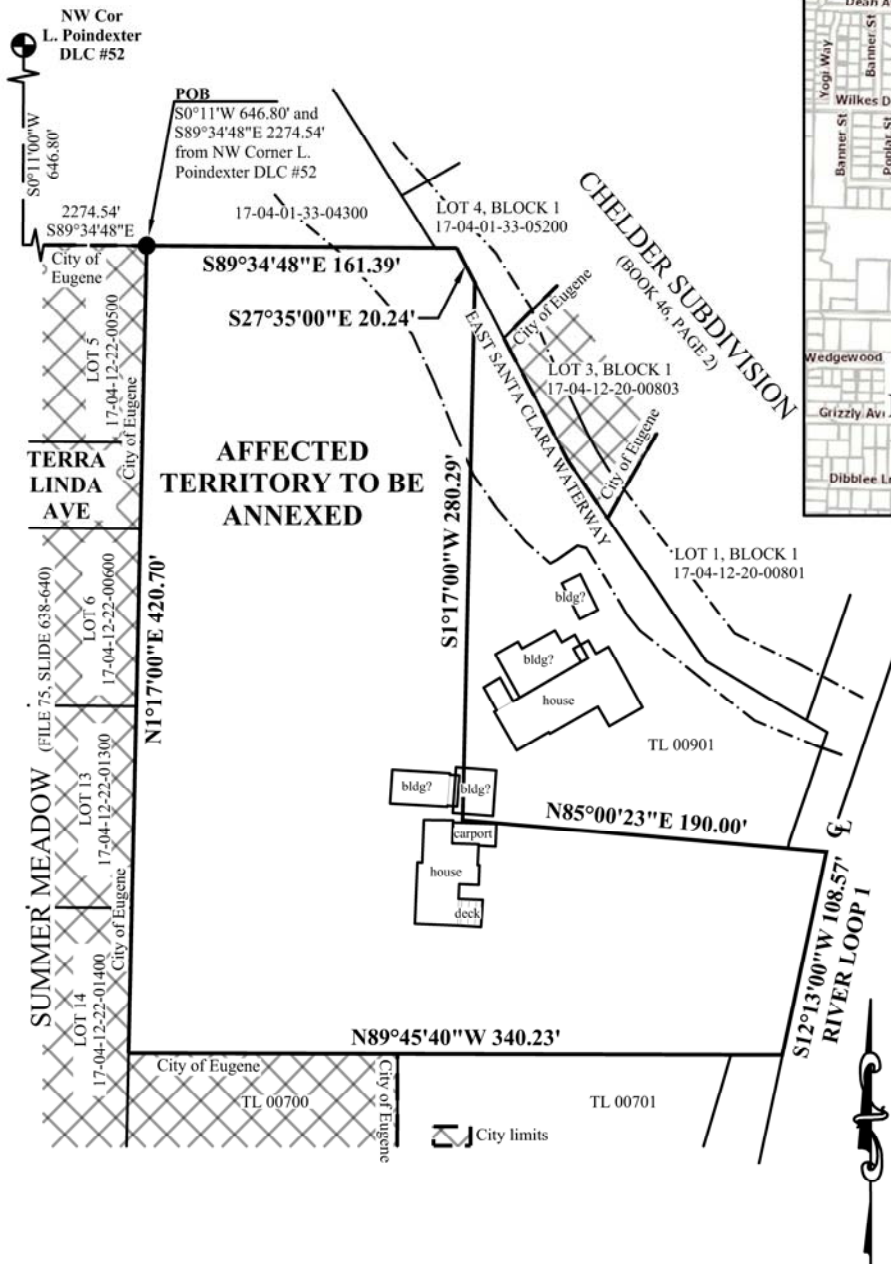
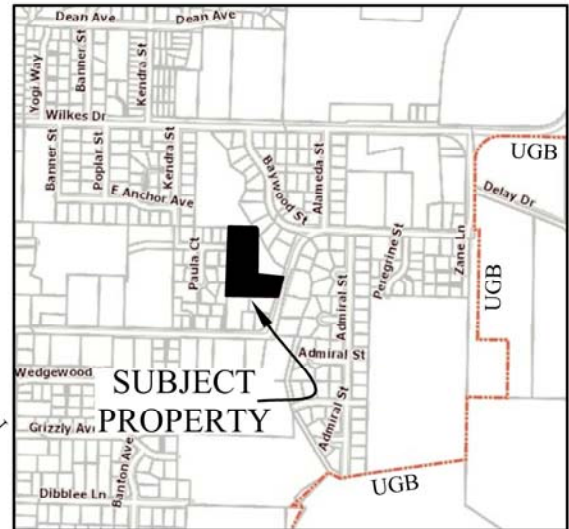
The foregoing Resolution adopted the ____ day of _____, 2021.

City Recorder

ANNEXATION SITE PLAN FOR 801 RIVER LOOP 1

NW 1/4, SEC. 12, TOWNSHIP 17 SOUTH, RANGE 4 WEST, W.M.
EUGENE, LANE COUNTY, OREGON

DATE PREPARED: APRIL 30, 2021 REVISED: JUNE 10, 2021



VICINITY MAP
NOT TO SCALE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/21

SCALE 1" = 100'

EGR & Associates, Inc.
Engineers, Geologists, and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

ASSESSORS MAP/LOT: 17-04-12-20-00900



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 20-060

**ANNEXATION LEGAL DESCRIPTION
FOR 801 RIVER LOOP 1**

That property described in Warranty Deed Instrument No. 2020-070712, recorded December 01, 2020, Lane County Oregon Deeds & Records, and more particularly described as follows:

Beginning at a 2 inch iron pipe marking the Northwest corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West of the Willamette Meridian; thence South $0^{\circ}11'$ West 646.80 feet to a point marked by an axle; thence South $89^{\circ}34'48''$ East 2274.54 feet along a line parallel with the North line of said Donation Land Claim No. 52 to a point marked by an iron pin and the True Point of Beginning; thence South $89^{\circ}34'48''$ East 161.39 feet along a line parallel with the North line of said Donation Land Claim No. 52 to a point in the center of a slough; thence South $27^{\circ}35'00''$ East 20.24 feet along the center of said slough; thence South $1^{\circ}17'00''$ West 280.29 feet to a point; thence South $84^{\circ}59'53''$ East 190.00 feet to a railroad spike marking an angle point in the centerline of County Road No. 11; thence South $12^{\circ}13'00''$ West 108.57 feet along the center line of said County Road No. 11 to a point marked by an iron pin; thence North $89^{\circ}45'40''$ West 340.23 feet to a point marked by an iron pin; thence North $1^{\circ}17'00''$ East 420.70 feet to the True Point of Beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation
Annexation Request for Kendall & James Homes, LLC
(City File: A 21-7)**

Application Submitted: May 12, 2021	
Applicant: Kendall & James Homes, LLC	
Property Included in Annexation Request: Tax Lot 900 of Assessor's Map 17-04-12-20	
Zoning: AG Agriculture with /UL Urbanizable Land and /WR Water Resources Overlays	
Location: 801 River Loop 1	
Representative: Metro Planning, Inc.	Surveyor: EGR & Associates, Inc.
Lead City Staff: Rodney Bohner, Associate Planner, 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 contiguous to City limits along the property’s south and west boundaries, 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 <u>Metro Plan</u> 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 text</i>): <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>
☒ YES	☐ NO	

		<p><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></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use. The property is zoned AG Agricultural with /UL Urbanizable Land and /WR Water Resources Conservation overlays. The /UL overlay will be automatically removed from the property following annexation approval. The base zoning of AG Agricultural and the /WR Water Resources Conservation overlay will remain</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not located within an identified subarea. The proposed annexation does not appear to conflict with any of the Land Use Policies or Residential Policies. 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 <u>Metro Plan</u> 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>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> 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> Wastewater service is available in River Loop 1 via an 8-inch main line which demonstrates that service is available to the site. In the event of future improvements, evaluation of service connections will occur.</p>

Stormwater

The applicant cites the abutting East Santa Clara Waterway as evidence of available stormwater infrastructure. Staff note that the East Santa Clara Waterway is a Goal 5-protected riparian resource and, therefore, discharge of stormwater into the stream is subject to a Standards Review application and development standards at EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5). Stormwater management will be more precisely determined at the time of future development.

Transportation

The property has frontage on River Loop 1, a public street that connects to other streets allowing access to the greater public street system. In the event further development, additional evaluation of access to the public street system would occur at that time.

Solid Waste

Collection service is provided by private firms. Regional disposal sites are operated by Lane County.

Water and Electric

Eugene Water and Electric Board (EWEB) staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

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 and will continue in the same manner upon annexation.

Parks and Recreation

Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services

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.

Communications

A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

		The subject property is within Eugene School District 4J and is within the district boundary of Awbrey Park Elementary School, Madison Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.
--	--	--

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 will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the /UL Urbanizable Land overlay will be removed. The base zoning of AG Agricultural and the /WR Water Resources Conservation Overlay Zone will remain. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



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
17-04-12-20	900	AG	2.11

Property Address: 801 River Loop 1

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

Public Service Districts:

Name		
Parks:		
Electric:	EWEB	
Water:	Santa Clara Water District	
Sanitary Sewer:	EWEB	
Fire:	Santa Clara RFPD	
Schools:	Elementary: Awbrey Park	Middle: Madison 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).

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City of Eugene
Planning Division

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" 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.
- ☒ 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: 00900

Name (print): Kendall & James Homes LLC

Address: 835 Sand Avenue

Email: _____

City/State/Zip: Eugene, OR 97401

Phone: _____

Fax: _____

Signature: _____

Date: _____

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): Ryan Erickson, PLS

Company/Organization: EGR & Associates, Inc.

Address: 2535B Prairie Road

City/State/Zip: Eugene, Oregon 97402

Phone: 541-688-8322

Fax: 541-688-8087

E-mail: rerickson@egrassoc.com

Signature: 

Date: April 30 2021

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: 900

Name (print): Kendall & James Homes LLC

Address: 835 Sand Avenue

Email: _____

City/State/Zip: Eugene, OR 97401

Phone: _____

Fax: _____

Signature: 

Date: 3/25/21

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): Jed Truett

Company/Organization: Metro Planning, Inc

Address: 846 A Street

City/State/Zip: Springfield, OR 97477 Phone: (541) 302-9830 Fax:

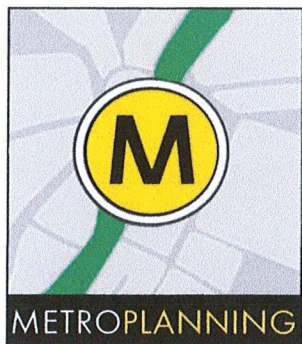
E-mail: jed@metroplanning.com

Signature: 

Date:

4-30-21

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



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

ANNEXATION APPLICATION FOR KENDALL & JAMES HOMES LLC.

WRITTEN STATEMENT

Submittal No.:	1
Document Date:	May 1, 2021
Applicant's Request:	Approval of annexation of property located at 801 River Loop 1.
Property Owner/ Applicant:	Kendall & James Homes LLC. 835 Sand Ave Eugene, Oregon 97401
Applicant's Representative/ Planner/Project Coordinator:	Metro Planning, Inc. c/o Jed Truett 846 A Street Springfield, OR 97477 Tel (541) 302-9830
Subject Property:	Map 17-04-12-20; Tax Lot 00900
Location:	801 River Loop 1
Property Size:	2.2 acres
Zoning:	AG – Agricultural UL - Urbanizable Land
Future Development Plans Proposed with this Annexation:	N/A

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Planning Division

Background

This is an annexation application for approximately 2.2 acre site, located at 801 River Loop 1, in an area zoned Agricultural (AG). The subject property is in the Urbanizable Land Overlay District, (UL), as it is located outside City of Eugene city limits, but within the Urban Growth Boundary (UGB). The tax lot on the subject property is contiguous to city limits on two sides. The proposed annexation is consistent with the City's Metro Plan designation, showing the land within the UGB and included in these plan diagrams.

To facilitate city staff review of this annexation application, this written statement clearly demonstrates how the development meets the Annexation application criteria of EDC 9.7825 Criteria. The Eugene Development Code (EDC) text sections are in bold and/or italics and the responses are included in plain text.

Annexations

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.*

The subject property Tax Lot 900 is contiguous to city limits on two sides: the western boundary and part of the southern boundary of Tax Lot 900.

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

The subject property is located within the City's urban growth boundary and in an area zoned Agricultural (AG). The Metro Plan diagram indicates that the property is designated for low density residential development. The area is within the Santa Clara Community Organization and the River Road- Santa Clara Urban Facilities Plan. River Road- Santa Clara Urban Facilities Plan standards are addressed below as well as subarea policies where applicable. Upon approval of this proposed annexation by the City Council, the property will be zoned AG and the Urban Land (UL) Overlay will automatically cease to apply. A zone change application will then be submitted to the city so that the parcel will be zoned low density residential, consistent with the Metro Plan.

As further detailed below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

Several other 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:

Metro Plan Growth Management Policies:

Policy 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.*

The minimum level of key urban facilities and services are provided to the area in an orderly and efficient manner.

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

This annexation application adheres to normal processes and therefore complies to this policy.

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.

The full range of urban facilities and services are provided. This annexation application is for land designated as urbanizable within the UGB. Annexation allows for urbanizable land to transition to urban.

9.9610 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 subject property is located within the Urban Growth Boundary and is zoned agricultural with an urbanizable land overlay. Upon annexation, the urbanizable land overlay will cease to apply and the land will be zoned agricultural. The subject property is located within the Metro Plan boundary and is designated as Low Density residential. The non-conforming zoning will be a result of a pre-existing condition which, therefore, will minimize land use conflicts between land uses.

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 subject property is currently occupied by a single-family residential home. This maintains the predominately low-density residential character of the area.

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

New residential development is not proposed with this application. Therefore, this standard does not apply.

c. *Provide adequate buffering and traffic control for existing non-residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)*

The subject property does not have frontage on River Road, nor is any new residential development proposed with this application. Therefore, this standard does not apply.

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)*

No development is associated with this application. Therefore, this standard does not apply.

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)*

No development is associated with this application. Therefore, this standard does not apply.

Subarea River Road/Wilkes

a. *Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.*

This annexation application does not include commercial development. Therefore, this standard does not apply.

b. *Rezone split-zone tax lots.*

This annexation application does not include split-zone tax lots. Therefore, this standard does not apply.

c. Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.

The subject property is located south of Swain Lane and is zoned Low Density in the Metro Plan. Therefore, this standard does not apply.

d. Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.

The subject property is south of Swain Lane and this annexation application does not include commercial development. Therefore, this standard does not apply.

e. Encourage commercial development contiguous to existing commercial used east of River Road.

This annexation application does not include commercial development. Therefore, this standard does not apply.

f. Encourage low-density zoning for property south of Brothertown, across from River Loop #2.

The subject property is southeast of Brothertown. Upon annexation the area will be zoned agricultural. A zone change application will then be submitted to the city so that the parcel will be zoned low density residential, consistent with the Metro Plan.

g. Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.

This annexation application does not include commercial development. Therefore, this standard does not apply.

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.*

The proposed boundary results in key urban facilities and services provided in an orderly, efficient, and timely manner. Utilities required to serve the property are located within the right-of-way as shown on the Site Plan.

Electric power facilities are currently provided by Eugene Water and Electric Board, natural gas facilities are provided by Northwest Natural, and wastewater and storm sewer lines are existing.

As discussed below, public services are in place and readily available to the properties proposed for annexation. Because of the proximity to the surrounding urban facilities, services can be provided in an orderly, efficient, and timely manner.

- Electrical service is provided by EWEB.
- Water service will be transferred to EWEB upon annexation.
- Santa Clara RFPD currently provides fire service to the area. Upon annexation, service will be provided by Eugene Springfield Fire.
- Tax lot 900 has access to River Road through River loop 1 and neighborhoods streets allowing for transportation access from the north and south.
- The property is within the Eugene School District 4J and is within the district boundaries of Awbrey Park Elementary School, Madison Middle School, and North Eugene High School.

If there are any questions or concerns, please do not hesitate to contact me at Metro Planning via email (jed@metroplanning.com) or phone (541-302-9830).

Regards,

Jed Truett

Principal Planner

Annexation Application Instructions

These are instructions for filing an application for annexation to the city of Eugene. Please read all instructions before filing an application with the City.

Step 1. Application and Fees

The application asks for information concerning the applicant, property owner, and property to be annexed. This information is required to process the annexation application. Incomplete applications will not be scheduled for a Council decision until all required materials have been submitted. Submittal requirements are listed in EC 9.7810. **Note:** 3 paper copies and one digital copy of all materials needs to be submitted. The City may require additional copies if deemed necessary.

A filing fee must accompany all applications. The fee for annexations is \$5155.70.

Step 2. Consent to Annexation, Certification of Electors, Verification (Certification) of Property Owners & Petition for Annexation

Consent to annex is necessary to initiate the annexation proceeding. The consent to annexation must be by all property owners and, if applicable, not less than 50% of the electors residing on the land proposed for annexation. Signatures shall be notarized by a Notary Public. *See EC 9.7810(3) & 9.7810(4) for alternative methods of consent.*

Verification (Certification) of Property Owners, required by EC 9.7810(5), shall be obtained by the Lane County Assessment & Taxation office (125 E 8th Ave., 682-4321). The signed petition for annexation (see below) shall be submitted to the Assessment & Taxation office for review and will be returned to the applicant along with the Verification of Property Owners.

The Petition for Annexation form may be obtained from the City of Eugene Planning Department or from the Lane County Elections office (275 W 10th Ave., 682-4234). The petition must be taken to the County Elections office to be signed by a County Elections Filing Officer for Certification of Electors as required by EC 9.7810(6).

Step 3. Summary of Urban Service Provision

The completed summary will give staff knowledge of the area proposed to be annexed. If you need assistance filling out this form, please contact your service provider(s) or come to the City's Permit and Information Center between 9 a.m. and 5 p.m. (99 West 10th Avenue).

Step 4. Legal Description

The applicant shall provide a legal description of the property to be annexed prepared by a registered land surveyor. See attached example of acceptable annexation legal descriptions. All calls within the legal description must exactly match the map provided with the application.

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City of Eugene
Planning Division

The applicant will also submit a Certification of Description verifying that the metes and bounds description of the property proposed for annexation closes and that the map outlining the boundary is a true representation of the description during the review process.

Step 5. Site Plan

A map showing the affected territory and any public streets to be annexed shall be submitted. Refer to the Annexation Application for a list of items to be included on the site plan.

Step 6. Written Statement

A written statement addressing the approval criteria of EC 9.7825 shall be submitted at the time of application. When addressing Metro Plan policies please refer to the attached information sheet on the applicable policies.

Step 7. Completeness Review

Staff will review the application for completeness. Within 30 calendar days staff will determine if the application is complete or incomplete. A Council decision date cannot be scheduled until the application is deemed complete. A public hearing is not required for most annexation applications. *See EC 9.7820(2) for instances when a hearing is required.*

Step 8. Staff Recommendation

The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.

Step 9. Noticing

At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:

1. The applicant;
2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.

Step 10. Council Decision

City council may adopt a resolution approving, modifying and approving, or denying the application for annexation or vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation. If a public hearing is required the city council shall set a date, time and place for it to conduct a hearing to consider the application. Notice of the public hearing will be: sent out not less than 14 days prior to the hearing; published in a local newspaper and posted in four places in the city for two successive

weeks prior to the hearing date. At the hearing the council may adopt a resolution approving, modifying and approving, or denying the application for annexation.

An effective date for the annexation shall be set in accordance with state law.

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

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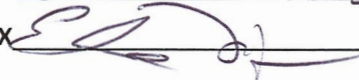
City of Eugene
Planning Division

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. 	3/24/21	Kendall & James Homes LLC	801 River Loop 1 Eugene, OR 97404	17-04-12-20-00900	X		2.2
2.							
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, EISA M JOHNSON (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

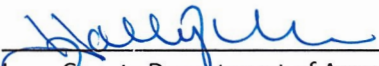
X  (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

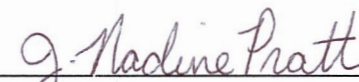
The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is 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 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.


Lane County Department of Assessment and Taxation

4/15/21
Date Certified


Lane County Clerk or Deputy Signature

4-15-21
Date Certified

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: 17-04-12-20-00900 Address: 801 River Loop 1

Legal Description: See Attached

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

DATED this 25 day of March, 2021.

[Signature]

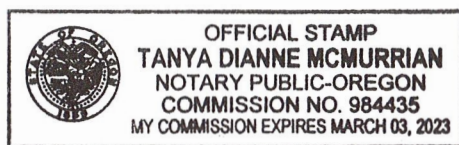
STATE OF OREGON)

)ss

County of)

On this 25th day of March, 2021, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Colby Graham as member of Kendall and James Homes LLC, 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.

Tanya Dianne McMurrrian
Notary Public for Oregon
My Commission Expires March 03, 2023

MAY 12 2021

City of Eugene
Planning Division

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:

Kendall & James Homes LLC

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

Map 17-04-12-20 Tax Lot 900

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:

River Loop 1, 8"

_____ 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?

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?

Yes

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City of Eugene
Planning Division

July 26, 2021 Meeting - Item 4C

If yes,
location? Runs along NE boundary of 833 River Loop 1

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. River Loop 1 provides access to River Rd.

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

_____ Yes x No _____ Unknown

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

_____ Yes x No _____ Unknown

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:

Terra Linda Park, Santa Clara Community Park

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.

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.)

 X 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" along River lp. 1

Water is serviced by EWEB through Santa Clara Water District

 .

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

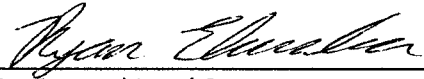
Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

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

Certification of Description

801 RIVER LOOP 1 EUGENE, OREGON

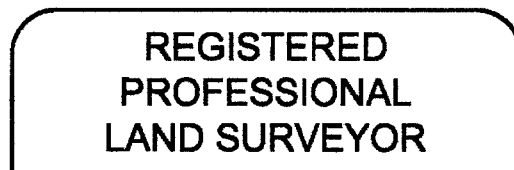
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: 
Registered Land Surveyor

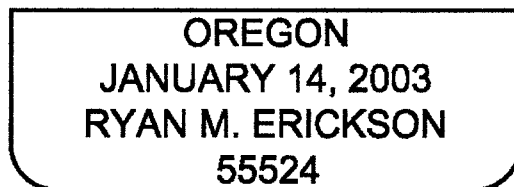
Print Name: Ryan Erickson, PLS

Date: April 30 2021

Seal:



DIGITALLY SIGNED



EXPIRES: 12/31/2021

ANNEXATION LEGAL DESCRIPTION
FOR 801 RIVER LOOP 1

That property described in Warranty Deed Instrument No. 2020-070712, recorded December 01, 2020, Lane County Oregon Deeds & Records, and more particularly described as follows:

Beginning at a 2 inch iron pipe marking the Northwest corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West of the Willamette Meridian; thence South $0^{\circ}11'$ West 646.80 feet to a point marked by an axle; thence South $89^{\circ}34'48''$ East 2274.54 feet along a line parallel with the North line of said Donation Land Claim No. 52 to a point marked by an iron pin and the True Point of Beginning; thence South $89^{\circ}34'48''$ East 161.39 feet along a line parallel with the North line of said Donation Land Claim No. 52 to a point in the center of a slough; thence South $27^{\circ}35'00''$ East 20.24 feet along the center of said slough; thence South $1^{\circ}17'00''$ West 280.29 feet to a point; thence South $84^{\circ}59'53''$ East 190.00 feet to a railroad spike marking an angle point in the centerline of County Road No. 11; thence South $12^{\circ}13'00''$ West 108.57 feet along the center line of said County Road No. 11 to a point marked by an iron pin; thence North $89^{\circ}45'40''$ West 340.23 feet to a point marked by an iron pin; thence North $1^{\circ}17'00''$ East 420.70 feet to the True Point of Beginning, in Lane County, Oregon.

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City of Eugene
Planning Division

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Commercial Setbacks and Amending Sections 9.0500, 9.2170, 9.3125, 9.4290 and 9.4530 of the Eugene Code, 1971, and Providing an Effective Date

Meeting Date: July 26, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Althea Sullivan
Contact Telephone Number: 541-682-5485

ISSUE STATEMENT

The City Council will deliberate and possibly take action on a City-initiated land use code amendment to require minimum building setbacks and landscaping for development on commercially zoned property.

BACKGROUND

This City-initiated land use code amendment proposes to establish a minimum building setback for development on commercially zoned property with the goal to create vibrant walkable streetscapes in Eugene's commercial areas. For context, the [Eugene Zoning Map](https://experience.arcgis.com/experience/972e17b24da94f849c6068872108968f/page/page_1/) is available at https://experience.arcgis.com/experience/972e17b24da94f849c6068872108968f/page/page_1/ and shows the location of commercially zoned properties in Eugene.

As proposed, the land use code amendment would:

- Apply only to new buildings and linear expansion of existing buildings on commercially zoned property.
- Require a minimum setback of 3 feet for property zoned C-3 Major Commercial, and 5 feet for property zoned C-2 Community Commercial.
- Add landscaping, and hardscaping or pedestrian amenity requirements for minimum setback areas of all commercially zoned properties.
- Allow exceptions to the minimum setback for ground floor commercial uses when windows and taller ceilings are provided. Dimensions and window percentages are context specific, with more stringent requirements in the downtown area.
- Allow exceptions to the minimum setback for ground floor residential uses when residences are vertically separated, and enhanced pedestrian space is provided. Setback reduction allowance is context specific and differs between downtown and other areas.
- Allow for an adjustment review process when a proposal responds to the intent of the code and creatively meets or exceeds the development standards.

July 26, 2021 Meeting – Item 5

Eugene's land use code currently allows for (but does not require) buildings in some commercial zones to be constructed up to the sidewalk. In response to concern about some recent developments, Council began a conversation about setbacks for properties in the downtown area with the intent of creating vibrant streetscapes and a walkable pedestrian environment.

In their early discussions, Council expressed concern with the current setback standards that allow for buildings to have residential units built adjacent to and level with the sidewalk. The lack of setbacks and transition space can result in an uncomfortable environment for pedestrians and residents due to the lack of privacy and close proximity of these buildings to the sidewalk. It was noted that the current requirements for setbacks do not create the conditions for a safe, comfortable and attractive downtown environment as aspired to in the community's policy and vision documents. Council expressed a desire for a solution that creates a more livable, greener, healthier, vibrant and pedestrian-friendly downtown, while providing for more certainty and not causing undue costs to housing.

At a work session on [September 28, 2020](#), Council continued a discussion about building setback standards and how they impact the pedestrian environment. Council again expressed concern with the current setback standards, especially for residential units built adjacent to and level with sidewalks and for commercial buildings along narrower sidewalks. This discussion broadened from a downtown focus to City-wide attention. Following the discussion, the Council voted unanimously to initiate this land use code amendment process. The motion passed by Council states:

Move to initiate a code amendment to change the default allowing for no commercial setbacks, to require commercial setbacks with planter strips, other amenities and design elements, (with the code amendment process) to be completed within six months if possible. The code amendment should allow for adjustments or outright exceptions for no commercial setbacks in building up to the sidewalk in certain specific circumstances to be enumerated in the code, and staff will check back before the end of the year reporting on feedback and potential exceptions for circumstances.

Proposed Land Use Code Amendment

Draft code language has been developed with the intention to meet Council's direction to require setbacks for buildings in commercial zones with landscaping and pedestrian amenities, except in instances where other design details are required. When concepts for the code amendments were refined into draft code, staff incorporated suggestions from the focus groups and Council discussion. Some of the notable changes from concept to code include the context-specific treatment of Downtown as compared to other commercial areas, a reduction in required ceiling height for exceptions, and the removal of a minimum windowsill height requirement. The draft code was taken to Planning Commission for a public hearing, which was followed by deliberations and a unanimous vote to recommend approval of the draft code. The proposed ordinance which includes the draft code amendments recommended by the Planning Commission, is included as Attachment A.

Procedures/Applicable Approval Criteria

This proposed code amendment is subject to the Type V application procedures provided at [EC 9.7500](#) through [EC 9.7560](#), and the applicable approval criteria from [EC 9.8065](#). The legislative Type V process includes public notice and a hearing before the Planning Commission, which then forwards a recommendation to the City Council for a final public hearing and action. City Council held a public hearing on July 19, 2021 which was noticed as required by [EC 9.7545](#). Any written comments received before Council takes action will be forwarded for consideration.

PREVIOUS COUNCIL DIRECTION

[March 13, 2017](#)

Although Council did not provide formal direction at this work session, there was general agreement that the City Manager would return with a proposal for Council to consider.

[September 28, 2020](#)

Council passed the motion listed above, directing the initiation of a land use code amendment process and to report back on initial feedback. (Passed 8-0).

[February 22, 2021](#)

Council held a work session to hear a summary of focus group feedback on concepts for the land use code amendment.

[July 19, 2021](#)

Council held a public hearing on the proposed code amendments.

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment A to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action.

CITY MANAGER RECOMMENDATION

The City Manager recommends adoption of the ordinance as provided in Attachment A.

SUGGESTED MOTION

Move to adopt the Ordinance concerning commercial setbacks standards, included as Attachment A to the AIS provided for this item.

ATTACHMENTS

- A. Proposed Ordinance
 - a. Exhibit A – EC Figure 9.2170(4)(c)
 - b. Exhibit B – EC Figure 9.2170(4)(c)6.
 - c. Exhibit C – Findings

FOR MORE INFORMATION

Staff Contact: Althea Sullivan
Staff Telephone: 541.682.5485
Staff e-mail: ASullivan@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING COMMERCIAL SETBACKS AND AMENDING SECTIONS 9.0500, 9.2170, 9.3125, 9.4290 AND 9.4530 OF THE EUGENE CODE, 1971, AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended by adding the definitions of “Ground Floor Ceiling Height” and “Vertical Separation” to provide as follows:

9.0500 Definitions.

As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Ground Floor Ceiling Height. For purposes of EC 9.2170, ground floor ceiling height means the clear vertical distance from the finished floor to the finished ceiling.

Vertical Separation. For purposes of EC 9.2170, vertical separation means the vertical distance from the finished grade to the finished ground floor.

Section 2. Figure 9.2170(4)(b) is relabeled as Figure 9.2170(4)(c) as shown on Exhibit A attached to this Ordinance. Figure 9.2170(4)(b)6. is relabeled as Figure 9.2170(4)(c)6. as shown on Exhibit B attached to this Ordinance.

Section 3. Subsections (2), (4) and (5) of Section 9.2170 of the Eugene Code, 1971, are amended to provide as follows:

9.2170 Commercial Zone Development Standards – General.

(2) ***Application of Standards.*** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

Table 9.2170 Commercial Zone General Building Height and Setback Standards				
	C-1	C-2	C-3	GO
Building Height (See EC 9.2170(3))				
Maximum Building Height	35 feet	120 feet	150 feet	50 feet
Setbacks (See EC 9.2170(4))				
Minimum Front Yard Setback	10 feet	[Ø] 5 feet	[Ø] 3 feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet

(4) *Setbacks.*

(a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:

1. EC 9.6745 Setbacks – Intrusions Permitted.
2. EC 9.6750 Special Setback Standards.

(b) The minimum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, the front yard setback may be measured from a front lot line abutting a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, only the portion of the development site specifically affected by the new building and any linear facade expansion of more than 100% are subject to the requirements of this subsection.

1. The minimum front yard setback in C-2 and C-3 zones shall be landscaped to the Basic Landscape Standard (L-1) in accordance with EC 9.6210(1), except for paved pedestrian walkways, building entrances and enhanced pedestrian space. Vehicular access connections and driveways to parking areas are also exempt from this landscaping standard, but vehicle use areas are not otherwise allowed between the building and the street within the minimum setback area.

2. In C-2, except for C-2 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, buildings and other structures with less than the minimum 5-foot setback are allowed, and exempt from the minimum landscaping requirement in this subsection, only for the following:

a. Ground floor commercial and other non-residential uses that provide a minimum 10-foot ground floor ceiling height, and at least 60 percent of the street facing ground-floor wall area consists of glazing, openings, display windows or doorways. To meet this standard, the area of openings, glazing,

display windows and doorways must allow two-way visibility with a Visible Light Transmittance (VLT) of at least 60 percent. Mullions and other solid components of glazed window systems may be counted as part of the glazing used to comply with this standard.

b. Ground floor residential uses with a vertical separation of 3 feet above grade. Shared lobbies and building entrances are exempt from these vertical separation requirements. The minimum setback under this exception may only be reduced to 3 feet, and the remaining area of the reduced setback shall be provided as enhanced pedestrian space.

c. Buildings with a street facing façade at the minimum 5-foot setback or less according to the standards above shall provide a main entrance facing the street. A building may have more than one main entrance, and buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.

d. Vehicular use areas are not permitted between the street and any portion of the building at or within the required minimum setback according to this subsection, except for access to parking areas.

3. For C-2 and C-3 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, buildings and other structures with less than the minimum setback are allowed, and exempt from the minimum landscaping requirement in this subsection, only for the following:

a. Ground floor commercial and other non-residential uses that provide a minimum 12-foot ground floor ceiling height, and at least 75 percent of the street facing ground-floor wall area consists of glazing, openings, display windows or doorways. To meet this standard the area of openings, glazing, display windows and doorways must allow two-way visibility with a Visible Light Transmittance (VLT) of at least 60 percent. Mullions and other solid components of glazed window systems may be counted as part of the glazing used to comply with this standard.

b. Ground floor residential uses with a vertical separation of 3 feet above grade. Shared lobbies and building entrances are exempt from these vertical separation requirements. The minimum setback under this exception may only be reduced to 3 feet, and the remaining area of reduced setback shall be provided as enhanced pedestrian space.

c. Buildings with a street facing façade at the minimum setback or less according to the standards above shall provide a main entrance facing the street. A building may have more than one main entrance, and buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.

d. Vehicular use areas are not permitted between the street and any portion of the building at or within the required minimum setback according to this subsection, except for access to parking areas.

4. The minimum setbacks in C-1 and GO shall be landscaped to the Basic Landscape Standard (L-1) in accordance with EC 9.6210(1), except for paved pedestrian walkways, building entrances and enhanced pedestrian space. Vehicular access connections and driveways to parking areas are also exempt from this landscaping standard, but vehicle use areas are not otherwise permitted between the building and the street within minimum setback areas.

([b]c) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a **front lot line abutting a** public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building **and any linear facade expansion of more than 100%** are subject to the requirements of this subsection. (See Figure 9.2170(4)([b]c) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)

1. In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
3. In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
4. Vehicular ~~[parking and circulation is]~~ **use areas are** not permitted in between the street and the portion of the building that is used to comply with this subsection.
5. Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, **or to the corner where two streets intersect.**
6. The land between the portion of a building complying with EC 9.2170(4)([b]c)(1) or (2) and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection, **except as required by any more restrictive provisions of EC 9.2170(4)(b) above.** (See Figure 9.2170(4)([b]c)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)
7. The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. (See Figure 9.2170(4)([b]c)6. Landscaped or Paved

Pedestrian Area with Pedestrian Amenities.)

([e]d) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).

([e]e) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.

([e]f) *Adjustments.* Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks **and landscaping standards** in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on the criteria at EC 9.8030(16).

(5) *Landscaping.* The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.

(a) *Minimum Landscape Area Required.* In all commercial zones, except C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone, **except as required by EC 9.2170(4)(b)1**. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.

(b) *Minimum Landscape Standard.* Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).

(c) *Landscaping In Interior Yard Setbacks Abutting Residential Zones.* Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).

(d) *Street Trees.* Street tree requirements are specified in EC 7.280 Street Tree Program – Policies, Standards, Procedure.

(e) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (a) and (b) may be made based on the criteria in EC 9.8030(16).

Section 4. The “Interior Yard Setback – Detached Buildings” entry in the “Minimum Front Yard Setbacks” section of Table 9.3125(3)(g) in subsection (3) of Section 9.3125 of the Eugene Code, 1971, is amended to provide as follows:

9.3125 S-CN Chase Node Special Area Zone Development Standards.

...

(3) *Development Standards Applicable in Specific Subareas of the S-CN Zone.*

...

(g) The following Table 9.3125(3)(g) sets forth standards for specific subareas of the S-CN Zone, subject to the special development standards in EC 9.3126 Special Development Standards for Table 9.3125(3)(g).

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC <u>9.3126</u> Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
Minimum Front Yard Setbacks			
...			
Interior Yard Setback – Detached Buildings	0 to 10' (See EC <u>9.2170(4)([e]d)</u>)	5' or minimum 10' between buildings	5' or minimum 10' between buildings
...			

Section 5. Subsection (2) of Section 9.4290 of the Eugene Code, 1971, is amended to provide as follows:

9.4290 Density and Development Standards.

In addition to the requirements of the base zone, the following standards shall apply to all development, except that the standards in subsection (2) and (3) do not apply to single-family dwellings or duplexes.

(2) *Building Setbacks.*

(a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback, *except as required by EC 9.2170(4)(b).*

- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

Section 6. Subsections (1) and (6) of Section 9.4530 of the Eugene Code, 1971, are amended to provide as follows:

9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.

(1) *Building Setbacks.*

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback, *except as required by EC 9.2170(4)(b).*

- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

- (6) *Improvements Between Buildings and Streets.* The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard-surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters, and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement, *except on properties zoned C-2 or C-3.* (See Figure 9.4530(8) Improvements Between Buildings and Streets in /TD Areas.)

Section 7. The findings set forth in Exhibit C attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 8. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 10. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

___ day of _____, 2021

City Recorder

Approved by the Mayor this

___ day of _____, 2021

Mayor

Figure
9.2170(4)(c)

Maximum Front Yard Setbacks, Building Orientation, and Entrances

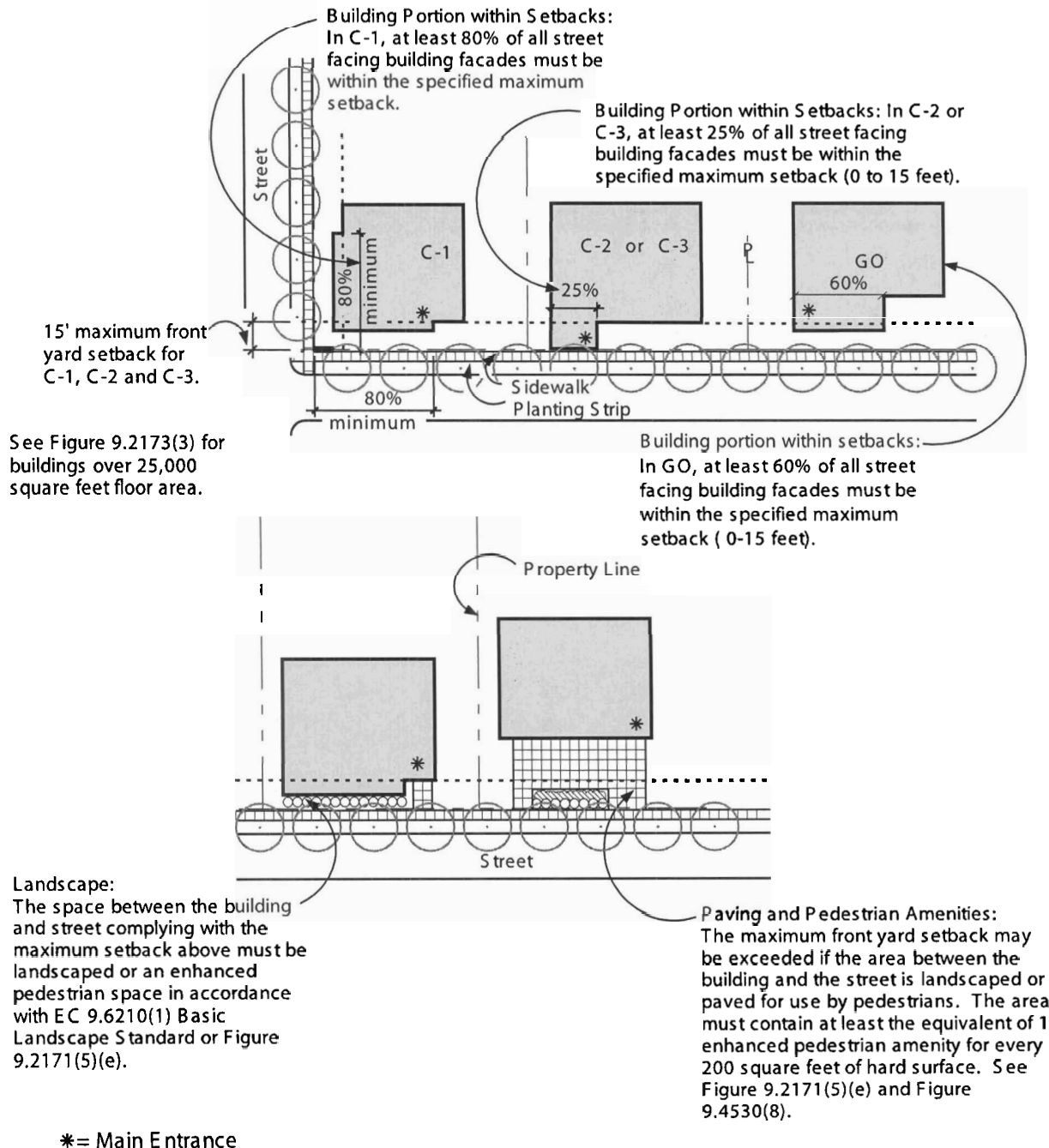
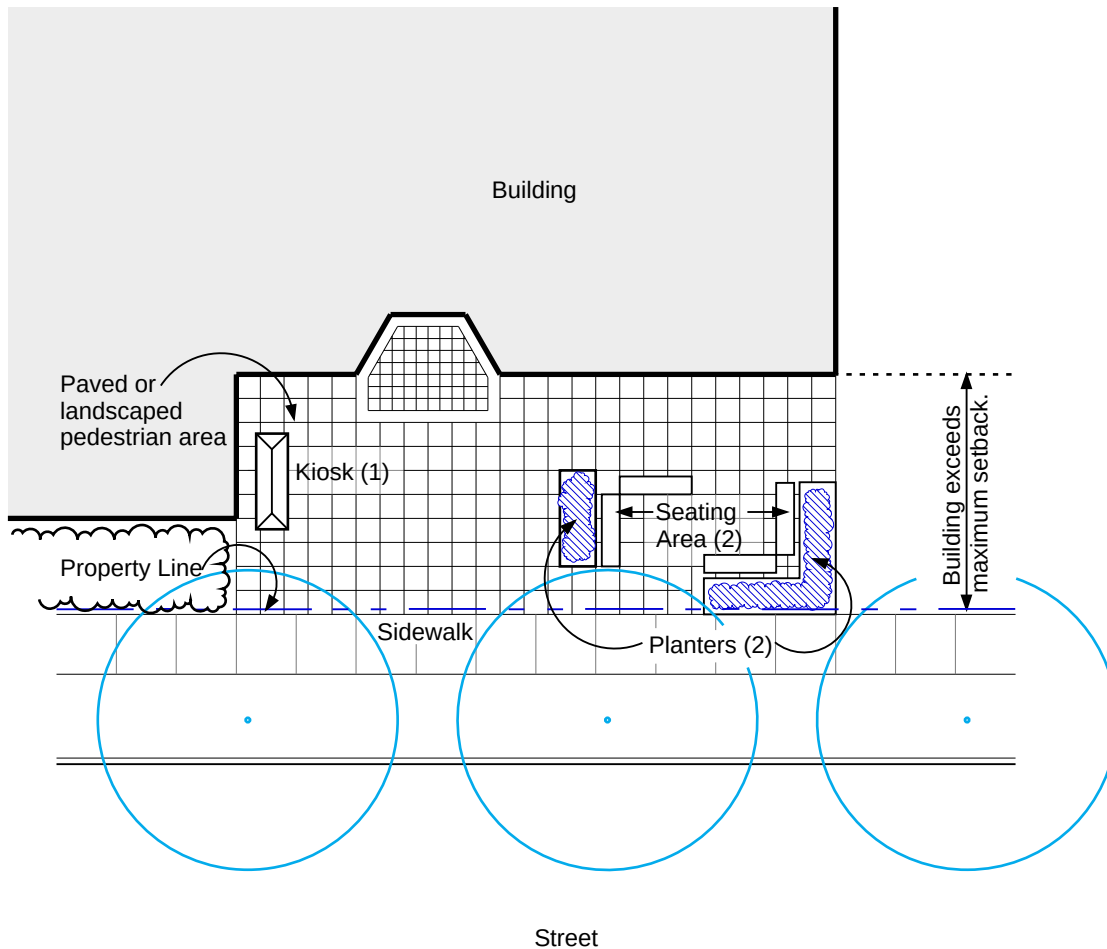


**Figure
9.2170(4)(c)6.**

Landscaped or Paved Pedestrian Area with Pedestrian Amenities



EXAMPLE:

- 1,000 square feet of hard surface with minimum of 1 amenity per 200 square feet.
- 5 Amenities Required:
Select among design elements
i.e. seating area, drinking fountain, public art, planter, kiosk.
- Selected: 2 seating areas
2 planters
1 kiosk

FINDINGS
Commercial Setbacks
 (City File: CA 20-5)

Eugene Code (EC) Section 9.8065 requires that the code amendments comply with the following approval criteria (in **bold**):

EC 9.8065(1): Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Findings addressing consistency with applicable statewide planning goals (shown in *italics*) are provided below.

***Goal 1 - Citizen Involvement.** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The City has codified provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. Adoption of the proposed code amendment will follow the process for Type V land use applications as laid out in the City's land use code, including requirements for public notice and comment. Additionally, staff held focus groups on initial concepts which allowed for input that was taken into consideration in drafting the commercial setbacks code amendments. The process for adopting the code amendment complies with Goal 1 because it is consistent with, and will not change, the City's existing and acknowledged citizen involvement provisions and included additional outreach.

The Planning Commission public hearing on the code amendment was duly noticed to the Department of Land Conservation and Development (DLCD), the City of Springfield, Lane County, and all City of Eugene recognized neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard newspaper, a newspaper of general circulation in the City. Following the Planning Commission public hearing and recommendation, notice of the City Council public hearing was provided as required by the Eugene Code.

Application Notice and Involvement Timeline	City Council Initiation	September 28, 2020
	Focus Groups (Two Sessions)	November 6, 2020
	DLCD Notice	April 6, 2021
	Public Notice of Planning Commission Hearing	April 9, 2021
	Notice in Register Guard of Planning Commission Hearing	April 21, 2021
	Public Notice of City Council Hearing	July 1, 2021
	Notice in Register Guard of City Council Hearing	July 1, 2021

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the code amendment is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

The City's land use code specifies the formal adoption procedure and approval criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, the City of Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for the proposed ordinance. Therefore, the code amendment is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The code amendment does not affect any land designated for agricultural use. Therefore, the code amendment is consistent with Statewide Planning Goal 3.

Goal 4 - Forest Lands. To conserve forest lands.

The code amendment does not affect any land designated for forest use. Therefore, the code amendment is consistent with Statewide Planning Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

The code amendment does not create or amend the City's adopted inventory of Goal 5 resources and does not amend any code provision adopted in order to protect a significant Goal 5 resource, or to address specific requirements of Goal 5. The code amendment does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the City's acknowledged urban growth boundary. Therefore, the code amendment is consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from the impacts of those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the code amendment is consistent with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The code amendment does not affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, the code amendment is consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The code amendment does not affect the City's provisions for recreation areas, facilities, or recreational opportunities. Therefore, the code amendment is consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Employment Lands Supply Study 2012-2032 (ELSS) is included as appendix B in the City's comprehensive plan and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The code amendment does not affect the amount of land designated or zoned for commercial use.

Goal 9 also requires cities consider methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including land use controls and ordinances. The code amendment sets new standards for setbacks for commercially zoned property, but allows clear exceptions, and maintains adjustment review as an option to maintain flexibility for development. Therefore, to the extent Goal 9 is applicable to the amendment, the amendment is consistent with Statewide Planning Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The code amendment does not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development. Therefore, to the extent Goal 10 is applicable to the code amendment, the code amendment is consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The code amendment does not affect the City's provision of public facilities and services. Therefore, the code amendment is consistent with Statewide Planning Goal 11.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). The code amendment will not significantly affect any transportation facility, nor does it change procedures related to analyzing and mitigating impacts to the transportation system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The code amendment does not affect any of the City's energy conservation measures or programs. Therefore, the code amendment is consistent with Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, the amendments are consistent with Statewide Planning Goal 14.

Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not contain any changes to the City's Willamette River Greenway regulations; therefore, the amendments are consistent with Statewide Planning Goal 15.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The code amendment does not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, the code amendment will not affect compliance with Statewide Planning Goals 16 through 19.

EC 9.8065(2): Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

The code amendment does not include any change in adopted land use designations or policy. It also does not change any requirements concerning compliance with the Metro Plan, Envision Eugene Comprehensive Plan, and applicable refinement plans. The changes are limited to requirements for setbacks for commercially zoned property, and there are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria for such design changes. Therefore, the code amendments comply with the above criterion.

EC 9.8065(3): In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

The code amendment does not establish a special area zone. Therefore, this criterion does not apply.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance, the code amendment complies with the applicable approval criteria.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Vacating Portions of Mill Alley and Easements Located Within the Boundaries of the Plat of Town Run

Meeting Date: July 26, 2021
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Rodney Bohner
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

The City Council is scheduled to take action on right-of-way and easement vacation requests submitted by the Eugene Urban Renewal Agency. The requested vacations consist of a portion of Mill Alley and associated unimproved public utility easements (City Files: VPU 21-1, VPU 21-2, VRP 21-1, and VRP 21-2). A vicinity map of the vacation requests is provided as Attachment A.

BACKGROUND

The Eugene Urban Renewal Agency (URA or the applicant) has requested vacations of two public ways associated with an undeveloped plat (VPU 21-1 and VPU 21-2) and vacations of two public utility easements acquired with public funds (VRP 21-1 and VRP 21-2). The URA filed these four requests for vacations related to the City Council's recent approval the Town Run Subdivision (located on the Downtown Riverfront property). The URA acquired approximately 16.5 acres of land from EWEB to facilitate the property's development. As part of preparing the property for development, the URA submitted, and the City approved, a subdivision plat (the Plat of Town Run). As part of the new subdivision, the URA dedicated new rights-of-way for a street network throughout the subdivision. The newly dedicated rights-of-way will also serve as the location of new utilities to serve the entire site (including water, sanitary and storm sewer, and electric).

To ready the newly subdivided lots for sale and subsequent development, the applicant requests approval to vacate old utility easements and rights-of-way that crisscross the development site. These four vacation requests are briefly summarized below:

VPU 21-1 Vacation of Undeveloped Plat

Request for approval of Vacation of Mill Alley, an unimproved right-of-way created through the original plat of Eugene City in 1852. The total requested vacation area consists of 707 square feet of public right-of-way.

VPU 21-2 Vacation of Undeveloped Plat

Request for approval of vacation of the public utility easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374, recorded February 13, 1986. The reserved public

July 26, 2021 Meeting – Item 6

utility easement corresponds to those portions of streets and alleys recorded in the original plat of Eugene City. The easement area consists of 30,090 square feet.

VRP 21-1 Vacation of Public Way Acquired with Public Funds

Request for approval of vacation of a public water main easement conveyed from C. O. Peterson, W. J. Royse, and the Eugene Woolen Mill Company to the City of Eugene in a Deed recorded on August 3, 1917 at the cost of one (\$1.00) dollar and “other valuable considerations in hand paid” by the City of Eugene. No exact location of record was provided in said Deed. Staff have determined that the water main referred to in the easement has either been removed entirely or has been relocated to another public easement or right-of-way. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. Because no exact location of record was provided, the proposed vacation encompasses nearly the entire Town Run Plat area, consisting of 15.61 acres.

VRP 21-2 Vacation of Public Way Acquired with Public Funds

Request for approval of vacation of the Mill Race Easement that was conveyed from the Eugene Power Company to the City of Eugene in the Deed that was recorded January 23, 1947 for the sum of ten (\$10.00) dollars and other good and valuable considerations paid by the City of Eugene. This vacation concerns the historical raceway running from the Southern Pacific Railroad right-of-way north to East 4th Avenue. The raceway referred to in the Deed was piped underground and backfilled. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed.

More details on this request can be found in the full record of application materials to date, which was provided separately to Councilors on a thumb-drive for the July 19, 2021 public hearing. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. These materials can also be accessed online here:

VPU 21-1: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VPU-21-0001>

VPU 21-2: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VPU-21-0002>

VRP 21-1: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRP-21-0001>

VRP 21-2: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRP-21-0002>

City Council Process

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. This request for vacation is being considered in accordance with Sections 9.8700 (<https://eugene.municipal.codes/EC/9.8700>) through 9.8725 (<https://eugene.municipal.codes/EC/9.8725>) of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and is being processed pursuant to EC 9.7445 (<https://eugene.municipal.codes/EC/9.7445>) through 9.7455 (<https://eugene.municipal.codes/EC/9.7455>). The public hearing and process was conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 (<https://eugene.municipal.codes/EC/9.7065>) through 9.7095 (<https://eugene.municipal.codes/EC/9.7095>).

Notice of the July 19, 2021 public hearing for the requested vacations was provided in the following manner: on July 2, 2021, the property was posted with signs in the immediate vicinity of the requested vacation; and on July 5, 2021 and July 12, 2021, legal notice was published in The Register-Guard newspaper. On July 19, 2021, Council held the public hearing on the requested vacations, in accordance with all applicable requirements.

Utility Provider Consent

The applicant also received statements of concurrence from affected utility providers for the vacation of the public utility easements, which can be seen in the application materials.

Determination of Assessment

Pursuant to EC 9.8710(5) ([https://eugene.municipal.codes/EC/9.8710\(5\)](https://eugene.municipal.codes/EC/9.8710(5))), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. Pursuant to the City Code, the City Manager has determined that the cost of construction of the new streets dedicated by the URA is equal to or exceeds the assessed value of the real property being vacated and any costs incurred by the City in the construction of public improvements within the vacation area. The URA is paying to construct and install the new streets and utilities, at a cost of approximately \$16.5 million. The value of the newly created rights-of-way and transportation/utility improvements far exceeds the real market value of all the requested vacations combined.

Applicable Approval Criteria

The Eugene City Council must determine whether the consent of the owners of the requisite area has been obtained and whether notice has been duly given, and must address the relevant approval criterion from EC 9.8725 (<https://eugene.municipal.codes/EC/9.8725>) in making a decision on the proposed right-of-way vacation, as listed below in *italics*. Findings demonstrating compliance with these requirements can be found in Attachment B, Exhibit E of the Ordinance.

The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment B to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as provided in Attachment B.

SUGGESTED MOTION

Move to adopt the Ordinance, included as Attachment B to this AIS, vacating portions of Mill Alley and easements located within the boundaries of the Plat of Town Run.

ATTACHMENTS

- A. Vicinity Map
- B. Ordinance
 - Exhibits A-1, B-1, C-1, D-1 – Legal Descriptions
 - Exhibits A-2, B-2, C-2, D-2 – Site Plans
 - Exhibit E – Findings

FOR MORE INFORMATION

Staff Contact: Rodney Bohner, Associate Planner
Telephone: 541-682-5437
Staff E-Mail: RBohner@eugene-or.gov

Vicinity Map

Attachment A

Town Run Plat Vacations - City Files VPU 21-2 / VPU 21-2 / VRP 21-1 / VRP 21-2
 Vacations of Undeveloped Plat & Vacations of Public Ways Acquired with Public Funds



- Extent of Town Run Public Utility Easement Vacations
- Mill Alley Vacation
- Taxlots

July 2, 2021

0 85 170 340
 Ft

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



ORDINANCE NO. _____

**AN ORDINANCE VACATING PORTIONS OF MILL ALLEY AND EASEMENTS
LOCATED WITHIN THE BOUNDARIES OF THE PLAT OF TOWN RUN.**

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene approved an agenda scheduling a virtual public hearing at 5:30 p.m. on July 19, 2021, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way and associated public utility easement:

The rights-of-way and utility easements identified on the Plat of Town Run which are more particularly described on Exhibits A-1, B-1, C-1 and D-1, and depicted on Exhibits A-2, B-2, C-2, and D-2 attached to this Ordinance.

B. Notice was duly and regularly given of the public hearing and, on July 19, 2021, the City Council held a public hearing and heard all objections to the proposed vacation.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Eugene finds that notice of the public hearing on the proposed vacation was published and posted as required by law, and statements of concurrence to the vacation from affected utility providers have been filed in the proceedings, and that vacation of the rights-of-way and public utility easements described on Exhibits A-1, B-1, C-1 and D-1, and depicted on Exhibits A-2, B-2, C-2, and D-2 attached to this Ordinance is in the public interest, as described in the Findings attached as Exhibit E to this Ordinance and hereby adopted in support of this Ordinance.

Section 2. The right-of-way and public utility easements described on Exhibits A-1, B-1, C-1 and D-1, and depicted on Exhibits A-2, B-2, C-2, and D-2 attached to this Ordinance are hereby vacated and shall revert pursuant to the statutes of the State of Oregon.

Section 3. The City Recorder is directed to file a certified copy of this Ordinance, including all attachments with the Recorder of Lane County, Oregon. In addition, a certified copy of this Ordinance shall be filed with the Lane County Assessor and a certified copy shall be filed with the Lane County Surveyor.

Passed by the City Council this

_____ day of _____, 2021.

Approved by the Mayor this

_____ day of _____, 2021.

City Recorder

Mayor

MILL ALLEY VACATION

Situated in the Northeast 1/4 of Section 31 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

Being all that portion of Mill Alley that (1) lies south of the south margin of East 5th Avenue as shown on the original plat of the Eugene City as platted and recorded in Book "A" at Page 2 in Lane County Oregon Judgement Documents; and (2) lies within the plat boundaries of the plat of "Town Run" as platted and recorded April 3, 2020, in in Lane County Oregon Plat Records, and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.

**MILL ALLEY RIGHT-OF-WAY
VACATION SITE PLAN**
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE
NE 1/4 SECTION 31
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
CITY OF EUGENE, LANE COUNTY, OREGON
MARCH 25, 2021

RIGHT-OF-WAY TO BE VACATED:

ALL THAT PORTION OF MILL ALLEY THAT (1) LIES SOUTH OF THE SOUTH MARGIN OF EAST 5TH AVENUE AS SHOWN ON THE ORIGINAL PLAT OF EUGENE CITY AND (2) LIES WITHIN THE PLAT BOUNDARIES OF THE PLAT OF TOWN RUN.

RESERVING THEREFROM, UNTO THE CITY OF EUGENE AND ANY OF ITS AGENCIES, AN EASEMENT FOR WASTEWATER PURPOSES WITHIN THE ENTIRETY OF THE VACATED AREA.

EASEMENTS TO REMAIN:

E19 14.00' WIDE PUBLIC WASTEWATER EASEMENT AS RESERVED IN THE PLAT OF TOWN RUN.

E14-G VARYING WIDTH EASEMENT FOR WATER LINES AND RELATED UTILITY FACILITIES AS CREATED IN THE DECLARATION OF EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BY THE EUGENE WATER & ELECTRIC BOARD, A MUNICIPAL UTILITY OF THE CITY OF EUGENE, OREGON, THAT WAS RECORDED APRIL 17, 2018, RECEPTION NO. 2018-017637, LANE COUNTY DEEDS AND RECORDS; AS AMENDED BY (1) "AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED OCTOBER 16, 2019, RECEPTION NUMBER 2019-046745, LANE COUNTY DEEDS AND RECORDS, AND (2) "SECOND AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED MARCH 5, 2021, RECEPTION NUMBER 2021-015455, LANE COUNTY DEEDS AND RECORDS.

LEGEND:

(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

TAX LOT:

TM 17033222 TL 02400.

ZONING:

DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:

NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:

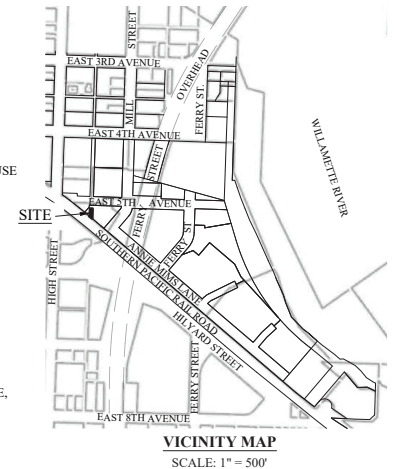
NONE.

EXISTING USE:

VACANT.

OWNERSHIPS:

URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION



VICINITY MAP
SCALE: 1" = 500'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Rex A. Betz
OREGON
JULY 20, 1993
REX A. BETZ
#2806
RENEW: 12/31/21



EGR & Associates, Inc.

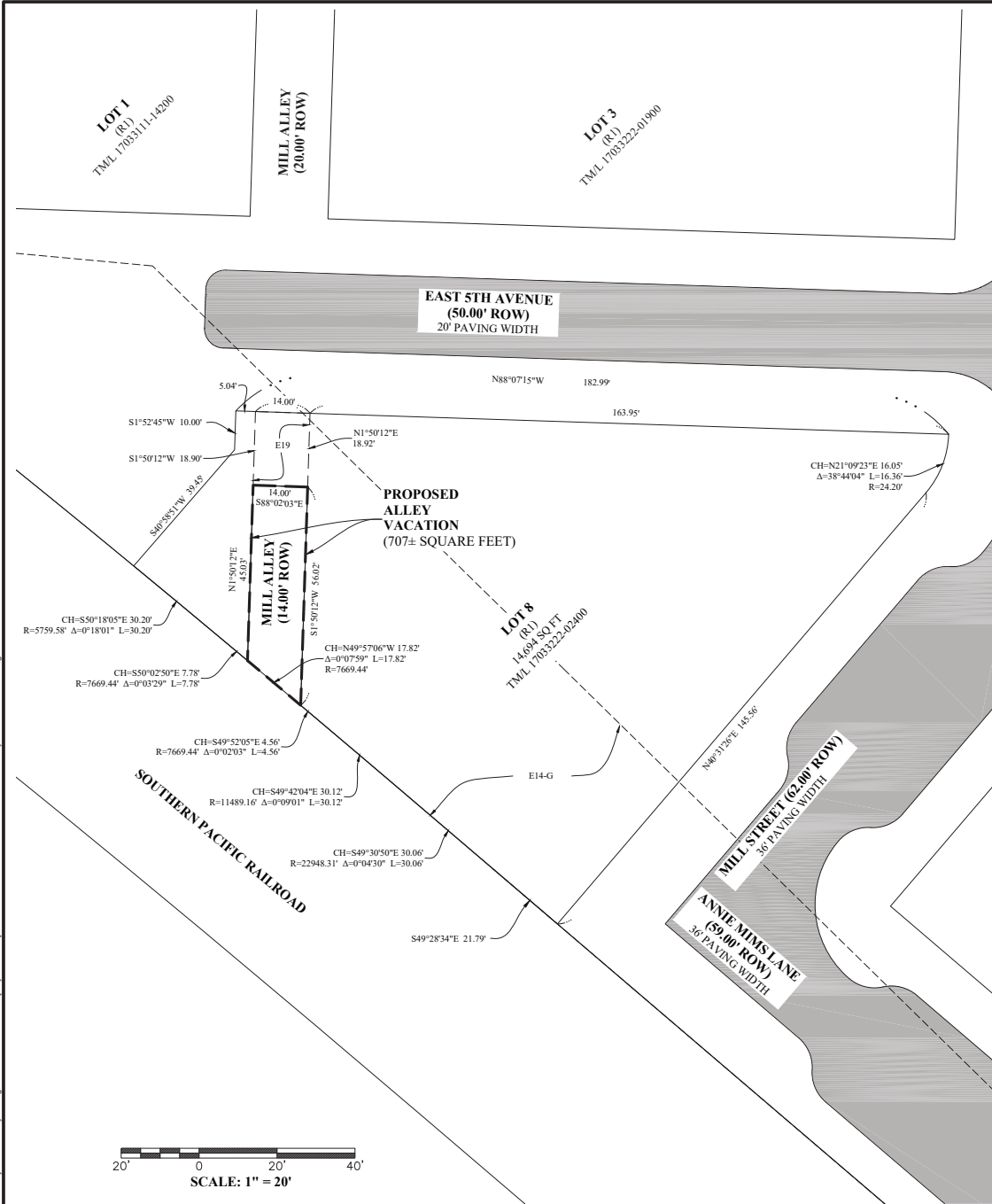
Engineers, Geologists, and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

SHEET 1 OF 1

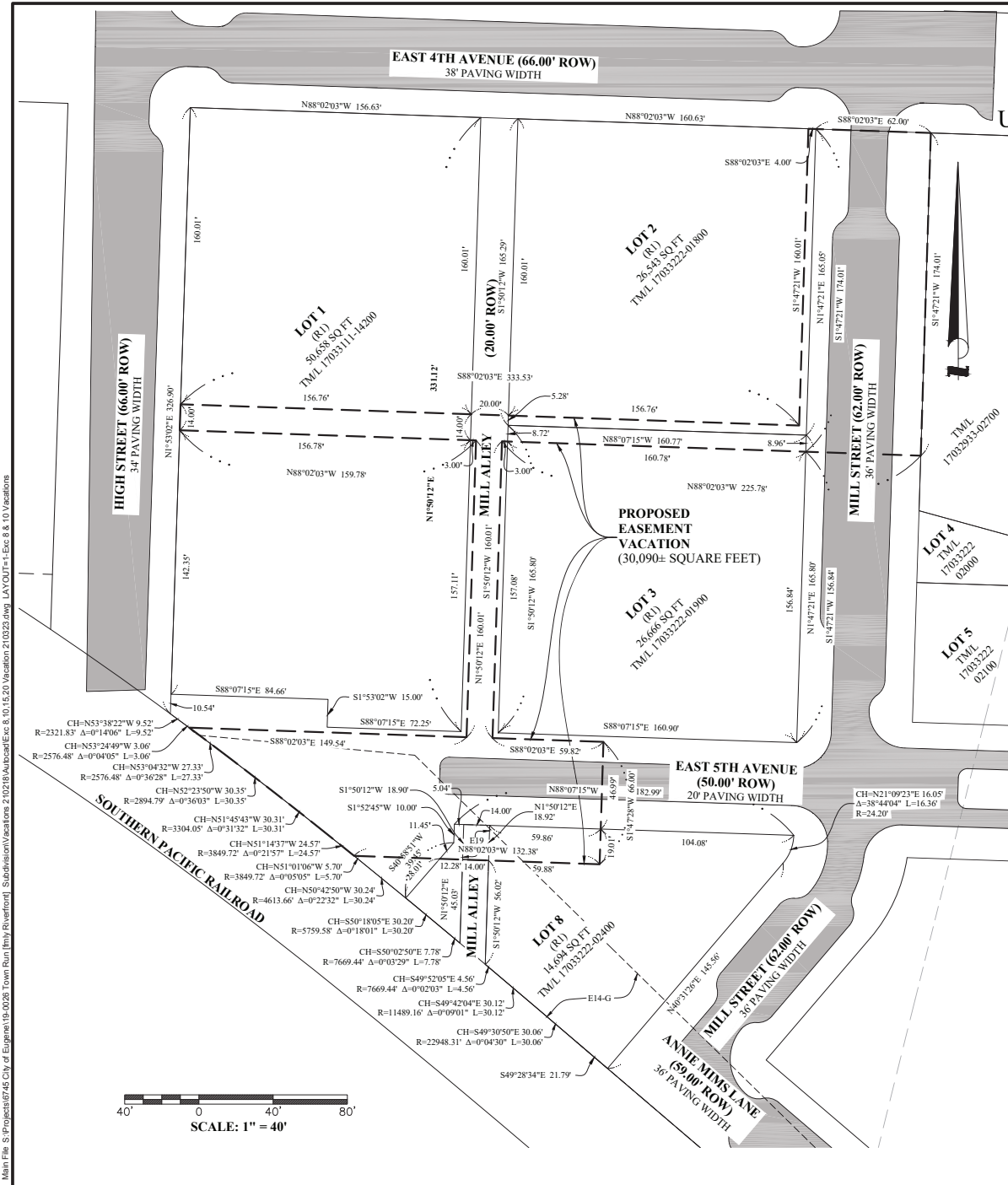
Mill Alley Right-Of-Way Vacation Site Plan, Urban Renewal Agency of the City of Eugene, Oregon, March 25, 2021. This plan is a reproduction of the original plan filed for record in Lane County, Oregon, on April 3, 2020, under Reception Number 2020-016334. The original plan is the authoritative version of the plan.



EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29, Northeast 1/4 of Section 31, and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

Being all of the public utilities easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374, that was recorded February 13, 1986 in Reel 1388R at Recorder's Number 1986-005882 in Lane County Oregon Deed Records, that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.



EASEMENT VACATION SITE PLAN FOR URBAN RENEWAL AGENCY OF THE CITY OF EUGENE SW 1/4 SECTION 29, NE 1/4 SECTION 31, AND NW 1/4 SECTION 32 TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN CITY OF EUGENE, LANE COUNTY, OREGON MARCH 24, 2021

EASEMENT TO BE VACATED:

PUBLIC UTILITIES EASEMENT AS RESERVED IN STREET AND ALLEY VACATION, ORDINANCE NUMBER 19374, RECORDED FEBRUARY 13, 1986 IN REEL 1388R AT RECORDER'S NUMBER 1986-005882, LCODR.

EASEMENTS TO REMAIN:

E19 14.00' WIDE PUBLIC WASTEWATER EASEMENT AS RESERVED IN THE PLAT OF TOWN RUN.

E14-G VARYING WIDTH EASEMENT FOR WATER LINES AND RELATED UTILITY FACILITIES AS CREATED IN THE DECLARATION OF EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BY THE EUGENE WATER & ELECTRIC BOARD, A MUNICIPAL UTILITY OF THE CITY OF EUGENE, OREGON, THAT WAS RECORDED APRIL 17, 2018, RECEPTION NO. 2018-017637, LANE COUNTY DEEDS AND RECORDS; AS AMENDED BY (1) "AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED OCTOBER 16, 2019, RECEPTION NUMBER 2019-046745, LANE COUNTY DEEDS AND RECORDS, AND (2) "SECOND AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED MARCH 5, 2021, RECEPTION NUMBER 2021-015455, LANE COUNTY DEEDS AND RECORDS.

LEGEND:

(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

TAX LOTS:

TM 17033111 TL 14200
TM 17033222 TLS 01800, 01900 & 02400.

ZONING:

DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-D/MU)

SETBACKS:

NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:

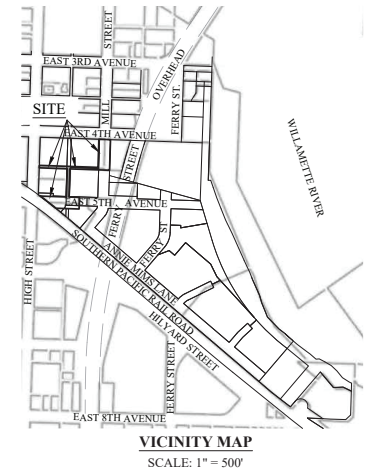
NONE.

EXISTING USE:

VACANT.

OWNERSHIPS:

URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Rex A. Betz

OREGON
JULY 20, 1993
REX A. BETZ
#2806

RENEWALS: 12/31/21



EGR & Associates, Inc.

Engineers, Geologists, and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

SHEET 1 OF 1

EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29, Southeast 1/4 of Section 30, Northeast 1/4 of Section 31, and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon, and described as follows:

Being all that portion of the public water main easement [and associated rights thereof] that was conveyed in the Deed to the City of Eugene that was recorded August 3, 1917 in Book 116 at Page 59 in Lane County Oregon Deed Records, that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.

EASEMENT VACATION SITE PLAN
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE
 SW 1/4 SECTION 29, SE 1/4 SECTION 30, NE 1/4 SECTION 31 AND NW 1/4 SECTION 32
 TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
 CITY OF EUGENE, LANE COUNTY, OREGON
 MARCH 24, 2021

EASEMENT TO BE VACATED:

WATER MAIN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, GRANTED THE CITY OF EUGENE BY INSTRUMENT RECORDED AUGUST 3, 1917, IN BOOK 116 AT PAGE 59 IN LANE COUNTY OREGON DEED RECORDS. (NO EXACT LOCATION OF RECORD. NOT PLOTTABLE.)

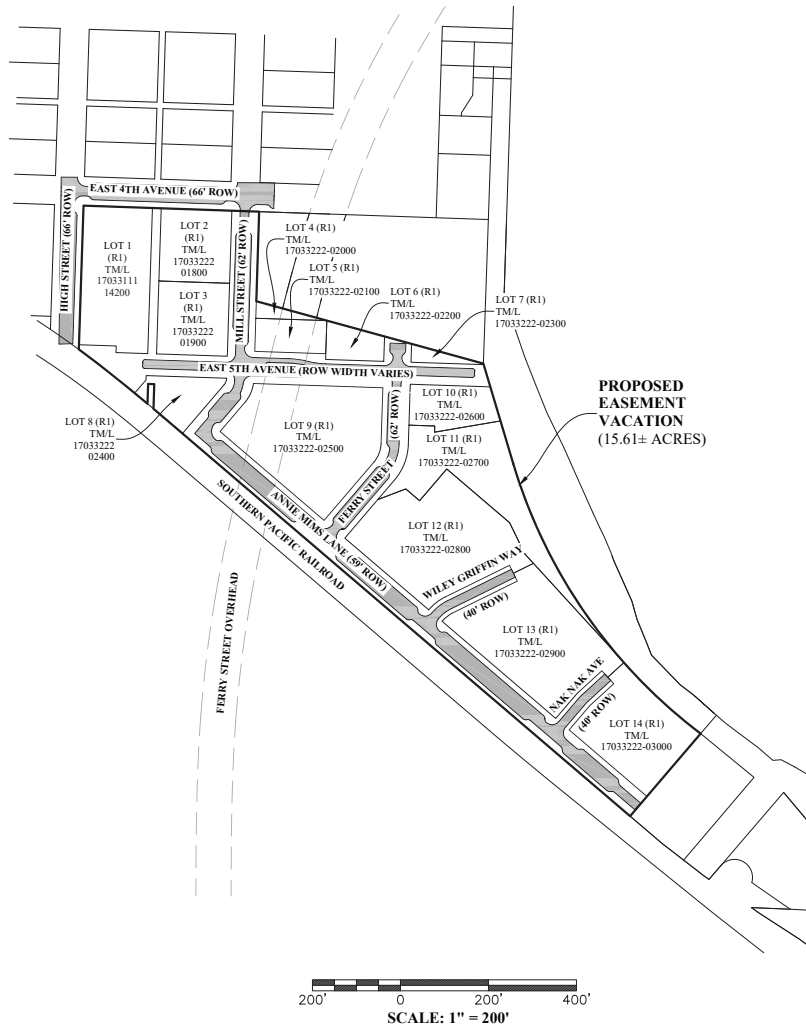
LEGEND:

(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

NOTES:

SEE PLAT OF TOWN RUN FOR LOT DIMENSIONS AND AREAS.
 SEE PLAT OF TOWN RUN FOR EXISTING EASEMENTS AND DIMENSIONS.



TAX LOTS:

TM 17033111 TL 14200
 TM 17033222 TLS 01800, 01900, 02000, 02100, 02200, 02300, 02400, 02500, 02600, 02700, 02800, 02900, AND 03000.

ZONING:

DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:

NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:

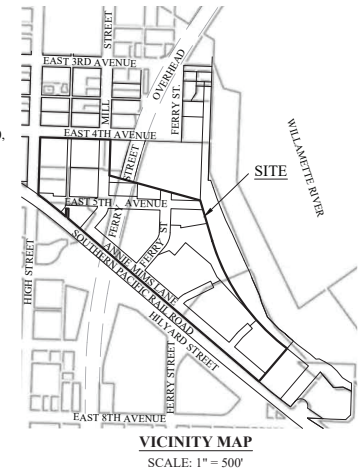
NONE.

EXISTING USE:

VACANT.

OWNERSHIPS:

URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON,
 A MUNICIPAL CORPORATION



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Rev. A. D.
 OREGON
 JULY 20, 1993
 REX A. BETZ
 #2806
 RENEWS: 12/31/21

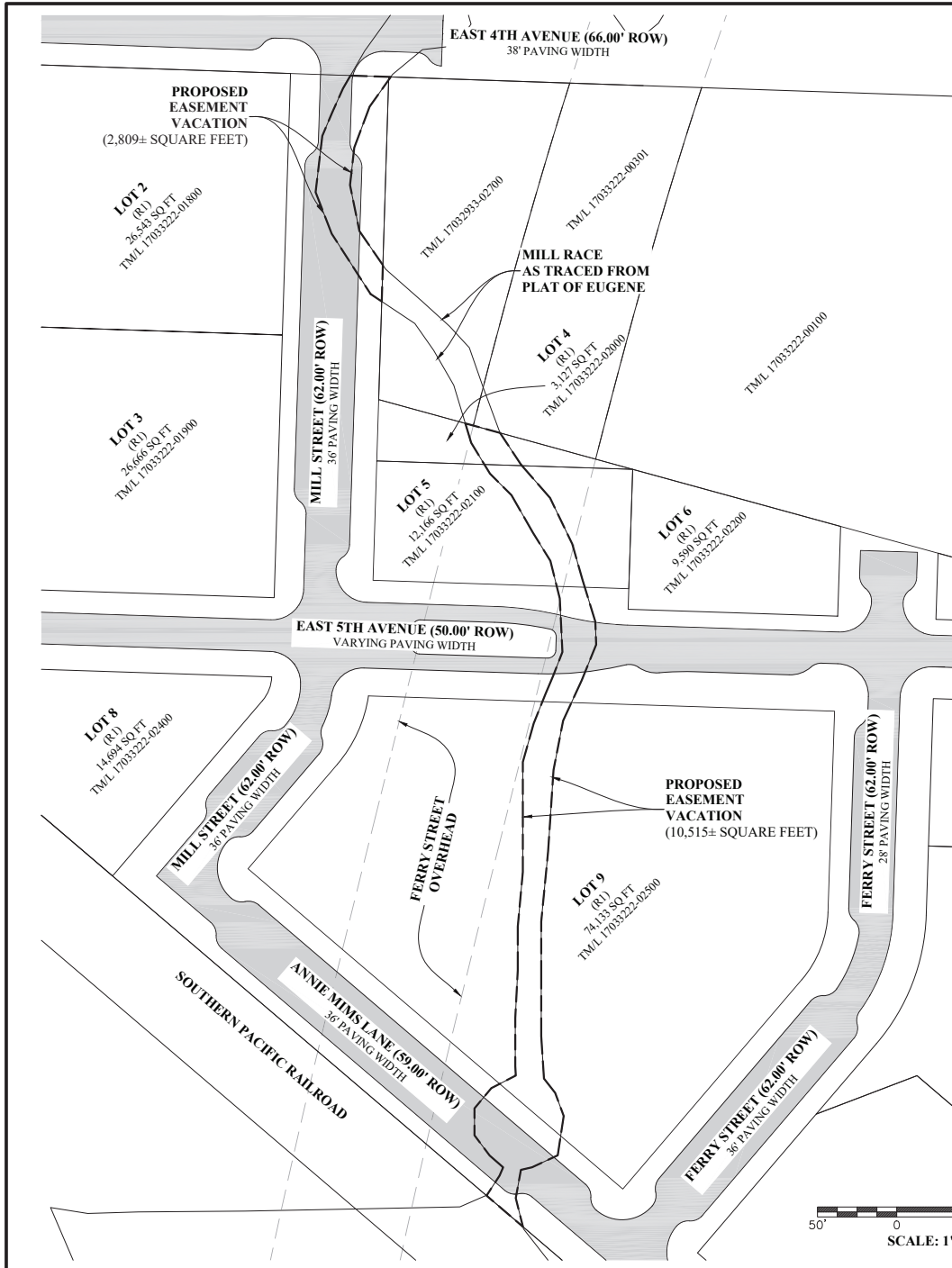
EGR & Associates, Inc.
 Engineers, Geologists, and Surveyors
 2535B Prairie Road Eugene, Oregon 97402 (541) 688-8322
 Fax (541) 688-8087

SHEET 1 OF 1

EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29 and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon, and described as follows:

Being all that portion of the mill race easement [and associated terms and provisions thereof] that was conveyed in the Deed to the City of Eugene that was recorded January 23, 1947 in Book 340 at Pages 163-171 in Lane County Oregon Deed Records; that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.



EASEMENT VACATION SITE PLAN FOR **URBAN RENEWAL AGENCY OF THE CITY OF EUGENE** SW 1/4 SECTION 29 AND NW 1/4 SECTION 32 TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN CITY OF EUGENE, LANE COUNTY, OREGON MARCH 24, 2021

EASEMENT TO BE VACATED:
MILL RACE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF THE CITY OF EUGENE, AS SET FORTH IN INSTRUMENT RECORDED JANUARY 23, 1947, RECEPTION NO. B340 P163, LANE COUNTY OREGON DEED RECORDS. (LOCATION TRACED FROM ORIGINAL PLAT OF EUGENE)

LEGEND:
(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

NOTES:
SEE PLAT OF TOWN RUN FOR LOT DIMENSIONS.
SEE PLAT OF TOWN RUN FOR EXISTING EASEMENTS AND DIMENSIONS.

TAX LOTS:
TM 17033222 TLS 02000, 02100, & 02500.

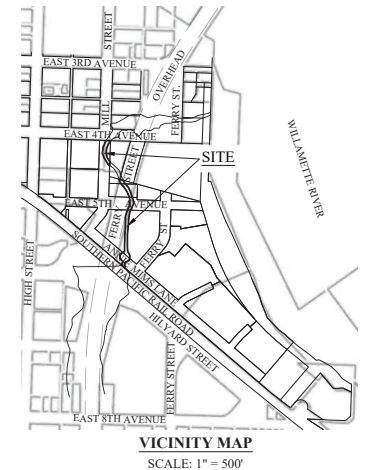
ZONING:
DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:
NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:
NONE.

EXISTING USE:
VACANT.

OWNERSHIPS:
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON,
A MUNICIPAL CORPORATION



0 50' 100'
SCALE: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Rex A. Betz
OREGON
JULY 20, 1993
REX A. BETZ
#2606
RENEW: 12/31/21

EGR & Associates, Inc.
Engineers, Geologists, and Surveyors
2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

SHEET 1 OF 1

FINDINGS IN SUPPORT OF VACATING A PORTION OF MILL ALLEY AND EASEMENTS LOCATED WITHIN THE BOUNDARIES OF THE PLAT OF TOWN RUN

APPLICATION OVERVIEW

Name (File Numbers):	Plat of Town Run 3 (VPU 21-1) Plat of Town Run 2 (VPU 21-2) Plat of Town Run 4 (VRP 21-1) Plat of Town Run 5 (VRP 21-2)
Applicant:	Eugene Urban Renewal Agency
Subject Property:	<u>Map 17-03-31-11</u> Tax Lots 14200 <u>Map 17-03-32-22</u> Tax Lots 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000
Zoning:	Base zone S-DR Downtown Riverfront Special Area Zone with combinations of the following Zone Subdistricts, Overlay Subdistricts, and Overlay Zones: S-DR/MU Mixed-Use S-DR/CL Cultural Landscape and Open Space S-DR/MU/1 (Active) S-DR/MU/2 (People) /WR Water Resources Conservation Overlay
Location:	South bank of the Willamette River, including land on both sides of the Ferry Street Viaduct, north of the Southern Pacific Railroad tracks and south of East 4 th Avenue

BACKGROUND

The Eugene Urban Renewal Agency (URA or the applicant) filed four requests for vacations related to the City Council's recent approval the Town Run Subdivision (located on the Downtown Riverfront property). The URA acquired approximately 16.5 acres of land from EWEB in order to facilitate the property's development. As part of preparing the property for development, the URA submitted, and the City approved, a subdivision plat (the Plat of Town Run). As part of the new subdivision, the URA dedicated new rights-of-way for a street network throughout the subdivision. The newly dedicated rights-of-way will also serve as the location of new utilities to serve the entire site (including water, sanitary and storm sewer, and electric).

In order to ready the newly subdivided lots for sale and subsequent development, the applicant requests approval to vacate prior utility easements and rights-of-way that crisscross the development site. These four vacation requests are briefly summarized below:

VPU 21-1 Vacation of Undeveloped Plat

Request for approval of Vacation of Mill Alley, an unimproved right-of-way created through the original plat of Eugene City in 1852. The total requested vacation area consists of 707 square feet of public right-of-way.

VPU 21-2 Vacation of Undeveloped Plat

Request for approval of vacation of the public utility easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374 that was recorded February 13, 1986. The reserved public utility easement corresponds to those portions of streets and alleys recorded in the original plat of Eugene City. The easement area consists of 30,090 square feet.

VRP 21-1 Vacation of Public Way Acquired with Public Funds

Request for approval of vacation of a public water main easement conveyed from C. O. Peterson, W. J. Royse, and the Eugene Woolen Mill Company to the City of Eugene in a Deed recorded on August 3, 1917 at the cost of one (\$1.00) dollar and “other valuable considerations in hand paid” by the City of Eugene. No exact location of record was provided in said Deed. Staff have determined that the water main referred to in the easement has either been removed entirely or has been relocated to another public easement or right-of-way. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. Because no exact location of record was provided, the proposed vacation encompasses nearly the entire Town Run Plat area, consisting of 15.61 acres.

VRP 21-2 Vacation of Public Way Acquired with Public Funds

Request for approval of vacation of the Mill Race Easement that was conveyed from the Eugene Power Company to the City of Eugene in the Deed that was recorded January 23, 1947 for the sum of ten (\$10.00) dollars and other good and valuable considerations paid by the City of Eugene. This vacation concerns the historical raceway running from the Southern Pacific Railroad right-of-way north to East 4th Avenue. The raceway referred to in the Deed was piped underground and backfilled. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. The proposed vacation consists of 10,515 square feet.

FINDINGS

The vacation process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. Public ways are defined by the Eugene Code as follows: “Any street, road, alley,

right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state.”

This request for vacation is being considered in accordance with Sections 9.8700 – 9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and processed pursuant to EC 9.7445 – 9.7455. EC 9.8710(3) requires that any vacation of a public way acquired with public funds or an undeveloped subdivision and partition plat be considered and decided upon by the City Council in accordance with the procedures in EC 9.7455 through 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. In this instance, if the vacations are approved, the rights-of-ways will revert to the Eugene Urban Renewal Agency as the owner of the adjacent lands. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements as determined by the City Manager. The City Manager has determined that the cost of construction of the new streets dedicated by the URA is equal to or exceeds the assessed value of the real property being vacated and any costs incurred by the City in the construction of public improvements within the vacation area. As noted above, the URA is paying to construct and install the new streets and utilities, at a cost of approximately \$16.5 million. The value of the newly created rights-of-way and transportation/utility improvements far exceeds the real market value of all the vacations combined.

The applicant has provided statements of concurrence from affected utility providers for the vacations of public utility easements.

Compliance with Approval Criterion

Per EC 9.8725, the sole approval criterion for these vacations requires City Council to find that approvals of the requested vacations are in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

EC 9.8725: Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats. The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

The following findings demonstrate that vacation of a portion of Mill Alley and vacations of associated public utilities easements are in the public interest. This determination is based on the conclusion that vacation of these public ways will provide an opportunity for the efficient

use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. The purpose of the applicant's vacation requests is to:

- Allow for the full development of the Town Run Subdivision in accordance with the Downtown Riverfront Concept Plan for redevelopment of the Downtown Riverfront site.
- Prepare the newly subdivided lots for sale and subsequent mixed-use development.
- Remove unnecessary rights-of-way and easements currently encumbering the Downtown Riverfront site.

The subject portion of Mill Alley and the associated public utility easement (VPU 21-1 & VPU 21-2) were intended as part of a development associated with a plat that was never fully developed (Original Plat of Eugene City). The undeveloped Mill Alley right-of-way does not currently provide direct access to surrounding streets. The undeveloped right-of-way does not provide required frontage for any abutting lots, as all abutting lots have adequate frontage on the proposed street system in accordance with Eugene Code. As there is a proposed public street system providing vehicular and pedestrian access to the lots and Mill Alley does not connect to any other rights-of-way, the undeveloped alley does not provide significant public transportation benefit nor vehicular or pedestrian circulation on adjoining streets.

The remnant public utility easement (VPU 21-1) contains no public infrastructure or publicly owned sanitary or stormwater lines. Statements of concurrence from affected utility providers further confirm that the subject easement does not provide a public benefit.

The City of Eugene has no public infrastructure or publicly owned sanitary or stormwater lines within either easement acquired with public funds (VRP 21-1 & VRP 21-2). Regarding VRP 21-1, new water mains have been installed throughout the site in new rights-of-way. Regarding VRP 21-2, the Mill Race was piped below ground in 1928, rendering the above-ground Mill Race Easement running across the property unnecessary. Statements of concurrence from affected utility providers for the vacations of public utility easements further confirm that the subject easements do not provide a public benefit.

Conclusion

The applicant's requested vacations of a portion of Mill Alley right-of-way and the associated public utility easements is in the public interest, based on the above facts and the terms of the ordinance.