



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

September 10, 2018

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

Meeting of September 10, 2018;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

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

1. PUBLIC FORUM

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**
- C. Approval of a Resolution Annexing Land to the City of Eugene**
(Assessor's Map 17-04-23-13, Tax Lot 109—located on 1127 and 1129
Maclay Drive). (City File: Jesse Brabham; A 18-2)
- D. Approval of a Resolution Annexing Land to the City of Eugene**
(Assessor's Map 17-03-28-40, Tax Lots 1401 and 1402—located on 1
and 2 Chevy Chase Lane). (Chase/LeCompte; A 18-4)

3. PUBLIC HEARING: An Ordinance Changing the Street Name of the
Undeveloped Portion of Suzanne Way to Tennyson Avenue, as it Extends
North From Crescent Avenue to Tennyson Avenue (City File SC 18-1)

4. ACTION: A Resolution Granting a Measure 49 Claim and Waiving a Provision of Chapter 9 of the Eugene Code, 1971 for Property Located Adjacent to 70 West 24th Place, Eugene, Oregon (Assessor's Map 18-03-06-42, Tax Lot 2700)

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: September 10, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
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 City Council Minutes

Meeting Date: September 10, 2018
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 July 9, July 11, July 16, July 18, July 23, and July 25, 2018, Work Sessions as well as the July 9, July 16, and July 23, 2018, Meetings.

ATTACHMENTS

- A. July 9, 2018, Meeting
- B. July 9, 2018, Work Session
- C. July 11, 2018, Work Session
- D. July 16, 2018, Meeting
- E. July 16, 2018, Work Session
- F. July 18, 2018, Work Session
- G. July 23, 2018, Meeting
- H. July 23, 2018, Work Session
- I. July 25, 2018, Work Session

FOR MORE INFORMATION

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

MINUTES

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

**July 9, 2018
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 9, 2018, meeting of the Eugene City Council.

1. PLEDGE OF ALLEGIANCE TO THE FLAG AND READING OF THE DECLARATION OF INDEPENDENCE

Sister City Committee Presidents Candace Shorack, Harvey Blustain, Galina Groza, and Janell Saavedra led the Pledge of Allegiance to the Flag and read the Declaration of Independence in honor of Independence Day.

2. PUBLIC FORUM

1. John Brown – shared concern that leaf blowers blow garbage into the streets and contaminate river.
2. Raging Grannies – sang a song encouraging Council not to allow new natural gas pipeline.
3. David Piccioni - expressed support for Councilor Taylor's motion regarding elected auditor.
4. Laura Ohanian -encouraged Council to put elected auditor measure on the November ballot.
5. Eugene Drix – acknowledged the passing of Mr. Charlie Henry.
6. Mark Cosby – spoke about lawsuits against the City of Eugene.
7. David Monk - expressed support for Councilor Taylor's motion regarding elected auditor.
8. Judy Morse – shared concerns about congregation of young people at downtown bus station.
9. Jim Neu – talked about restricting new fossil fuel infrastructure in order to meet CRO goals.
10. Lucy Lynch - expressed support for Councilor Taylor's motion regarding elected auditor.
11. Adam Fishman - expressed support for Councilor Taylor's motion regarding elected auditor.
12. Linda Heyl – asked Council to regulate natural gas in Eugene.
13. Robin Bloomgarden - expressed support for Councilor Taylor's motion regarding elected auditor.
14. Eric Jackson – talked about getting a no trespass ticket downtown.
15. Lisa Reyes – shared experience about getting RV towed by the City.
16. Bill Armstrong – talked about criminal behavior in his neighborhood and lack of police response.
17. Kimberly Gladen – expressed concerns for safety and hygiene issues in downtown.
18. Robert Blake – expressed support for smoking ban opt-in on behalf of Peacehealth.
19. Bob Cassidy – expressed support for Councilor Taylor's motion regarding elected auditor.
20. George Brown – expressed support for Councilor Taylor's motion regarding elected auditor.

3. CONSENT CALENDAR

- A.** Approval of City Council Minutes
 - May 30, 2018, Work Session
 - June 11, 2018, Work Session
 - June 11, 2018, Meeting
 - June 13, 2018, Work Session
 - June 18, 2018, Public Hearing
- B.** Approval of Tentative Working Agenda

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar. **PASSED 8:0**

4. ACTION: Boards and Commissions Appointments

Budget Committee

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Shaun Londahl to the Budget Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Scott Nowicki to the Budget Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Tai Pruce-Zimmerman to the Budget Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to appoint Alicia Voorhees to the Budget Committee for a one-year unexpired term beginning July 9, 2018, and ending June 30, 2019.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Syrett, moved to substitute Ryan Moore.

Council Discussion

- Support expressed for Alicia Voorhees, who lives in Ward 5, a historically underrepresented ward on the City's boards and commissions.
- Both candidates are good candidates, but more geographic balance on committees is needed.

VOTE ON MOTION TO SUBSTITUTE: PASSED 5:4, councilors Clark, Evans, Pror and Yeh opposed; Mayor Vinis broke the tie in favor.

VOTE ON SUBSTITUTE MOTION: PASSED 5:3, Councilors Yeh, Clark, and Evans opposed.

Civilian Review Board

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Richard Roseta to the Civilian Review Board for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Lindsay Foltz to the Civilian Review Board for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Christopher Hayes to the Civilian Review Board for an unexpired term ending June 30, 2019. **PASSED 8:0**

Historic Review Board

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Sarah Shmigelsky to the Historic Review Board for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Daniel Lombardi to the Historic Review Board for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Richard Steers to the Historic Review Board for an unexpired term ending June 30, 2020. **PASSED 8:0**

Human Rights Commission

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Bonnie Souza to the Human Rights Commission for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Rick Gurerra to the Human Rights Commission for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Serena Markstrom to the Human Rights Commission for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

Lane Regional Air Protection Agency

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Mysti Frost to the Lane Regional Air Protection Agency for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

Toxics Board

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Evan Shenkin, an advocacy representative on the Toxics Board, for a second three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Nicole Paterson, an advocacy representative to the Toxics Board for an unexpired term ending June 30, 2019. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Donald Eagan, an industry representative to the Toxics Board for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

Whilamut Citizen Planning Committee

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Linda Baker to the Whilamut Natural Area Citizen Planning Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Heron J. Brae to the Whilamut Natural Area Citizen Planning Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Lisa Fragala to the Whilamut Natural Area Citizen Planning Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Lily N. Hendricks to the Whilamut Natural Area Citizen Planning Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Kimberly Koops to the Whilamut Natural Area Citizen Planning Committee for a three-year term beginning July 9, 2018, and ending June 30, 2021. **PASSED 8:0**

5. Motion from Councilor Taylor Related to City Auditor Ballot Measure

MOTION: Councilor Taylor, seconded by Councilor Semple, moved to direct the City Manager to prepare for Council a resolution referring this amended version of the Citizens' initiative petition, formally BM 20-283, to the November ballot.

Council Discussion

- The citizen's committee did a lot of research and signature gathering and the objections to the original measure have been addressed in the proposed measure.
- The value of having an auditor is not worth the money spent to do it.
- The majority of voters voted against having an auditor on the May ballot.
- Important to focus on the updates made to the measure, some are improvements and some are concerning.
- Give the public a chance to vote on whether they want this new measure or not.
- Concerned that having an auditor would be a net cost to the city; that there was not enough public input on this proposed motion, and that there would be a lack of checks and balances if the proposed auditor's office was created.
- Council rushed to put alternative measure on the ballot in May. It would be prudent to add this measure to the ballot and let the voters decide.
- The measure would fail if put on the November ballot. Consider proposing a similar measure for the November 2020 election when there will be a larger voter turnout and more input and involvement can be solicited.
- Appreciate all of the citizens who have worked on this topic.

VOTE: FAILED 6:2, Councilors Semple and Taylor and Semple in favor.

6. ACTION: An Ordinance Concerning Autzen Stadium and Amending Section 4.190 of the Eugene Code, 1971.

City Manager Jon Ruiz introduced the action item, an ordinance that would extend the hours of alcohol consumption to six hours before football game kick-off to align with its proposed expansion of parking hours.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5191, an ordinance concerning Autzen Stadium and amending Section 4.190 of the Eugene Code.

Council Discussion

- The extended the tailgating hours will help give Eugene more of a destination event atmosphere and create economic development opportunities.
- Thankful to residents for sharing their input and experiences as well as University of Oregon Community Relations Director Matt Roberts for taking the time to speak with residents.
- The three main concerns about the proposed ordinance are parking problems, the game re-entry policy, and underage drinking.

MOTION TO AMEND: Councilor Yeh, seconded by Councilor Evans, moved to amend Council Bill 5191 to add a new Section 3 that states: "Section 1 of this ordinance shall sunset and be repealed, effective July 1, 2019, unless extended or made permanent by future Council action. If the University of Oregon ("UO") intends to request that Council extend or make permanent this ordinance, the UO must submit to Council by April 1, 2019, the following: 1) Information regarding tailgating traffic, and alcohol-related arrests, during the 2018 football season; 2) a coordinated neighborhood parking plan between the UO and the City to ensure emergency vehicle access and mitigation of negative impacts to affected areas; 3) an Autzen Stadium entry and re-entry policy; and 4) an under-age drinking enforcement policy and plan for tailgating before, during and after the UO football games."

Council Discussion

- The amendment allows the UO to add the two additional tailgating hours for the upcoming season and also allows them to address issues related to neighborhood impacts.
- Consider making the motion more specific in regards to entry re-entry policy – adding "that addresses the issue of over consumption of alcohol by spectators."
- This is a constructive amendment that supports the University and addresses neighborhood concerns.
- Make the motion more specific in regards to the information collected – adding "in comparison to previous years" to Section 1.

MOTION TO AMEND WITH FRIENDLY AMENDMENTS: Councilor Yeh, seconded by Councilor Evans, moved to amend Council Bill 5191 to add a new Section 3 that states: "Section 1 of this ordinance shall sunset and be repealed, effective July 1, 2019, unless extended or made permanent by future Council action. If the University of Oregon ("UO") intends to request that Council extend or make permanent this ordinance, the UO must submit to Council by April 1, 2019, the following: 1) Information regarding tailgating traffic, and alcohol-related arrests, during the 2018 football season in comparison to previous years; 2) a coordinated neighborhood parking plan between the UO and the City to ensure emergency vehicle access and mitigation of negative impacts to affected areas; 3) an Autzen Stadium entry and re-entry policy that addresses the issue of over consumption of alcohol by spectators; and 4) an under-age drinking enforcement policy and plan for tailgating before, during and after the UO football games."

VOTE ON MOTION TO AMEND: PASSED 8:0

VOTE ON AMENDED MOTION: PASSED 8:0

6. WORK SESSION: An Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties

City Manager's Office Division Manager Becky DeWitt gave a presentation about options regarding expanding smoke-free areas in Eugene.

Council Discussion

- Information requested about how businesses opt-in and if they are required to be smoke-free before opting-in.
- It will be beneficial to create a more pleasant downtown while allowing businesses whose model relies on having a place for their patrons to smoke to opt-out.
- Concerns expressed about treating downtown different than the rest of the city.
- There will be pockets of really smoky spots if some businesses opt-out.
- Favor total prohibition of smoking, but this is a good compromise and a move in the right direction to protect public health.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to direct the City Manager to move forward with the July 16, 2018, public hearing on an Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971. **PASSED 5:3**, Councilors Semple, Taylor, and Clark opposed.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 9, 2018
5:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Greg Evans, Chris Pyror

Mayor Vinis opened the July 9, 2018, Work Session of the Eugene City Council.

1. Committee Reports and Items of Interest

Council Discussion

- LRAPA is meeting on Thursday at noon and has time devoted to public comment each meeting.

Mayor Vinis adjourned the meeting of the Eugene City Council and opened a meeting of the Eugene Urban Renewal Agency.

2. URBAN RENEWAL AGENCYWORK SESSION: Proposed Terms for Downtown Riverfront Development

Planning and Development Director Denny Braud, Community Development Director Michael Kinnison, Economic Development Planner Anne Fifield, and City Attorney Staff Glenn Klein reviewed the terms, engagement, and cost-benefit analysis related to moving forward on redevelopment of the Downtown Riverfront site by Williams/Dame & Associates.

Council Discussion

- This is an historic opportunity to restore our downtown and bring people to the river.
- Questions asked about the remaining negotiations between the City and EWEB.
- Concerns expressed about lack of green space and wanting the green space to feel more like a park.
- Request made for financial information around the option of removing building 9B from the plans to keep as green space.
- Ideas shared about having two stories of parking under the viaduct, possibilities and opportunities for community solar, green roofs, and other sustainable options.
- Proposal achieves balance of community benefit and financial viability.
- Encourage developer to include multiple restaurants in the development, not just one.
- Questions asked about how inclusionary zoning, if adopted, would affect the development.
- Questions asked about the implications of the Urban Renewal District sunseting.
- Consider scheduling a work session to discuss the Sustainability Commission recommendation.
- To ensure that quality development is being pursued, the agreement includes a design approval process.
- Granting the proposed MUPTE may not be necessary for development.
- Information requested about the consequences of exploring more green space and eliminating building 9B.

- Important to move forward with developers, but don't want to close the door on adding more green space.
- Information requested on what becomes of the Urban Renewal District after the project is complete.
- Questions asked about any environmental liability on the property, sidewalks, and SDC credits.
- More information needed about affordable housing and other potential partners for affordable housing providers.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to authorize the Agency Director to approve a disposition and development agreement consistent with the terms included in Attachment B.

MOTION TO POSTPONE: Councilor Zelenka, seconded by Councilor Taylor, moved to postpone this motion to a meeting to occur before we go on break and have staff come back to us with more information about the green space and the affordable housing MUPTE questions.

Council Discussion

- The question on the table right now is if the council wants to work with the developers. The council is not pre-approving conditions for MUPTE or budgeted dollars at this time.

VOTE ON MOTION TO POSTPONE: FAILED 2:6, Councilors Taylor and Zelenka in favor.

RESTATED MOTION AND VOTE (*with friendly amendment*): Councilor Semple moved to authorize the Agency Director to approve a disposition and development agreement consistent with the terms included in Attachment B and to direct the Agency Director to negotiate for additional greenspace and, if more green space is possible, return to Agency with revised terms, **PASSED 7:1**, Councilor Taylor opposed.

Mayor Vinis closed the meeting of the Urban Renewal Agency and opened the meeting of the Eugene City Council.

3. WORK SESSION: Initiation of Processes for Downtown Riverfront Land Use Code Amendments and Infrastructure

MOTION AND VOTE: Councilor Clark, seconded by Councilors Taylor, moved that council initiate the process for the Planning Commission and council to consider land use code and plan amendments to enable the development of the downtown riverfront consistent with the concept plan presented by Williams/Dame & Associates. **PASSED 7:1**, Councilor Taylor opposed.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved that council initiate consideration of a proposed local improvement district for the downtown riverfront redevelopment site, consistent with the concept plan presented by Williams/Dame & Associates, and direct the City Manager to return to council with the report described in section 7.160(6) of the Eugene Code, so that council can determine whether to proceed with the local improvement district. **PASSED 7:1**, Councilor Taylor opposed.

MOTION AND VOTE: Pursuant to section 2.1425(1) of the Eugene Code, Councilor Clark, seconded by Councilor Taylor, moved that council authorize the City Manager to negotiate and execute a contract with Williams/Dame & Associates for the management of the downtown riverfront redevelopment site infrastructure project, including related items such as the submission of the subdivision application. **PASSED 7:1**, Councilor Taylor opposed.

The meeting adjourned at 6:57p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 11, 2018
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 11, 2018, Work Session of the Eugene City Council. City Manager Jon Ruiz introduced and welcomed Paula Hertwig-Hopkins, the interim Central Services Director.

1. WORK SESSION: Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System

Parks and Open Space Planning Manager Carolyn Burke discussed the implementation of Eugene's Parks and Recreation System Plan.

Council Discussion

- The Parks and Recreation System Plan document is beautiful, readable and easy to understand.
- Staff should include Council in any future discussion of planning processes that may affect changes to SDC methodologies. Want to have budget conversations before the work is done to create a plan.
- The community engagement process has been done well and effectively, creating best practices for community engagement.
- The City has made significant investment in parks infrastructure, and there is an obligation to take care of and maintain what we already have.
- Suggestion made to add links to the maps in order to be able to zoom in.
- New parking is part of the plan. Would like to look into permeable surfaces for parking with CRO goals in mind.
- A significant playground downtown would be beneficial. Also, have more off-leash dog facilities, more restrooms, and more benches.
- Parks and Open Space should continue to do outreach regarding changes and updates.
- Information requested about the total cost of entire "wish list" and how priorities were identified.
- Questions asked about how CIP and CRO goals are all related in implementing the parks plan.
- Concerned that community centers are not as open and welcoming as they used to be.
- Information requested about how the City is addressing the gender and equity issues in the parks plan, including having facilities for girls and women, such as softball fields.

2. WORK SESSION: City Council Retreat Update

Policy Analyst Jason Dedrick gave an update about the City Council retreat sessions that were held in February. He discussed what went well in 2017, areas of focus for the coming months, and identified three areas of focus.

Council Discussion

- Distilling group notes down into actionable items is not an easy process and the notes seem to capture council discussions around how to move forward and with what outcomes they'd like to see, but there are some holes and misconstrued ideas.
- Appreciate having the help to look back on the discussions had and the help to start moving forward.
- It is clear that Council will have to vote on a defined list of things in order to move forward in a certain and clear direction.
- The line between subsidized, low-income, and other types of housing needs to be made clearer.
- Public safety is important, but in addition to downtown public safety, consider adding a focus on neighborhoods and transportation corridors.
- Appreciate the follow up to the retreat and clearly defining the goals.

The meeting adjourned at 1:12 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 16, 2018
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 16, 2018, public hearing of the Eugene City Council.

1. PUBLIC HEARING: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)

Mayor Vinis opened the quasi-judicial public hearing.

Council Discussion

- All councilors disclosed that they individually met with Casey Barrett and Brian Obie to discuss the Obie project.

Support

1. Casey Barrett - spoke in support of the Skinner Butte height limitation area.
2. Sue Prichard - spoke in support of the Skinner Butte height limitation area.
3. Sean Camblin - spoke in support of the Skinner Butte height limitation area.
4. Stephanie Kimmel - spoke in support of the Skinner Butte height limitation area.
5. Tim Campbell - spoke in support of the Skinner Butte height limitation area.
6. Chris Boone – spoke in support of the Skinner Butte height limitation area.
7. Jenny Ulum - spoke in support of the Skinner Butte height limitation area.
8. Tom Stewart - spoke in support of the Skinner Butte height limitation area.
9. Brittany Quick-Warner - spoke in support of the Skinner Butte height limitation area.
11. Claire Barnum - spoke in support of the Skinner Butte height limitation area.

Neutral

No one spoke with a neutral stance on this issue.

Oppose

1. Kimberly Gladen – spoke in opposition to the Skinner Butte height limitation area.

Mayor Vinis closed the public hearing and the public record.

2. PUBLIC HEARING: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)

Mayor Vinis opened the quasi-judicial public hearing.

Support

1. Sue Prichard - spoke in support of the proposed roof sign.
2. Andy Vobora - spoke in support of the proposed roof sign.
3. Sean Camblin - spoke in support of the proposed roof sign.
4. Michael DeLuise - spoke in support of the proposed roof sign.

5. Roger Rutan - spoke in support of the proposed roof sign.
6. Jacob Fox - spoke in support of the proposed roof sign.
7. Bob Hart - spoke in support of the proposed roof sign.
8. Jodi Sommers - spoke in support of the proposed roof sign.
9. Jessica Blaine - spoke in support of the proposed roof sign.
10. Larry Gilbert - spoke in support of the proposed roof sign.
11. Dana Turell - spoke in support of the proposed roof sign.
12. JB Carney - spoke in support of the proposed roof sign.
13. Erik Parrish - spoke in support of the proposed roof sign.
14. Irene Alltucker - spoke in support of the proposed roof sign.
15. Nicole Roselio - spoke in support of the proposed roof sign.
16. Brian Obie - spoke in support of the proposed roof sign.

Neutral

1. John Barofsky - spoke about the sign code and how it relates to the proposed roof sign.

Oppose

1. Susan Connolly - spoke in opposition to the proposed roof sign.
2. Isaac McCoy-Sulentis - spoke in opposition to the proposed roof sign.
3. Kimberly Gladen - spoke in opposition to the proposed roof sign.

Council Discussion

- Appreciation expressed for the testimony on this issue. The sign code is out of touch with current technology and a work session poll on this issue will be requested.

Mayor Vinis closed the public hearing and the public record.

3. PUBLIC HEARING: An Ordinance Vacating E. 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between E. 5th Alley and E. 6th Avenue, and providing for an effective date (City File VRI 18-2)

Mayor Vinis opened the quasi-judicial public hearing.

Support

1. Sue Prichard - spoke in support of vacating E. 5th Alley.
2. Phil Farrington - spoke in support of vacating E. 5th Alley.
3. Jenny Ulum - spoke in support of vacating E. 5th Alley.

Neutral

No one spoke with a neutral stance on this issue.

Oppose

No one spoke in opposition to this issue.

Council Discussion

- Information requested about how much the alley was assessed at and how that number was determined.

Mayor Vinis closed the public hearing and the public record.

4. PUBLIC HEARING: An Ordinance Concerning the Location of Recreational Retail Marijuana Uses and Amending Sections 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 and 9.3911 of the Eugene Code, 1971. (City File CA 18-4)

Mayor Vinis opened the public hearing.

1. John Barofsky – discussed Planning Commission hearings regarding marijuana buffer zone.
2. Sherry Schaefer – spoke in support of a marijuana buffer to maintain a vibrant downtown.
3. Pete Knox - spoke in support of a marijuana buffer to maintain a vibrant downtown.
4. David Nelkin – asked Council not to pass a buffer; important to keep rental options open.
5. Sue Prichard – spoke in favor of a marijuana buffer to encourage a vibrant downtown.
6. Tiffany Edwards – asked the Council to implement a 1,000 foot marijuana buffer zone.
7. Christiane Ochoa – spoke in support of a buffer zone on behalf of Lane County Public Health.
8. Sam Barber – spoke in support of a buffer to help stabilize the cannabis industry.
9. Richard Johnson – spoke in opposition to the buffer zone and grandfathering current shops.

Council Discussion

- Anecdotal reports that crime increases near marijuana businesses are not true; EPD reported that there was a decrease in crime near these establishments, with the exception of fraud.
- Request made for an updated map and a count of retail establishments in downtown in order to compare related to number of marijuana businesses.
- Information requested about the approximate time each of the marijuana businesses opened.

Mayor Vinis closed the public hearing.

5. PUBLIC HEARING: A Resolution Granting a Measure 49 Claim and Waiving a Provision of Chapter 9 of the Eugene Code, 1971 for Property Located Adjacent to 70 West 24th Place, Eugene, Oregon (Assessor's Map 18-03-06-42, Tax Lot 2700)

Mayor Vinis opened the public hearing.

1. Bill Kloos – asked for time to respond to any testimony submitted related to the claim.

Mayor Vinis closed the public hearing.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, requested that the record be open for another week. **PASSED 8:0**

6. PUBLIC HEARING: An Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971.

Mayor Vinis opened the public hearing.

1. Pamela Krause - spoke in support of a smoking ban downtown.
2. Pete Knox - shared concern that a ban goes too far, but the opt-in/out is a compromise.
3. Nick Weldon - talked about how the proposed ban does not go far enough.
4. Sue Prichard - spoke in support of the proposed smoking ban ordinance.

5. Susan Connolly - spoke in support of the proposed smoking ban ordinance.
6. David Piccioni - shared concerns about implementing a smoking ban.
7. Tiffany Edwards – supported the smoking ban ordinance on behalf of the Chamber of Commerce.
8. Matt Sayre - spoke in support of the smoking ban on behalf of Technology Association.
9. Avi Naiman - spoke in support of the smoking ban; encouraged a ban for the entire city.
10. Claire Barnum - spoke in support of the proposed smoking ban.
11. Frank Wilson – shared support for proposed smoking ban on behalf of Lane Transit District.
12. Robert Blake – spoke in support of proposed smoking ban and shared some related ideas.
13. Chief Rodney Budlee Swiftfoot Augustana Retzmann-Butterfly – spoke about smoking rights.
14. Christopher Friend – spoke in support of ban on behalf of the Cancer Advocacy Network.
15. Kimberly Gladen – spoke in favor of the proposed smoking ban ordinance.
16. June Simon – asked Council to produce research that smoking outside is harmful to others.
17. Rob Bennett – spoke in favor of the proposed ban on behalf of Newberry Child Care.
18. Jeffrey Keim – expressed disappointment at Council for rushing smoking ban decision.
19. Jason Buckley – spoke in opposition to the proposed smoking ban ordinance.
20. Susan Caldwell – shared support for a total smoking ban in all public places.
21. Christy Inskip – spoke in favor of the smoking ban on behalf of Lane County Public Health.

Council Discussion

- More information requested about the meaning of “City Manager discretion” in the context of the opt-out provision being considered.
- Concerns expressed that opt-out areas would create pockets of smoke; unsure where people could go to smoke if this passed.
- Downtown should not be singled out as a smoke-free zone; if there is going to be a ban it should be citywide.
- Concerns expressed about making smoking illegal for the homeless, in addition to not being able to sleep legally.
- Questions asked about enforcement of the proposed smoking ban and whether police officers will be issuing citations.

Mayor Vinis closed the public hearing.

7. PUBLIC HEARING AND POSSIBLE ACTION: A Resolution Adopting “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System”

Mayor Vinis opened the public hearing.

1. Marjorie Smith – shared support for the parks plan and praise for the public outreach.
2. Dana Turell – shared support for the thorough and thoughtful parks plan.

Council Discussion

- Clarification requested about the slight modifications made since the draft plan was proposed.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to adopt the resolution presented in Attachment A, adopting “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System. **PASSED 8:0**

Mayor Vinis closed the public hearing.

8. ACTION: Wildlife Feeding

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5189 that updates the City's Nuisance Code.

Council Discussion

- More effective to use education and cooperation instead of passing this ordinance.
- The City should buy and distribute rat traps throughout the city.
- The City should help people make changes, including the purchase and distribution of compliant composting bins.
- Questions asked about enforcement, education, and fines.
- Without passing this ordinance, the Oregon Department of Fish and Wildlife will not help the City with trapping turkeys and do not believe education is enough to deal with the turkey population.

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Clark, moved to call the question. **FAILED 5:4**, Mayor Vinis voted against the motion with Councilors Semple, Taylor, Zelenka, and Clark.

Council Discussion

- The Oregon Fish and Wildlife originally brought the turkeys here, but are supportive of the ordinance as it will allow them to be involved in mitigating the impacts.

VOTE: PASSED 6:2, Councilors Semple and Taylor opposed.

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 16, 2018
5:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 16, 2018, Work Session of the Eugene City Council.

1. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(i)

The City Council met in Executive Session in order to discuss the Annual Performance Review of Police Auditor Mark Gissiner.

2. WORK SESSION: Police Auditor Annual Performance Review

Interim Human Resources Director Keri Beraldo introduced the Police Auditor Annual Performance Review, which included a self-evaluation, Civilian Review Board evaluation, and City Council evaluation. She addressed amendments to Mark's contract.

Council Discussion

- The Police Auditor's Office operates with high level of professionalism and expertise.
- The Police Auditor is doing the right thing and doing it in the right way, making the office work for the City of Eugene.
- The Police Auditor embraced the challenge to increase the profile of the Police Auditor's Office, especially reaching out to the Latino community.
- The Civilian Review Board gave very high remarks, which speaks volumes about the Auditor's high degree of professionalism and integrity.
- The Independent Police Auditor's Report provides good insight into the things that are going on in the community and what is bothering people.
- Police Auditor is always accommodating, helpful, accessible and able to get useful information.
- The goals for next year are exemplary, emphasizing neuro-developmental disorders and how they can create complications with interactions with authority.
- The Police Auditor works effectively with Chief Skinner to understand out community values and protect us.
- Encourage the Auditor to attend more neighborhood meetings, to eventually get to all of them.
- Often contacted by elected leaders in other communities who wonder how Eugene is conducting a successful Police Auditor's Office. Eugene has an office that is routinely referenced as a best practice.
- Internal EPD complaints also go to the auditor and the police trust that he is impartial and will do a good job investigating the situation.
- Clarification requested about whether transitioning away from the step salary system will apply to future employees holding the position.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved that Council award the Police Auditor a five percent merit salary increase, which sets the Police Auditor's annual base salary at \$133,744.00/Annually (\$64.30/Hourly), and approve amendments to the Police Auditor's employment contract to: (1) award the Police Auditor market rate adjustments (MAPs), previously known as a COLAs, at the same time each year and at the same percentage as the MAP given to the non-represented employee group; (2) state that the Police Auditor is eligible for an annual one percent to five percent Council-approved salary merit increase based on the Police Auditor's satisfactory achievement of expectations and goals as set forth by City Council each year; (3) delete reference to pay Range 88. The Council President is authorized to execute a contract consistent with this motion.

Council Discussion

- Support the top level increase, but would like Council to be informed when the marketplace adjustment is made and how much that increase is.
- Executives are already paid well enough, further raises inappropriate despite how good a job they are doing.

VOTE: PASSED 7:1, Councilor Taylor opposed.

3. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(i)

Council met in Executive Session in order to discuss the Annual Performance Review of City Manager Jon Ruiz.

4. WORK SESSION: City Manager Annual Performance Review

Interim Human Resources Director Keri Beraldo introduced the Annual Performance Review for the City Manager and discussed compensation information based on final ratings.

Council Discussion

- Jon's leadership serves the City well; he's well-respected by staff and the community.
- Jon's accomplishments over the past year are significant.
- Things have gone smoothly through many executive transitions and Eugene has maintained financial stability while other cities have not.
- Jon maintains a delicate balance between being operational manager and implementing the policy decisions council makes every day.
- Appreciate the trust given to staff to do the work and answer questions for Council in order for Council to do their jobs well.
- Jon sets a good example that filters down to staff by meeting with and answering any questions council may have.
- Jon does a good job managing the many topics and issues that Council is interested in; would like to see more brief updates on topics that haven't reached a Council decision point but are in the works.
- Encouraged to see more multi-media outreach to the community.
- The City Manager should try to attend more neighborhood meetings.
- Valuable to have such open conversations with the City Manager.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved that the Council approve an amendment to the City Manager's employment contract to award the City Manager market rate adjustments (MAPs), previously known as a COLAs, at the same time each year and at the same percentage as the MAP given to the non-

represented employee groups. The Council President is authorized to execute a contract consistent with this motion. **PASSED 8:0**

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 18, 2018
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka (*via phone*), Jennifer Yeh, Mike Clark, Greg Evans, Chris Pyror

Councilors Present: Claire Syrett

Mayor Vinis opened the July 18, 2018, Work Session of the Eugene City Council.

1. WORK SESSION: Community Justice System Update

Assistant City Manager Kristie Hammitt, Project Manager Kevin Altucker, and Dr. Gary Manross from Strategic Research Institute provided a community justice update including an overview of the timeline, survey results, and request for Council input.

Council Discussion

- Clarification requested about who made the survey calls and how the surveys are conducted.
- It would be helpful if the answers and information collected could be broken down by ward.
- Important to be able to use data to show how the city is addressing different neighborhood issues in different areas.
- Clarify if there is a different standard about what “safe” is in different parts of the community.
- Suggest having a conversation about a funding source that is both adequate and stable.
- Concerns expressed that there is a lack of civic awareness around who has jurisdictional responsibilities for addressing different issues related to homelessness.
- Information requested about whether there was any sense of community-wide recommendations about how community leaders should be supporting the police department.
- Consider efficacy of using more online surveys.
- Concern expressed about lack of locations on the outreach schedule to gather information from people in wards 4 and 5.

The meeting adjourned at 1:14 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 23, 2018
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 23, 2018, meeting of the Eugene City Council.

1. PUBLIC FORUM

1. Ralph McDonald - spoke about the proposed resolution from the Sustainability Commission.
2. Howard Saxion - talked about Sustainability Commission request regarding Northwest Natural Gas.
3. Todd Boyle - addressed and made comments about Council's housing tools and strategies process.
4. Brad Foster – asked Council to decrease parking requirements for new housing to discourage cars.
5. John Thielking – spoke about separation of families, homeless issues, and plastics recycling.
6. Debby McGee – asked Council to stop the use of natural gas in our city.
7. Jim Neu – talked about the large-lever shareholder meetings for the Climate Action Plan.
8. Patty Hine – discussed the CRO process and large-lever shareholder meetings.
9. Kelsey Weilbrenner – supported the property exemption for Ya Po Ah Terrace.
10. Bob Wiese - supported the property exemption for Ya Po Ah Terrace.
11. Philip Dochow - supported the property exemption for Ya Po Ah Terrace.
12. Krystal Abrams - encouraged Council to make Eugene a Bee City USA.
13. Shawn Boles – addressed aesthetics in Eugene.
14. David Piccioni - spoke against implementing the Smoking Ban downtown.
15. Lisa Arkin - encouraged Council to make Eugene a Bee City USA.
16. Kristen Bartels - spoke about recycling concerns and changes related to compacted materials.
17. Kimberly Gladen – supported the smoking ban and a safer downtown, including drug enforcement.
18. Christina Chapman – voiced concern about treatment of homeless people in the community.
19. Brian White – shared support for proposed code clarifications defining compacted trash.
20. Eric Jackson – spoke about code enforcements and necessities related to homelessness.

Council Discussion

- Information requested about compacting rates being altered by an administrative order and how Council could potentially weigh in.
- Appreciation expressed to individuals from Ya Po Ah Terrace for coming to make comments about the importance of approving LIRHPTE.
- The Sustainability Commission recommendation will be forwarded to Council at a later date.
- Gratitude expressed to John Thielking for continuing to come to Council with so many creative ideas.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes
 - a. June 20, 2018, Work Session
 - b. June 25, 2018, Work Session
 - c. June 25, 2018, Meeting
 - d. June 27, 2018, Work Session

- B. Approval of Tentative Working Agenda
- C. Adopting a Resolution Approving a Low-Income Rental Housing Property Tax Exemption for Ya Po Ah Terrace
- D. Appointments to Historic Review Board
- E. City Manager Pay Adjustment and Contract Amendment

Councilor Taylor pulled Item E from the Consent Calendar.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar, except for Item E. **PASSED 8:0**

Council Discussion

- Important to note that giving the City Manager an \$11,000 pay adjustment raise is close to the income of people staying at Ya Po Ah Terrace; this is too much.
- Consider re-examining how Council conducts evaluations during a process session.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve Consent Calendar Item E. **PASSED 7:1**, Councilor Taylor opposed.

3. PUBLIC HEARING AND POSSIBLE ACTION: An Ordinance Extending the term of Ordinance No. 20397 granting to Comcast of Oregon II, Inc. a franchise for operation of a cable telecommunications system, and providing an effective date.

City Manager Jon Ruiz introduced the Public Hearing topic.

Mayor Vinis opened the public hearing. No one signed up to speak for this Public Hearing. Mayor Vinis closed the public hearing.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5197, an ordinance extending the term of Comcast franchise agreement. **PASSED 8:0**

4. ACTION: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)

Mayor Vinis made statements related to the subsequent three Council actions, stating that the records for the quasi-judicial decisions had closed the week before. Council continued to receive emails related to these decisions and there are legal issues to address; the ex-parte contacts and whether the emails will be included in the record.

Council Discussion

- Each Councilor made a statement related to emails they had read after the record closed and stated that they could still be impartial.
- Obie Companies has chosen not to rebut the ex-parte contacts.

Assistant City Attorney Lauren Sommers addressed the quasi-judicial records for the subsequent actions and the steps Council could take to address the testimony submitted after the record was closed.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to reject all testimony received by the City regarding the proposed Skinner Butte Height Limitation Ordinance and the proposed Gordon Hotel Sign Ordinance (CA 18-3) following the close of the records for those ordinances on Monday, July 16, 2018.

Council Discussion

- Question about what would happen if Council wanted to accept the testimony submitted after the record was closed.
- Council could re-open the record, but would not be able to take action tonight.

SUBSTITUTE MOTION: Councilor Taylor moved to substitute to leave the record open for both of the records until the first meeting in September. There was not a second.

VOTE ON ORIGINAL MOTION: PASSED 7:1, Councilor Taylor opposed.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5192, an Ordinance Concerning the Skinner Butte Height Limitation Area.

Council Discussion

- The proposed project has merit, however, the design could go forward without the change. Oppose filling the street with buildings that tall.
- Question asked about the sign ordinance change in relation to the height limitation approval.
- It is important to think of these actions as separate issues, especially because one applies to all development in the corridor and the other requires an exemption.
- The community has made it clear that they would like to build up instead of building out and increasing the height limitation supports this.
- Question asked about how the height limitation would affect potential sign use.

VOTE: PASSED 8:0

5. ACTION: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5193, an Uncodified Ordinance Concerning the Gordon Hotel Sign.

Council Discussion

- Information requested about whether the proposed sign will be a neon type or LED lit sign and if there are limitations on how bright it could be.
- Support granting waiver, but the City needs to review its sign code and design review process.
- More time needed to think about this rather than making an exception for one project.

VOTE: PASSED 8:0

6. ACTION: An Ordinance Vacating East 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between East 5th Alley and East 6th Avenue, and providing for an effective date (City File VRI 18-2)

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5194, an ordinance vacating the portion of East 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between East 5th Alley and East 6th Avenue, and providing for an effective date.

Council Discussion

- An AIS with attached ordinance and findings was distributed; there are no changes from the original AIS.

VOTE: PASSED 8:0

7. ACTION: An Ordinance Concerning the Location of Recreational Retail Marijuana Uses and Amending Sections 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 and 9.3911 of the Eugene Code, 1971. (City File CA 18-4)

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5195, an Ordinance Concerning the Location of Recreational Retail Marijuana Uses.

Council Discussion

- Do not believe Council should intervene in the marketplace or treat these businesses differently than other legal businesses.
- Statistics from EPD do not show increase in crime around marijuana retail shops.
- Supportive of the ordinance, but would like to explore mitigating any unintended consequences that result from this ordinance.
- Important to ensure that downtown is healthy and attractive to a broad range of visitors.
- Passing this ordinance will have little effect because the current shops are already grandfathered in.

VOTE: PASSED 5:3, Councilors Taylor, Zelenka, and Syrett opposed.

8. ACTION : An Ordinance Concerning the Prohibition of Smoking on Public Right-of-Way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5196, an Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out.

MOTION TO AMEND: Councilor Semple, seconded by Councilor Clark, moved to delete ordinance Section 2 in its entirety.

Council Discussion

- Concern expressed that the Council is singling out downtown and showing that it cares more about the health of individuals downtown; would like the ban to be citywide.
- There hasn't been a real discussion about the science of this proposal or the affects it may have on downtown.
- A smoke-free downtown is not arbitrary, but is based on valid research regarding smart public health policy; eliminating smoke where there are large concentrations of people is prudent.

VOTE ON MOTION TO AMEND: FAILED 3:5, Councilors Semple, Taylor, and Clark in favor.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Clark, moved to substitute the following motion for the motion to adopt the ordinance: Move to direct the City Manager to schedule a public hearing on an ordinance prohibiting smoking on public rights-of-way citywide and allowing for properties to opt-out.

Council Discussion

- If smoking is bad enough to ban downtown, it should be banned citywide.
- This ordinance will create two different classes of people; if we're trying to get more people to live downtown, this will constrain some people from doing so.
- Do not believe that the Council and public had enough time to think about this vote.

VOTE ON SUBSTITUTE MOTION: FAILED 3:5, Councilors Semple, Taylor, and Clark in favor.

Council Discussion

- If this passes, not sure where people are going to go to smoke, especially if they don't have a home or if they work downtown.
- Voting in favor of the ordinance only because it includes the opt-out provision.

VOTE ON ORIGINAL MOTION: PASSED 6:2, Councilors Taylor and Clark opposed.

9. ACTION: A Resolution Designating Eugene as a BEE CITY USA Affiliate

Council Discussion

- Gratitude expressed for a Beyond Toxics for their hard work dedicated to this resolution as well as parks staff who have gone above and beyond to protect pollinators.
- The City is already implementing the policies included in the Bee City designation and this resolution will make sure it continues and strengthens these policies.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt the resolution designating Eugene as a BEE CITY USA affiliate.

Council Discussion

- Happy to support this resolution and promote protecting pollinators.
- This is a feel good action and the right thing to do.

VOTE: PASSED 8:0

MOTION: Councilor Semple, seconded by Councilor Evans, moved to extend the open record period for the Moore Measure 49 Claim until 5:00pm on Friday, July 27th, 2018 and to extend the claimant's rebuttal period until 5:00pm on Friday, August 3rd, 2018.

Council Discussion

- Was asked to put this motion forward because Planning has information coming out that has been delayed until tomorrow and want people to have enough time to read the information and respond.

VOTE: PASSED 8:0

The meeting adjourned at 9:28 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

July 23, 2018
5:30 p.m.

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Greg Evans, Chris Pyror

Mayor Vinis opened the July 23, 2018, Work Session of the Eugene City Council.

1. Committee Reports and Items of Interest

Council Discussion

- Request made for more detailed minutes with a quicker turnaround.

MOTION: Councilor Clark, seconded by Councilor Semple, moved to direct the City Manager to prepare for the City Council meeting on Wednesday a resolution sending to voters the following question: "Shall EWEB sell and shall the City of Eugene buy the EWEB administration building for rehabilitation and use as a city hall?" In accordance with EC 2.999(2), the resolution shall include for Council approval the ballot title for the advisory measure.

Council Discussion

- Important to put this advisory issue before the voters because there has never been any clear Council direction for city hall.
- Concern expressed because the information about what ultimately happens with the land swap will not be available when community votes.
- There is an enormous amount of detailed and complicated information that the public doesn't have to effectively evaluate this decision; Council was elected to study these issues and make decisions on behalf of those they represent.
- An advisory vote would be more of a beauty contest rather than a way to get a clear idea of where voters think city hall should be built.
- Misconceptions about the EWEB building continue to circulate; the City does not own it and its location does not meet the council goal to maintain city hall in the downtown core.
- Council can still go through the process of reevaluating the EWEB building; sending this issue to the voters in November seems too rushed.
- It is important to see how the public feels about where city hall should be located, but maybe not with this specific question.
- A survey or poll might be appropriate rather than a ballot question.

VOTE: FAILED 3:5, Councilors Yeh, Clark, and Evans in favor.

Council Discussion

- Suggestion made to broadcast City Council meetings on a channel that everyone has access to, including people who do not have cable.
- Concern expressed about the demolition of houses in Santa Clara park; would like to reconsider this decision.

Mayor Vinis adjourned the meeting of the Eugene City Council and opened a meeting of the Eugene Urban Renewal Agency.

2. URBAN RENEWAL AGENCYWORK SESSION: Proposed Terms for Downtown Riverfront Affordable Housing Parcel

Community Development Director Mike Kinnison and Glenn Klein from the City Attorney's Office presented follow-up information regarding specific terms for affordable housing and the possibility of more green space as part of the Downtown Riverfront redevelopment project.

Council Discussion

- Information requested about the appraised value of specific parcels of land is they relate to the proposed affordable housing project.
- Questions asked about selling the affordable housing project site to a housing developer.
- Questions asked about how rent changes based on increase or decrease in family size.
- Questions asked about the developer's business model regarding developing and selling new development.

MOTION: Councilor Clark, seconded by Councilor Taylor moved to authorize the Agency Director to sell lot 10A to WDA to build (solely or in partnership with another entity) no fewer than 75 units of affordable housing. The units shall be affordable to households at or below 60 percent of the area median income. **PASSED 8:0**

Mayor Vinis closed the meeting of the Urban Renewal Agency and reopened the meeting of the Eugene City Council.

3. WORK SESSION: Nuisance Codes

Inspection Services Manager Rachelle Nicholas and Code Compliance Inspector Philip Hubbard gave a presentation on and outlined possible options for Council to address some consistent issues regarding neighborhood livability.

Council Discussion

- Information requested about foreclosed and abandoned homes and how the City determines who has title to the home.
- The nuisance code is very much in need of updating; it is past time and other cities have some good examples and best practices.
- Need to address some maintenance issues from the perspective of health and safety vs. livability.
- Questions asked about odor issues related to recreational marijuana use.
- Consider putting guidelines on staff regarding appropriate timelines to bring subjects back to Council.
- Questions asked about how long it would take to overhaul and update the code and whether that work could be phased.
- Concerns expressed about the ability to enforce the code and what would it look like and cost to have effective code enforcement.
- Request made for sample motions and actions to take to move forward on this issue.
- Questions asked about potential resources for people who don't have the money to make their houses livable and attractive.
- Make it clear that the City is serious about enforcement and will take steps to deal with code enforcement issues.
- Comments made about how hoarding can be complicated if mental illness is involved.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to direct the City Manager to 1) bring back ordinance language similar to the cities of Corvallis, Portland, Gresham and Salem to address negative effects on neighborhoods caused by vacant buildings, dangerous conditions caused by hoarding, and nuisance odors related to the processing of marijuana in residential zones; and 2) conduct a comprehensive review of the existing nuisance code for additional revisions that may address other modern livability issues, which may include adding a property maintenance code similar to the cities of Corvallis, Portland, Gresham and Salem. **PASSED 8:0**

The meeting adjourned at 6 55:p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

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

**July 25, 2018
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka (*via phone*), Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the July 25, 2018, Work Session of the Eugene City Council.

1. Items of Interest

Council Discussion

- At the National League of Cities Conference, a great wayfinding tool was introduced that included a touchscreen, cameras, maps, and other information.
- Councilor Syrett will now be on the Metropolitan Policy Committee, taking Councilor Zelenka's place and Councilor Zelenka will take Councilor Syrett's place on the Police Commission.
- Update provided on staff progress around housing tools and strategies.
- Information provided about statewide Measure 102 that would amend the state constitution to allow private entities building affordable housing to partner with credit sources of public agencies.

MOTION: Councilor Pryor, seconded by Councilor Semple, moved to adopt a resolution in support of the statewide constitutional amendment for affordable housing bonds.

Council Discussion

- This seems like a worthwhile measure, but the council doesn't have enough information to explore any potential negative consequences.
- It's appropriate for the state constitution to prevent governments from using their bonding authority to support private business, but this specific exception that allows government to utilize their bonding authority to support private developers to build affordable housing allows a new mechanism for supporting affordable housing when there aren't many other tools to do so.
- There has been broad bipartisan support for the measure in the legislature and this is a way to move forward in supporting affordable housing for our state.

VOTE: PASSED 7:1, Councilor Taylor opposed.

2. WORK SESSION: Town Square Planning

Senior Planner Will Dowdy gave an update to Council regarding Eugene's Town Square, including City Hall, the Park Blocks, and the Farmer's Market.

Council Discussion

- Questions asked about plans for keeping the project going while having the uncertainty of knowing whether the City will own the butterfly lot.
- Questions asked about how to keep urban renewal money separate from City Hall project if the projects are being combined.

- Using a holistic approach with these projects encourages more certainty for locating a new City Hall.
- Encouraged to see these separate pieces combined into efforts that envision a town square and consider how public spaces will interact with one another.
- Valuable to have a budget conversation so that decisions can be made once making steps forward is possible.
- Urban renewal money is too easy to spend; the construction of a new City Hall would be an appropriate way to use those dollars.
- Connect values with a price tag in order for community members to make informed decisions.
- Concerns expressed about plans for Saturday Market and Farmers Market during construction because they are important sources of income and social engagement. Care should be taken to avoid any interruptions.

3. WORK SESSION: Downtown Public Safety Update

Police Chief Chris Skinner gave an update about downtown public safety.

Council Discussion

- Kudos to downtown police officers for carrying dog treats.
- Questions asked about personnel costs for the different types of public safety employees working downtown.
- There is an ongoing and unmet need for more benches downtown.
- Concerns expressed that there are too many uniforms downtown and people will be confused about who to connect with.
- Questions asked whether moving people out of the downtown core is having measurable negative impacts on other neighborhoods.
- Comments and suggestions offered about the non-emergency line.
- Questions asked about exploring the use of an app that allows for communication between all types of security forces.
- It can be difficult to maneuver the sidewalks; consider eight feet as a sidewalk safety pathway.
- Look in to having a small place or store to allow people to come in and sleep.

The meeting adjourned at 1:12 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: September 10, 2018
Department: City Manager's Office
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 City Council Tentative Working Agenda.

BACKGROUND

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

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

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



City Council Tentative Agenda

Updated September 5, 2018

Meeting Location: Harris Hall, 125 East 8th Avenue, unless otherwise noted

September 2018						
Date	Day	Time	Title		Length	Dept. Contact
10-Sep	Monday	5:30 pm	 Committee Reports and Items of Interest		45 mins	Rob Inerfeld, PW
		 Transportation Systems Plan Update (Work Session)				
			 Unimproved Roads (Work Session)		45 mins	Mark Schoening, PW
		7:30 pm	 Ceremonial Matters			Nick Gioello, PDD
			 Public Forum			
			 Resolution Annexing Land Located at 1127 – 1129 Maclay Drive (Brabham, Jesse; A 18-2) (Consent Calendar)			
			 Resolution Annexing Land Located at 1 and 2 Chevy Chase Lane (Chase/LeCompte A18-4) (Consent Calendar)			
			 Ordinance on Street Name Change, SC 18-1 Living Strong, LLC (Public Hearing)			
			 Resolution on Elise Moore Measure 49 Claim (M49 18-1) (Action)			
Expected absences for 9/10: none						
12-Sep	Wednesday	12 pm	 Marginalized Voices (Work Session)		45 mins	Katie Babits, CS
			 Council Process Session (Work Session)		45 mins	Becky DeWitt, CS
Expected absences for 9/12: none						
17-Sep	Monday	7:30 pm	 TBD (Public Hearing)			
Expected absences for 9/17: none						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

19-Sep	Wednesday	12 pm	 Moving Ahead Project Update (Work Session)	60 mins	Chris Henry, PW
Expected absences for 9/19: none					
24-Sep	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Mark Gissiner, CS
			 Police Auditor/Civilian Review Board Report (Work Session)		
			 Airport Master Plan Adoption (Work Session)	45 mins	TBD, PW
		7:30 pm	 Public Forum		Nick Gioello, PDD
 Ordinance on Street Name Change, SC 18-1 Living Strong, LLC (Action)					
Expected absences for 9/24: none					
26-Sep	Wednesday	12 pm	 Community Justice System Update (Work Session)	90 mins	Kristie Hammitt, PAO
Expected absences for 9/26: none					

October 2018					
Date	Day	Time	Title	Length	Dept. Contact
8-Oct	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Michael Kinnison, PDD Denny Braud, PDD
			 Riverfront Update (Work Session)		
			 Transportation SDC Methodology (Work Session)	45 mins	Dan Kaler, PW
		7:30 pm	 Ceremonial Matters	30 mins	Chelsea Clinton, CS
 Public Forum					
 Climate Action Plan Update (Work Session)					
Expected absences for 10/8: none					
10-Oct	Wednesday	12 pm	 Joint City Council/Lane County Commission – Homeless Services Systems Analysis Report (Work Session)	90 mins	Regan Watjus, CS
Expected absences for 10/10: none					
15-Oct	Monday	7:30 pm	 TBD (Public Hearing)		
Expected absences for 10/15: none					

17-Oct	Wednesday	12 pm	 Police Commission Annual Report and Work Plan (Work Session)	45 mins	Jeremy Cleversey, EPD
			 TBD	45 mins	
Expected absences for 10/17: none					
22-Oct	Monday	5:30 pm	 Committee Reports and Items of Interest	90 mins	Kristie Hammitt, CS
			 Community Justice System Update – Part 2 (Work Session)		
		7:30 pm	 Public Forum		Pam Berrian, CS
			 Ordinance Granting Comcast Franchise Agreement (Public Hearing)		
Expected absences for 10/22: none					
24-Oct	Wednesday	12 pm	 Joint City Council/Planning Commission Meeting (Work Session)	90 mins	Robin Hostick, PDD
Expected absences for 10/24: none					
31-Oct	Wednesday	12 pm	 MUPTE Application for Obie Development (Work Session)	45 mins	Will Dowdy, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 10/31: Taylor, Pryor					

November 2018					
Date	Day	Time	Title	Length	Dept. Contact
13-Nov	Tuesday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Will Dowdy, PDD
			 Town Square Update (Work Session)		
			 Rest Stop Siting Policy (Work Session)		
		7:30 pm	 Public Forum		Pam Berrian, CS
 Ordinance Granting Comcast Franchise Agreement (Action)					
Expected absences for 11/13: none					
14-Nov	Wednesday	12 pm	 Parks SDC Methodology (Work Session)	45 mins	TBD, PW
			 TBD (Work Session)	45 mins	
Expected absences for 11/14: none					
19-Nov	Monday	7:30 pm	 TBD (Public Hearing)		
Expected absences for 11/19: none					

26-Nov	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Jenessa Dragovich, PDD
		 Clear and Objective Housing Approval Criteria Update (Work Session)	45 mins		
		 TBD (Work Session)			
		7:30 pm	 Public Forum		
Expected absences for 11/26: none					
28-Nov	Wednesday	12 pm	 Recycling Update (Work Session)	45 mins	Michael Wisth, PDD
		 TBD (Work Session)	45 mins		
Expected absences for 11/28: none					

December 2018						
Date	Day	Time	Title		Length	Dept. Contact
10-Dec	Monday	5:30 pm	 Committee Reports and Items of Interest	90 mins	Mike Kinnison, PDD Anne Fifield, PDD	
			 Housing Tools and Strategies (Work Session)			
		7:30 pm	 Public Forum		Finn Cronin, CS Jamie Garner, CS Jamie Garner, CS Finn Cronin, CS	
			 Resolution Acknowledging Receipt of CAFR (Consent Calendar)			
			 Supplemental Budget (Public Hearing and Action)			
 URA Supplemental Budget (Public Hearing and Action)						
 URA-Resolution Acknowledging Receipt of URA Annual Financial Report (Action)						
Expected absences for 12/10: none						
12-Dec	Wednesday	12 pm	 Emergency Operations Center (Work Session)	45 mins	Randi Bowers-Payne, CS	
			 TBD (Work Session)	45 mins		
Expected absences for 12/12: none						

Council Break: December 13 – January 14

 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
Hwy 99/Bethel Urban Renewal District	Evans	11/9/17
Home Energy Score Policy	Semple	3/9/18
Data Collection Policy/Protection of Individuals and Groups	Syrett	7/19/18
Follow-Up Work Sessions to be Scheduled		
\$1 Million Shelter		
Commercial Setbacks		
Inclusionary Zoning		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-23-13, Tax Lot 109—located on 1127 and 1129 Maclay Drive)
(City File: Jesse Brabham; A 18-2)

Meeting Date: September 10, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Nicholas R. Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

This item is a request to annex a vacant parcel located on 1127 and 1129 Maclay Drive. The parcel to be annexed is approximately 0.29 acres (12,632 square feet) and is developed with a residential duplex. No public right-of-way is proposed for annexation as part of this request. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low Density Residential with /UL Urbanizable Land overlay. The property is designated for low density residential use in the Metro Plan and the applicable refinement plan, the River Road - Santa Clara Urban Facilities Plan. The area of annexation is located within the City's urban growth boundary and is contiguous to the City limits along its north property boundary. Annexation will allow for future redevelopment consistent with the property's land use designation and the Eugene Code. Specific plans for future redevelopment 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 are based on the criteria at Eugene Code 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 draft resolution (Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this

annexation request, public notice was provided 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, EWEB, and Lane County Public Works. 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 lack of testimony received, a public hearing is not recommended in this instance.

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

RELATED CITY POLICIES

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

COUNCIL OPTIONS

City Council may consider the following options:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

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

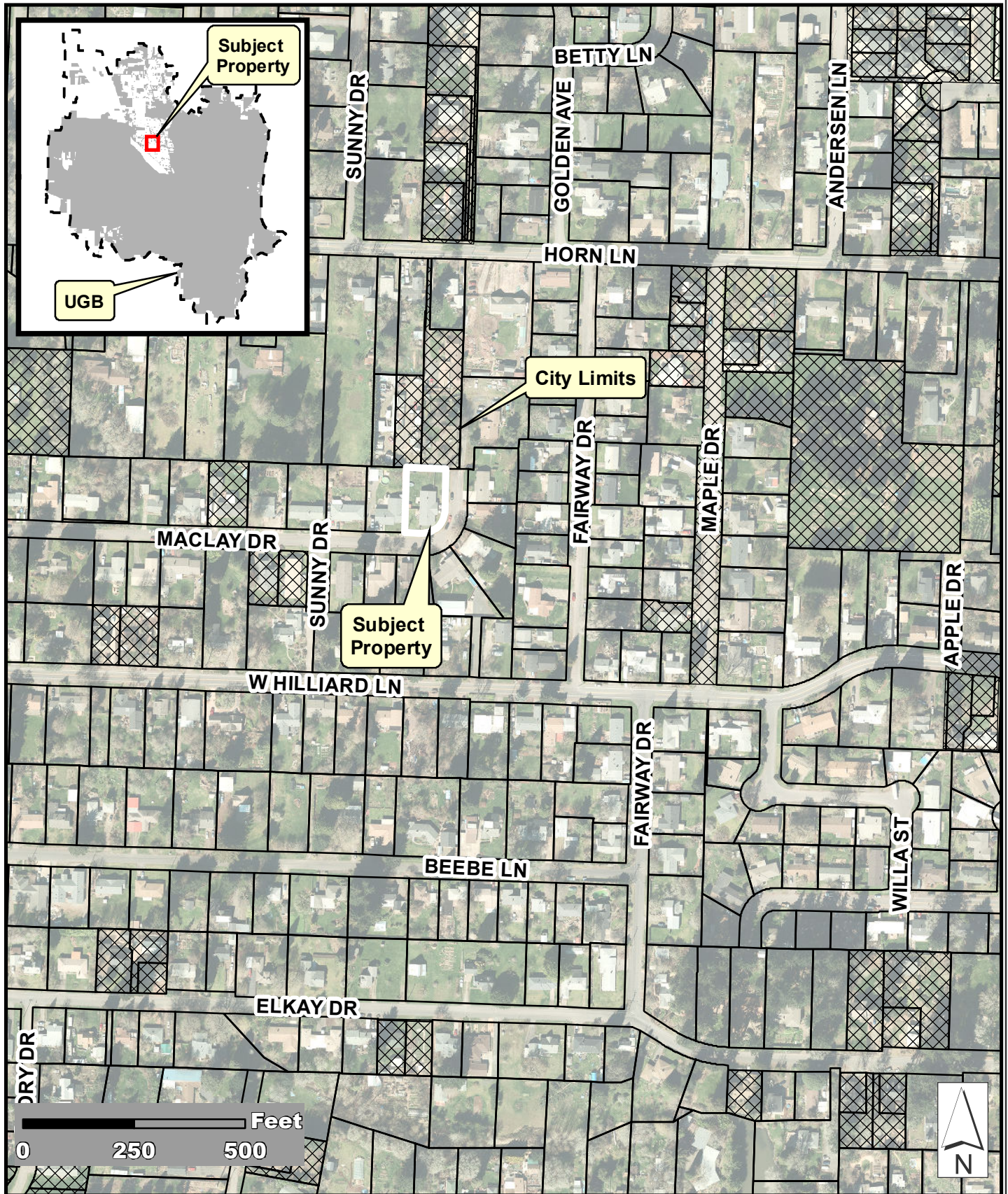
ATTACHMENTS

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

FOR MORE INFORMATION

Staff Contact: Nicholas R. Gioello
Telephone: 541-682-5453
Staff E-Mail: ngioello@eugene-or.gov

Barbham, Jesse (A 18-2)



Legend

 Subject Property  Taxlots  City Limits

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



September 10, 2018 Meeting - Item 2C
August 2018

RESOLUTION NO. ____

**RESOLUTION APPROVING ANNEXATION OF LAND TO THE CITY OF
EUGENE (ASSESSOR'S MAP 17-04-23-13, TAX LOT 109—LOCATED AT
1127 AND 1129 MACLAY DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on May 14, 2018, by Jesse Brabham in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-23-13, Tax Lot 109, 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 is attached as Exhibit C.

D. On August 10, 2018, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of property 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 September 10, 2018.

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

NOW, THEREFORE,

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

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-23-13, Tax Lot 109, 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 automatic rezoning of the land from R-1 Low-Density Residential with /UL

Urbanizable Lands Overlay to R-1 Low-Density Residential pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of September, 2018.

City Recorder

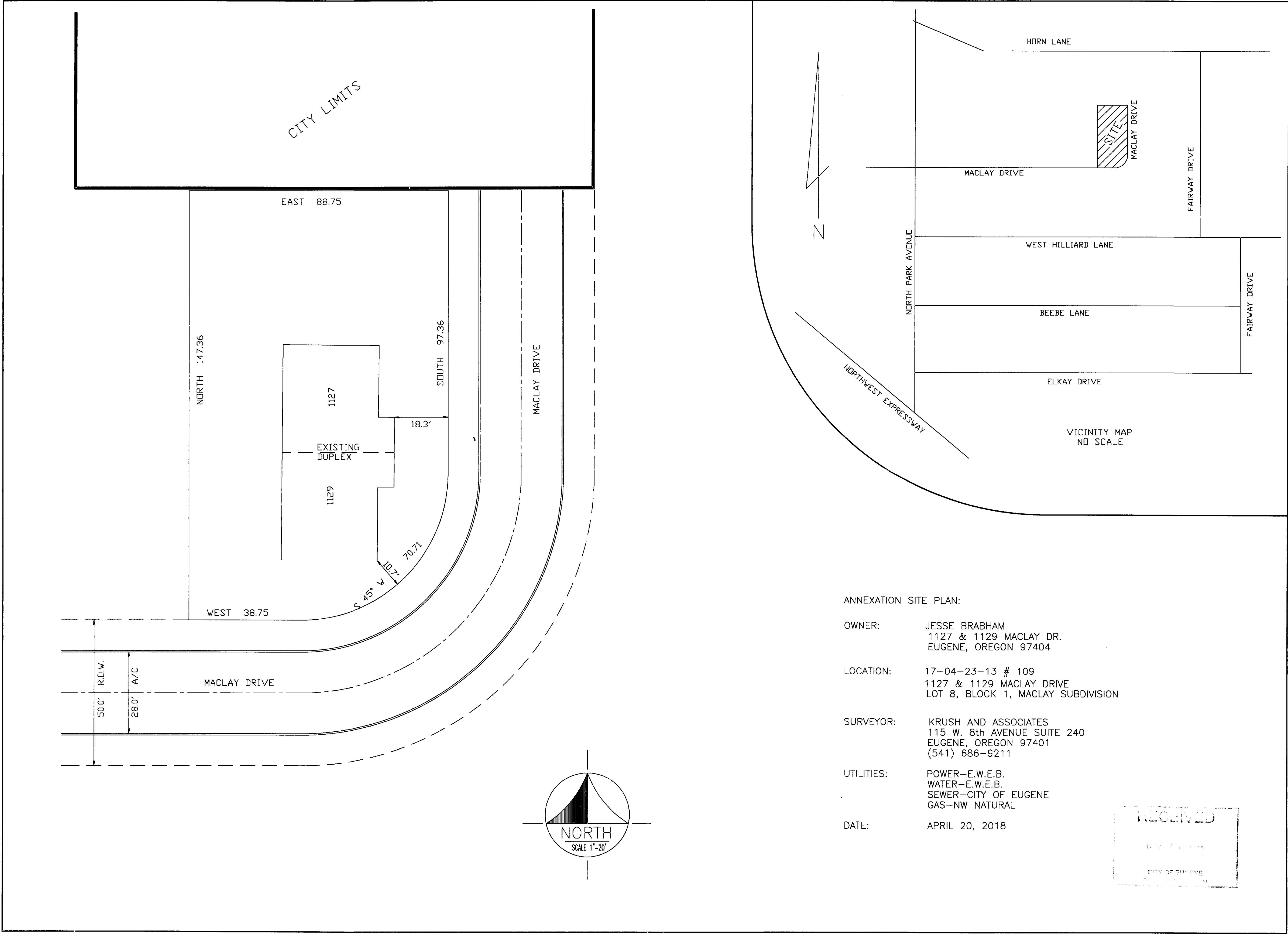


Exhibit B

Description:

Lot 8, Block 1, Maclay Subdivision as platted and recorded in Book 30, Page 11, Lane County Oregon Plat Records, in Lane County, Oregon.



**Planning Director's Findings and Recommendation
Annexation Request for Brabham, Jesse
(City File: A 18-2)**

Application Submitted: May 14, 2018
Applicant: Jesse Brabham
Property Included in Annexation Request: Tax Lot 109 of Assessor's Map 17-04-23-13
Zoning: R-1 Low-Density Residential with /UL Urbanizable Land Overlay
Location: 1127 and 1129 Maclay Drive
Representative: Marvin Krush
Lead City Staff: Nicholas Gioello, City of Eugene Planning Division, 541-682-5453

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 ☒ YES ☐ NO	Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a).
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies ☒ YES ☐ NO	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>

		<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 Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, 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 Metro Plan designates the annexation area as appropriate for residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject property and also designates the area for residential uses. The property is currently zoned Low-Density Residential with Urbanizable Land Overlay (R-1/UL). The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the RR/SC UFP, the subject property is not located within any of the described subareas. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the RR/SC UFP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
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>According to the as-constructed drawings, an 8-inch public wastewater line exists within Maclay Drive directly in front of the subject property, however, no connection record was found. As an informational item, there is an on hold wastewater assessment for this tax lot that will need to be paid prior to any development.</p>

		<p><u>Stormwater</u></p> <p>Public stormwater systems are not available to serve this property. Records show that the soils are mapped primarily Type C. Infiltration testing may be required at the time of development to demonstrate adequate percolation rates and the applicant must discharge its stormwater runoff from impervious surface to an approved point of discharge and demonstrate the downstream capacity for stormwater disposal.</p> <p><u>Transportation</u></p> <p>This property is located near the dead end of Maclay Drive which is a County Local Access Road in the jurisdiction of Lane County Public Works. Access management and street standards will be evaluated at the time of future development. The annexation of public right-of-way is not proposed with this application.</p> <p>Comments from Lane County Transportation Planning indicate Maclay Drive is subject to the requirements of Lane Code Chapter 15. They had no further comments given that the property is currently developed.</p> <p><u>Solid Waste</u></p> <p>Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u></p> <p>EWEB Water staff state no objection to the annexation. EWEB Electric staff also state no objection to the annexation. 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 the City of Eugene Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u></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>
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		<p><u>Communications</u></p> <p>A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <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 is set in accordance with State law.

OWNER - STATEMENT

JESSE BRABHAM

1127 & 1129 MACLAY DRIVE
EUGENE OREGON 97404

THE LAND PROPOSED TO BE
ANNEXED IS WITHIN THE CITY'S URBAN
GROWTH BOUNDARY

IT IS CONTIGUOUS TO THE CITY
LIMITS, IT TOUCHES CITY LIMITS
ON THE NORTH BOUNDARY.

THE PROPOSED ANNEXATION IS
CONSISTENT WITH APPLICABLE POLICIES
IN THE METRO PLAN

THE PROPOSED ANNEXATION WILL
RESULT IN A BOUNDARY IN WHICH THE
MINIMUM LEVEL OF URBAN FACILITIES
AND SERVICES, PER THE METRO PLAN
WHICH CAN BE PROVIDED IN AN
ORDERLY, EFFICIENT, AND TIMELY MANNER

Consent to Annexation

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

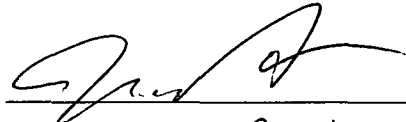
Map and Tax Lot: 17-04-23-1-3[#]109 Address: 1127-1129 MACLAY DR.

Legal Description:

LOT 8 BLOCK 1 MACLAY SUBDIVISION

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

DATED this 14 day of May, 2018.


Jesse Brabham

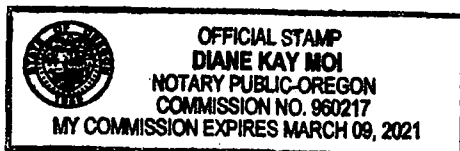
STATE OF OREGON)

County of Lane)^{ss}

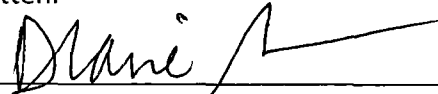
On this 14 day of May, 2018, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Jesse Brabham

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 3.9.2021

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:

Marvin S. Krush
Registered Land Surveyor

Print Name:

MARVIN S. KRUSH

Date:

APRIL 27 2018

Seal:



Description:

Lot 8, Block 1, Maclay Subdivision as platted and recorded in Book 30, Page 11, Lane County Oregon Plat Records, in Lane County, Oregon.

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:

JESSE BRABHAM

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

17-04-23-1-3 # 109

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:

X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" IN STREET

_____ 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

If yes,
location? MACLAY STREET DRIVE

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

MACLAY DRIVE
CURB & GUTTER

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. NORTHWEST EXPRESSWAY,

NORTH ON NORTH PARK AVE, EAST ON MACLAY DR.

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:

EMERALD 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.)

_____ 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.

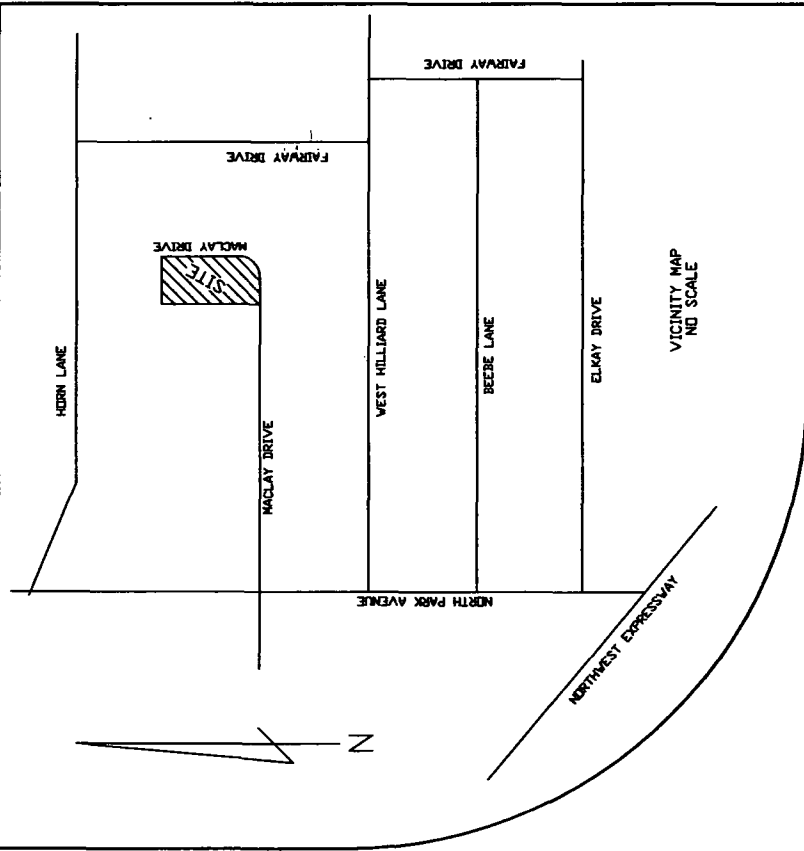
Water Service -- Please provide the size and location of the water main closest to your

property. EWEB.

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.



ANNEXATION SITE PLAN:

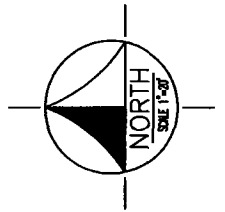
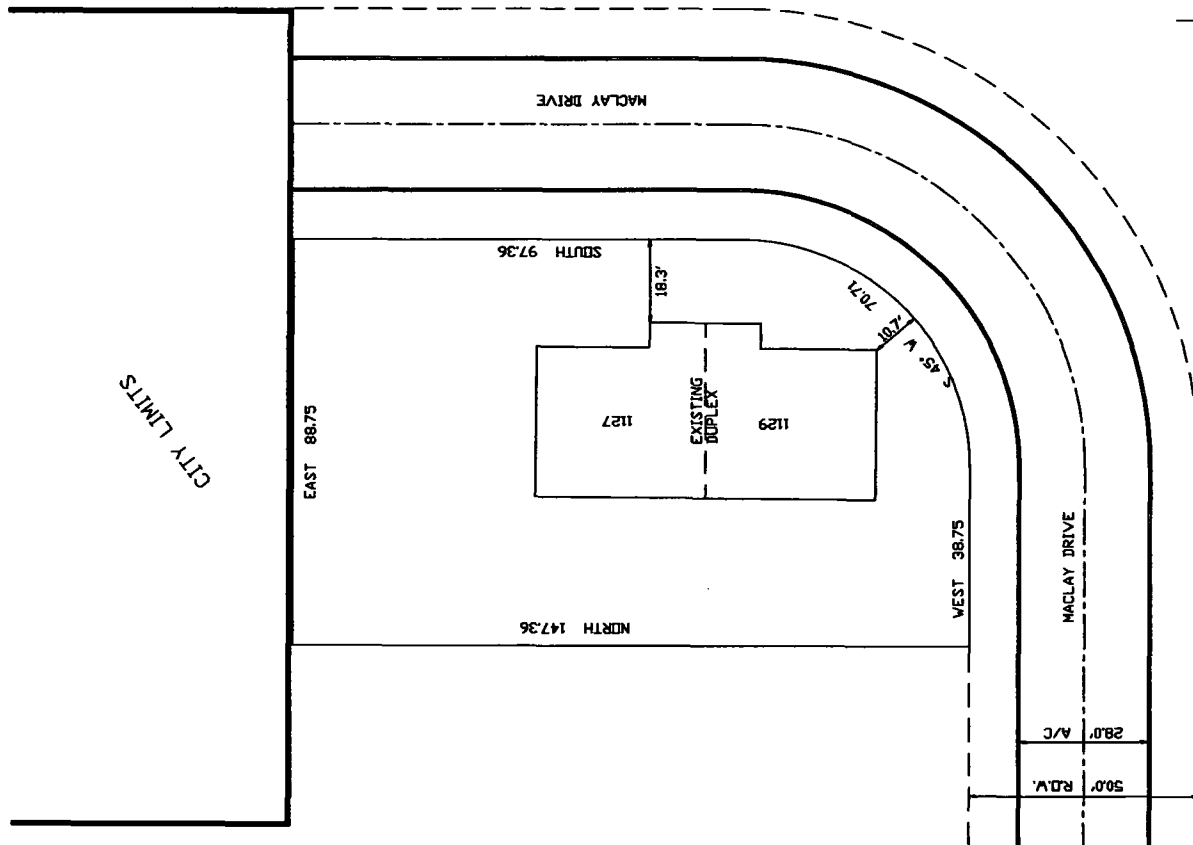
OWNER: JESSE BRABHAM
1127 & 1129 MACLAY DR.
EUGENE, OREGON 97404

LOCATION: 17-04-23-13 # 109
1127 & 1129 MACLAY DRIVE
LOT 8, BLOCK 1, MACLAY SUBDIVISION

SURVEYOR: KRUSH AND ASSOCIATES
115 W. 8th AVENUE SUITE 240
EUGENE, OREGON 97401
(541) 886-9211

UTILITIES: POWER-E.W.E.B.
WATER-E.W.E.B.
SEWER-CITY OF EUGENE
GAS-NW NATURAL

DATE: APRIL 20, 2018



* 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

RECEIVED
MAY 14 2018
LANE COUNTY
ASSESSMENT & TAXATION

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
<i>[Signature]</i>	5/14/18	JESSE BRADBHAM	1146 GUYER AVE EUGENE OR 97404	17-04-23-1-3 #109	X		.30
<i>[Signature]</i>	5/14/18	Lucy De Herrera	1127 MACLAY DR EUGENE OR	17-04-23-1-3 #109		X	
<i>[Signature]</i>	5/14/18	Julie Hollen	1129 MACLAY DR EUGENE OR	17-04-23-1-3 #109		X	

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, MARVIN S. KRUSH (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X Marvin S. Krush (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 2. I hereby certify that this petition includes 2 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

5-14-18
Date Certified

[Signature]
Lane County Clerk or Deputy Signature

5/14/18
Date Certified

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

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

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

**RECEIVED**

MAY 14 2018

ANNEXATIONCITY OF EUGENE
PLANNING DIVISION

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
17-04-23-1-3 # 109	# 109	UL	0.29 ACRES

Property Address: 1127 & 1129 MACLAY DRIVE

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

Public Service Districts:

Name			
Parks:	EMERALD PARK		
Electric:	EWEB		
Water:	EWED		
Sanitary Sewer:	EUGENE		
Fire:	RIVER ROAD W.D.		
Schools:	Elementary: RIVER RD	Middle: KELLY	High: NORTH EUGENE
Other:			

Filing Fee

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

Written Statement (Submit 5 copies)

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

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 1/2" x 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: #109

Name (print): JESSE BRABHAM
Address: 1146 Ginger Ave Email: brabhamjesse@yahoo.com
City/State/Zip: Eugene OR 97404 Phone: 541-918-8500 Fax: _____
Signature: [Signature] Date: 5/14/2018

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): MARVIN S. KRUSH
Company/Organization: KRUSH & ASSOCIATES
Address: 115 W 8TH #240
City/State/Zip: EUGENE OR. 97401 Phone: 541-686-9211 Fax: NA
E-mail: MARVIN KRUSH @ YAHOO.COM
Signature: [Signature] Date: APRIL 27, 2018

REPRESENTATIVE (If different from Surveyor):

Name (print):

Company/Organization:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Signature:

Date:

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

City of Eugene Planning

PLANNING RECEIPT

DATE 5/14/2018

Method of Payment

☐ Cash
☐ Check
☒ Visa/MC

Customer Information

Name Jesse Brabham
Address 1146 Ginger Ave
Eugene, OR 97404
Project 17-04-23-13-00109

Amount Received

\$1,736.37

☐ City/Government Agency

#	Application Type	Modification	Concurrent	Qty	Base Fee	Discount	Total
1	Annexation			1	\$ 4,730.00		\$ 4,730.00
2							
3							
4							
5							
6							
7							
8							
9							
	Other						
	Other						
	Appeal			1			\$ -
	Appeal						
					Subtotal App Fees	\$	4,730.00
					Subtotal Other Fees	\$	-
Admin Fee (not included on appeals or other fees)				9%		\$	425.70
Total						\$	5,155.70

Staff Receiving Application

MHD

99 West 10th Avenue • Eugene, Oregon • 97401 • 541-682-5377 • eugeneplanning.org

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CITY OF EUGENE
BUILDING & PERMIT SERVICE
99 WEST 10TH AVE 682-5086
REG-RECEIPT:1-0002038 May 14 2018
CASHIER: CMS

=====

Annexation Fee \$4,730.00
17-04-23-13 / 00109
Admin Fee-Auto Calc \$425.70

TOTAL DUE: \$5,155.70
RECEIVED FROM:
JESSE A BRABHAM

Check: \$5,155.70
Total tendered: \$5,155.70
Change due: \$.00

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www.eugene-or.gov/bldgpermittracking

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Please take our customer survey at:
www.surveymonkey.com/s/COEPermitSurvey

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-03-28-40, Tax Lots 1401 and 1402—located on 1 and 2 Chevy Chase Lane).
(Chase/LeCompte; A 18-4)

Meeting Date: September 10, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2D
Staff Contact: Daniel Lawler
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

This item is a request to annex parcels located on 1 and 2 Chevy Chase Lane, south of Kinsrow Avenue. The parcels to be annexed are approximately 1.55 acres (67,518 square feet) and .88 acres (38,333 square feet). Both parcels feature existing homes. No public right-of-way is proposed for annexation as part of this request. A vicinity map is provided as Attachment A.

The properties are zoned AG Agricultural with /UL Urbanizable Land overlay, and are designated for high-density residential use and nodal development in the Metro Plan and the applicable refinement plan, the Willakenzie Area Plan. The area of annexation is located within the City's urban growth boundary and is completely surrounded by the City limits. Annexation will allow for future development consistent with the property's 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 are based on the criteria at Eugene Code 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 draft resolution (Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within

500 feet of the subject property and the affected neighborhood association (Harlow Neighbors), consistent with Eugene Code requirements.

Referral comments were provided by affected agencies including City of Eugene Public Works, EWEB, and Lane County Public Works. 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 lack of testimony received, a public hearing is not recommended in this instance.

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

RELATED CITY POLICIES

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

COUNCIL OPTIONS

City Council may consider the following options:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

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

ATTACHMENTS

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

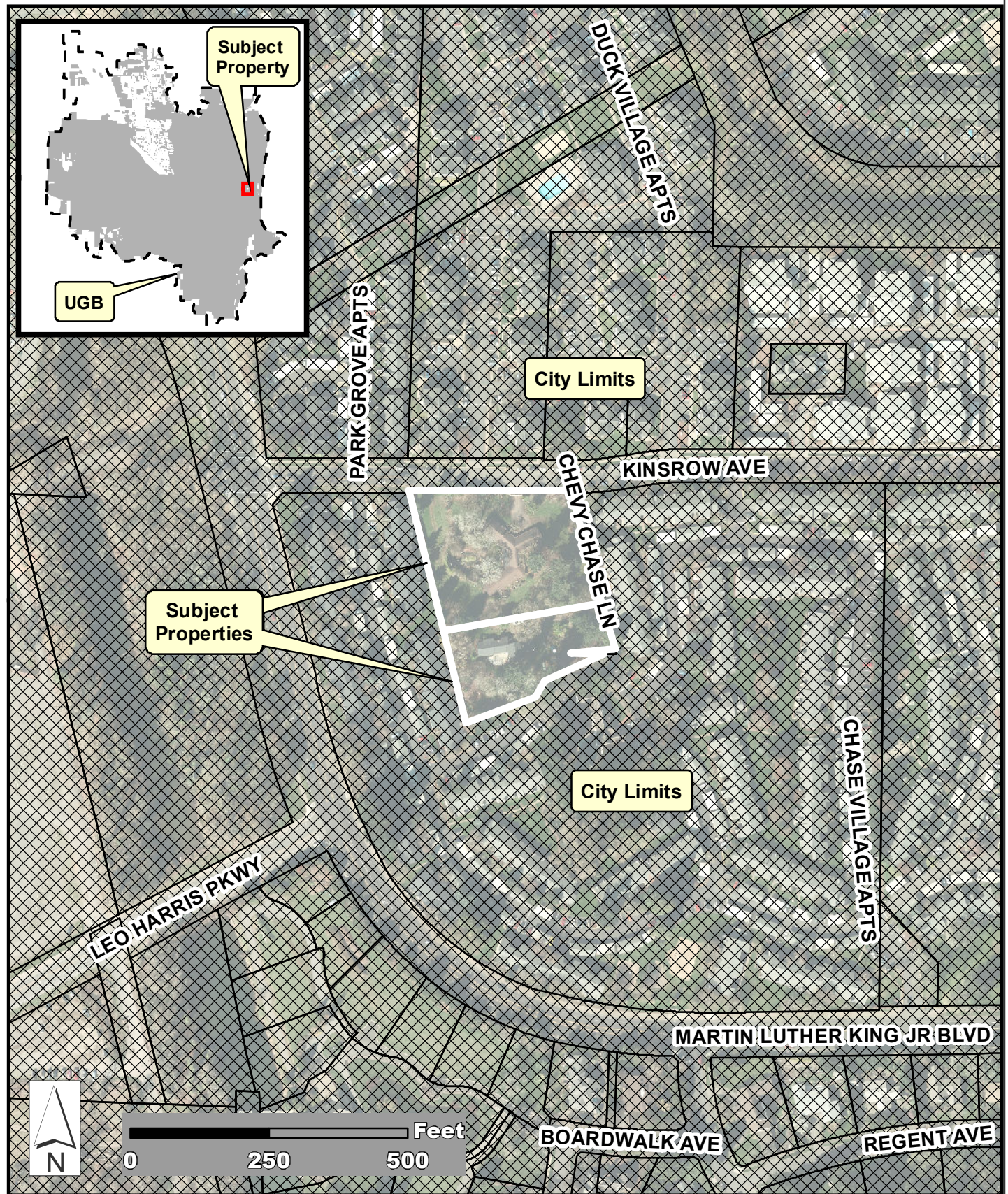
FOR MORE INFORMATION

Staff Contact: Daniel Lawler

Telephone: 541-682-5282

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

Chase/LeCompte (A 18-4)



Legend

 Subject Property
  Taxlots
  City Limits

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



September 10, 2018 Meeting - Item 2D
August 20, 2018

RESOLUTION NO. _____

RESOLUTION APPROVING ANNEXATION OF LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-03-28-40, TAX LOTS 1401 AND 1402 — LOCATED AT 1 AND 2 CHEVY CHASE LANE).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on July 18, 2018, by Eastmark Capital Group, on behalf of The Estate of Nancy Ann Chase, deceased, and Michael LeCompte in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-28-40, Tax Lots 1401 and 1402, to the City of Eugene.

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

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

D. On August 10, 2018, a notice containing the street address and assessor's map and tax lot numbers, 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 property within 500 feet of the perimeter of the subject property, and the Harlow Neighbors Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 10, 2018.

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

NOW, THEREFORE,

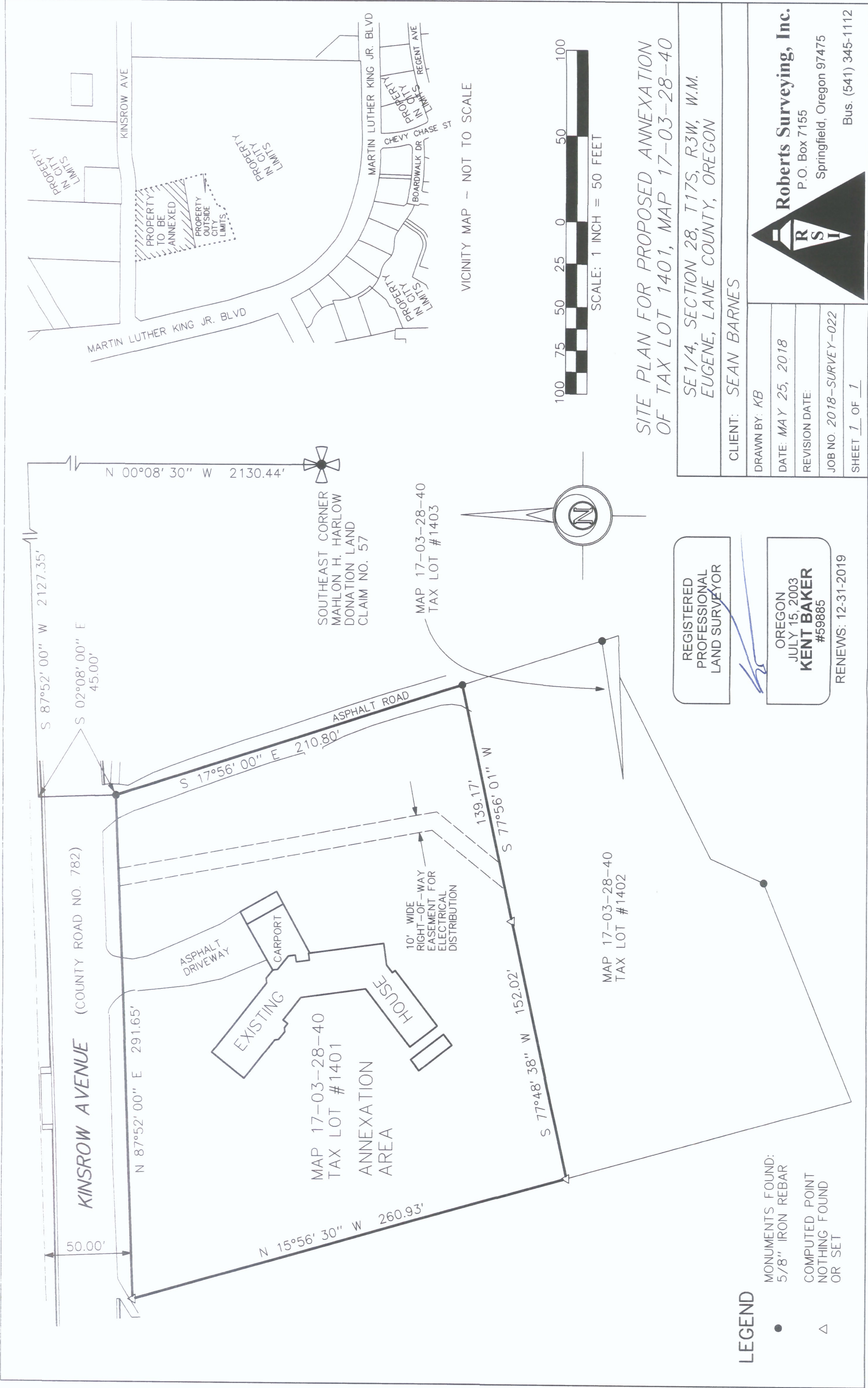
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-28-40, Tax Lots 1401 and 1402, depicted on the maps 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 automatic rezoning of the land from AG Agricultural and /UL Urbanizable Lands Overlay to AG Agricultural pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of September, 2018.

City Recorder



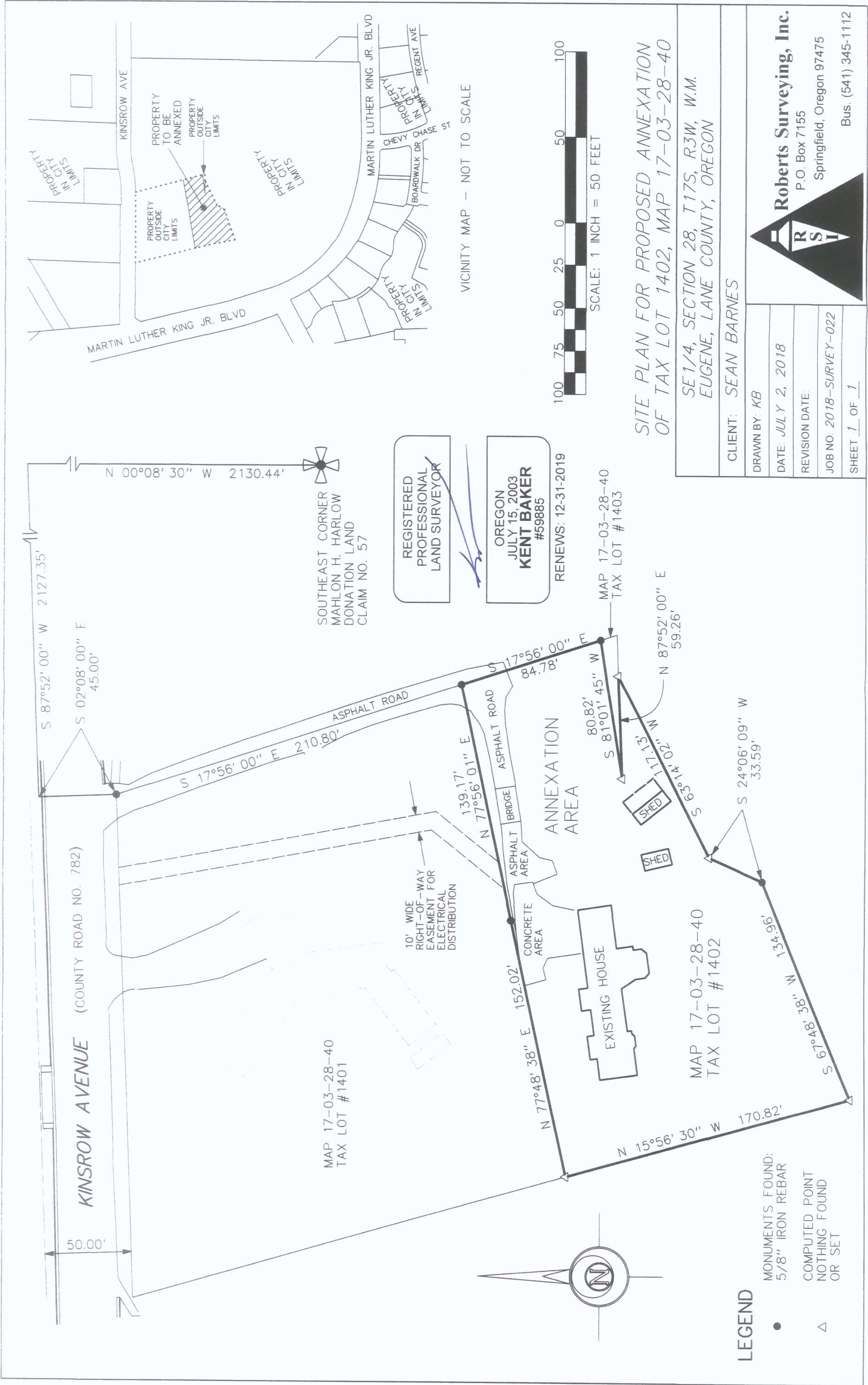


Exhibit B
Page 1 of 2

Legal Description of Affected Territory to be Annexed

(Tax Lot #1401)

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401 and the **POINT OF BEGINNING** of this unit of land;

Thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401;

Thence South 77°56'01" West 139.17 feet to an angle point in the southerly boundary of Tax Lot #1401;

Thence South 77°48'38" West 152.02 feet to the southwest corner of Tax Lot #1401;

Thence North 15°56'30" West 260.93 feet to a point on the southerly margin of Kinsrow Avenue, said point being the northwest corner of Tax Lot #1401;

Thence along the southerly margin of Kinsrow Avenue, North 87°52'00" East 291.65 feet to the point of beginning, all in Lane County, Oregon and containing 67,484 square feet (1.55 acres) of land, more or less.

Exhibit B
Page 2 of 2

Legal Description of Affected Territory to be Annexed

(Tax Lot #1402)

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401; thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401 and the northeast corner of Tax Lot #1402 and also the **POINT OF BEGINNING** of this unit of land;

Thence continuing South 17°56'00" East 84.78 feet to the southeast corner of Tax Lot #1402;

Thence along the southerly boundary of Tax Lot #1402 the following bearings and distances: South 81°01'45" West 80.82 feet; thence North 87°52'00" East 59.26 feet; thence South 63°14'02" West 117.13 feet; thence South 24°06'09" West 33.59 feet; thence South 67°48'38" West 134.96 feet to the southwest corner of Tax Lot #1402;

Thence North 15°56'30" West 170.82 feet to the southwest corner of Tax Lot #1401 and the northwest corner of Tax Lot #1402;

Thence along the northerly boundary common to Tax Lots #1401 and #1402 the following bearings and distances: North 77°48'38" East 152.02 feet; thence North 77°56'01" East 139.17 feet to the point of beginning, all in Lane County, Oregon and containing 37,920 square feet (0.87 acres) of land, more or less.



Planning Director's Findings and Recommendation Annexation Request for Chase/LeCompte (City File: A 18-4)

Application Submitted: July 18, 2018
Applicant: Eastmark Capital Group LLC
Property Included in Annexation Request: Tax Lots 1401 and 1402 of Assessor's Map 17-03-28-40
Zoning: AG Agricultural with /UL Urbanizable Lands Overlay
Location: 1 and 2 Chevy Chase Lane
Representative: Sean Barnes, 206-521-0240
Lead City Staff: Dan Lawler, City of Eugene Planning Division, 541-682-5282

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: Both properties are entirely within the City’s UGB. The area of annexation is contiguous to the City limits along all boundaries, consistent with subsection (a). The annexation area is not separated from the City limits by any features.
☒ YES	☐ NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic 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 Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, 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 Metro Plan designates the annexation area as appropriate for high-density residential use. The Willakenzie Area Plan (WAP) is the adopted refinement plan for the subject properties and also designates the area for high-density residential use. The property is currently zoned AG Agricultural and /UL Urbanizable Lands Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the WAP, the subject property is located within the Chase Gardens Subarea. None of the listed policies for this subarea appear to be directly applicable to the subject property. 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 WAP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and 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.
<div>Complies</div> <div> ☒ YES </div>	<div> ☐ NO </div>	<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>A 15-inch public wastewater line is located North of the subject property on Kinsrow Avenue. There are no on hold wastewater assessments on this tax lot.</p>

Stormwater

Public stormwater systems are not available to serve this property. Records show that the soils are mapped Type B. Infiltration testing may be required at the time of development to demonstrate adequate percolation rates; however, there are options for complying with stormwater standards which will be further evaluated at the time of future development.

Transportation

The annexation area abuts Kinsrow Avenue (a major collector with a 40-50' right-of-way) that flows to Martin Luther King Jr Blvd (minor arterial). Both are fully developed with sidewalks, curbs, gutter, and street trees. Access management and street standards will be evaluated at the time of future development.

Solid Waste

Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric

EWEB Water staff state no objection to the annexation. EWEB Electric staff also state no objection to the annexation. 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 the City of Eugene Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.

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.

		<p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of Holt Elementary School, Monroe Middle School, and Sheldon 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>
--	--	---

CONCLUSION:

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



EASTMARK CAPITAL GROUP

1420 Fifth Avenue, Suite 2600 | Seattle, Washington 98101

Office: +1 206 521 0240 | Mobile: +1 206 856 2049

Email: sean@eastmarkcapitalgroup.com

TRANSMITTAL

TO: City of Eugene
 Permit and Information Center
 99 West 10th Avenue
 Eugene, OR 97401

DATE: July 13, 2018
PROJECT: 1 & 2 Chevy Chase Lane Annexation
 Map & Taxlot 17-03-28-40-01401 &
 Map & Taxlot 17-03-28-40-01402

TRANSMITTED: Herewith ☒
 Separate Cover ☐
 Other ☐

DISPOSITION: For Your Approval ☐
 For Your Information/Use ☒
 For Reply ☐

TRANSMITTED:

# Copies	Item	Dated (In addition to this cover page)	No. Pages
3 paper copies and one digital copy of an:			
Annexation Application Packet	Various Dates	Several	

REMARKS: This Annexation Application packet is hereby submitted on behalf Eastmark Capital Group as Buyer of the subject properties for annexation of 1 & 2 Chevy Chase Lane into the city limits of Eugene. The submittal package includes:

1. Application Fee.
2. Application Form.
3. Written Statement.
4. Attachment 1 – Petition.
5. Attachment 2 – Consent.
6. Attachment 3 – Legal Description, Map and Surveyor Certification.
7. Attachment 4 – Summary of Urban Service Provision.
8. Attachment 5 – Census (1 Chevy Chase Lane)
9. Attachment 5 – Census (2 Chevy Chase Lane)

We look forward to your assistance with the project. Please do not hesitate to contact me should you have any questions or need any additional information. Thank you.

COPIES TO:

File	☒	Agency	☐
Owner	☒	Consultant Team	☒
		Other	☒

BY:

Sean M. Barnes

Eastmark Capital Group

WRITTEN STATEMENT FOR ANNEXATION

Property Owners Name: (1) The Estate of Nancy Ann Chase, deceased;
(2) Michael LeCompte

Property Address: (1) 1 Chevy Chase Lane, Eugene, Oregon;
(2) 2 Chevy Chase Lane, Eugene, Oregon

Assessor's Map & Tax Lot Number: (1) Map: 17-03-28-40, Tax Lot: 1401, and;
(2) Map: 17-03-28-40, Tax Lot: 1402

Representative: Sean M. Barnes
Eastmark Capital Group

This request for annexation meets all the approval criteria as outlined in **Section 9.7825 Annexation – Approval Criteria** and as further detailed below.

9.7825 Criteria (1)

- (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

APPLICANT RESPONSE: *Confirmed. The proposed land for annexation satisfies Criteria (1) as it is within the city's Urban Growth Boundary and contiguous to the city limits. Further the land is bordered on 3 sides by City of Eugene incorporated land.*

9.7825 Criteria (2)

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

APPLICANT RESPONSE: *Confirmed. The proposed annexation satisfies Criteria (2) and is consistent with the following Policies as outlined in II-C-4 of the Metro Plan.*

Policy 1: "The UGBshall continue to be implemented as an essential means to achieve compact urban growth."

APPLICANT RESPONSE: *The proposed annexation satisfies Policy 1 as it supports compact urban growth. The subject site is surrounded on three sides by multi-family residential with an underlying zoning for the site per the Envision Eugene Metro Plan Designation Map as High Density Residential (HDR). The existing sites include one single family home on 1.55 acres, and 1 single family home on 0.88 acres, annexation will allow the applicant to develop a plan to increase density on the site in accordance with HDR zoning and the Envision Eugene Metro Plan. Additionally, there is a Nodal Development (/ND) overlay designation for the subject property on the Metro Plan and an applicable refinement plan – the Willakenzie Area Plan (WAP). Within the WAP the subject property is in the Chase Gardens Subarea.*

Policy 8: “Land within the UGB may be converted from urbanizeable 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.”

APPLICANT RESPONSE: *The proposed land for annexation satisfies Policy 8 as it is uniquely positioned to capitalize on all required urban services and is surrounded on 3 sides by City of Eugene land. The sites are currently served by EWEB for electricity. EWEB water is in the street adjacent to the property on Kinsrow Avenue. City of Eugene wastewater lines are in Kinsrow Avenue with a stub to the property. City of Eugene Stormwater lines are in Kinsrow Avenue. Fire Hydrants are located on Kinsrow Avenue with sufficient water capacity to add additional Fire Hydrants as required by the fire department.*

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

APPLICANT RESPONSE: *The proposed land for annexation satisfies Policy 10 as annexation of these parcels would essentially be an administrative action with the application being submitted pursuant to EC 9.7810(2) and therefore qualifying this application as “Annexation to the city through normal processes” one of the highest priority as stated in Policy 10.*

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

APPLICANT RESPONSE: *The proposed land for annexation satisfies Policy 15 as it is currently in the UGB and defined as urbanizable. The applicants request for annexation is being submitted as the first step in a process of having the underlying zoning of HDR applied to the site. In support of Policy 15 upon annexation applicant will apply for a zoning change to HDR and begin the process to transition the land from urbanizable to urban.*

9.7825 Criteria (3)

(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.

APPLICANT RESPONSE: *The proposed annexation satisfies Criteria (3), annexation will result in a boundary in which key urban facilities and services absolutely can be provided in an orderly, efficient and timely manner. The site is currently served by EWEB for electricity. EWEB water, City of Eugene Wastewater, City of Eugene Stormwater are all in the street adjacent to the property, Kinsrow Avenue. Kinsrow Avenue is classified as a major collector by the City of Eugene providing efficient access to the site as well as access to public transit from the site. Police and Fire services are currently provided by the City of Eugene to all the incorporated land in the immediate vicinity of the subject property and no extension of service will be required to provide the same to the subject sites.*

* 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)
<u>David Holloman</u>	<u>8/6/18</u>	David Holloman, Executor	1 Chevy Chase Lane, Eugene, OR 97401	17-03-28-40-01401	x		1.55
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, LINDA S. HOLLAMAN (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
x Linda S. Holloman (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 1.55 (%) 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 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

Connie R. Blume
Lane County Department of Assessment and Taxation
8/31/18
Date Certified

Connie R. Blume
Lane County Clerk or Deputy Signature
8/31/18
Date Certified

PETITION

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

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. <i>M. d. O. Rose</i>	8/7/18	Michael LeCompte	2 Chevy Chase Lane	17-03-28-40-01402	X		0.88
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, Heather Rose LeCompte (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X Heather Rose LeCompte (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 1.00 (%) of the landowners and 1.00 (%) 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 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

Connie L Blume
Lane County Department of Assessment and Taxation

8/31/18
Date Certified

Connie L Blume
Lane County Clerk or Deputy Signature
8/31/18
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: 17-03-28-4001401 Address: 1 Chevy Chase Lane

Legal Description of Affected Territory to be Annexed (Tax Lot #1401):

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401 and the **POINT OF BEGINNING** of this unit of land;

Thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401;

Thence South 77°56'01" West 139.17 feet to an angle point in the southerly boundary of Tax Lot #1401;

Thence South 77°48'38" West 152.02 feet to the southwest corner of Tax Lot #1401;

Thence North 15°56'30" West 260.93 feet to a point on the southerly margin of Kinsrow Avenue, said point being the northwest corner of Tax Lot #1401;

Thence along the southerly margin of Kinsrow Avenue, North 87°52'00" East 291.65 feet to the point of beginning, all in Lane County, Oregon and containing 67,484 square feet (1.55 acres) of land, more or less.

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

undersigned DATED this 6TH day of June

2018.

THE ESTATE OF MANCY ANN CHASE, DECEASED

By: David Hollomon

David Hollomon

Its: Executor

826 NE Hidden Valley Drive, Unit 2

Bend, Oregon 97701

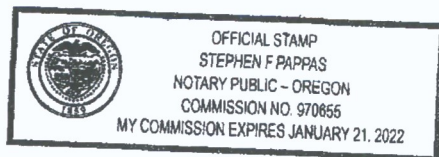
STATE OF OREGON)

County of Deschutes) ss

On this 6 day of June, 2018, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named,

- David Hollomon
, 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.

Stephen F. Pappas
Notary Public for Oregon

My Commission Expires 1/21/22

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: Map: 17-03-28-40 Tax Lot: 1402 Address: 2 Chevy Chase Lane, Eugene, OR

Legal Description of affected territory to be annexed (Tax Lot #1402):

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401; thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401 and the northeast corner of Tax Lot #1402 and also the **POINT OF BEGINNING** of this unit of land;

Thence continuing South 17°56'00" East 84.78 feet to the southeast corner of Tax Lot #1402;

Thence along the southerly boundary of Tax Lot #1402 the following bearings and distances: South 81°01'45" West 80.82 feet; thence North 87°52'00" East 59.26 feet; thence South 63°14'02" West 117.13 feet; thence South 24°06'09" West 33.59 feet; thence South 67°48'38" West 134.96 feet to the southwest corner of Tax Lot #1402;

Thence North 15°56'30" West 170.82 feet to the southwest corner of Tax Lot #1401 and the northwest corner of Tax Lot #1402;

Thence along the northerly boundary common to Tax Lots #1401 and #1402 the following bearings and distances: North 77°48'38" East 152.02 feet; thence North 77°56'01" East 139.17 feet to the point of beginning, all in Lane County, Oregon and containing 37,920 square feet (0.87 acres) of land, more or less.

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

DATED this 13th day of July, 2018.

By: Michael LeCompte
Michael LeCompte

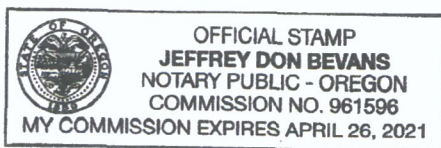
Owner of Record
2 Chevy Chase Lane
Eugene, Oregon 97401

STATE OF OREGON)

County of LANE) ss

On this 13th day of July, 2018, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Michael LeCompte, 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.

Jeffrey Don Bevans
Notary Public for Oregon
My Commission Expires April 26, 2021

Legal Description of Affected Territory to be Annexed

(Tax Lot #1401)

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401 and the **POINT OF BEGINNING** of this unit of land;

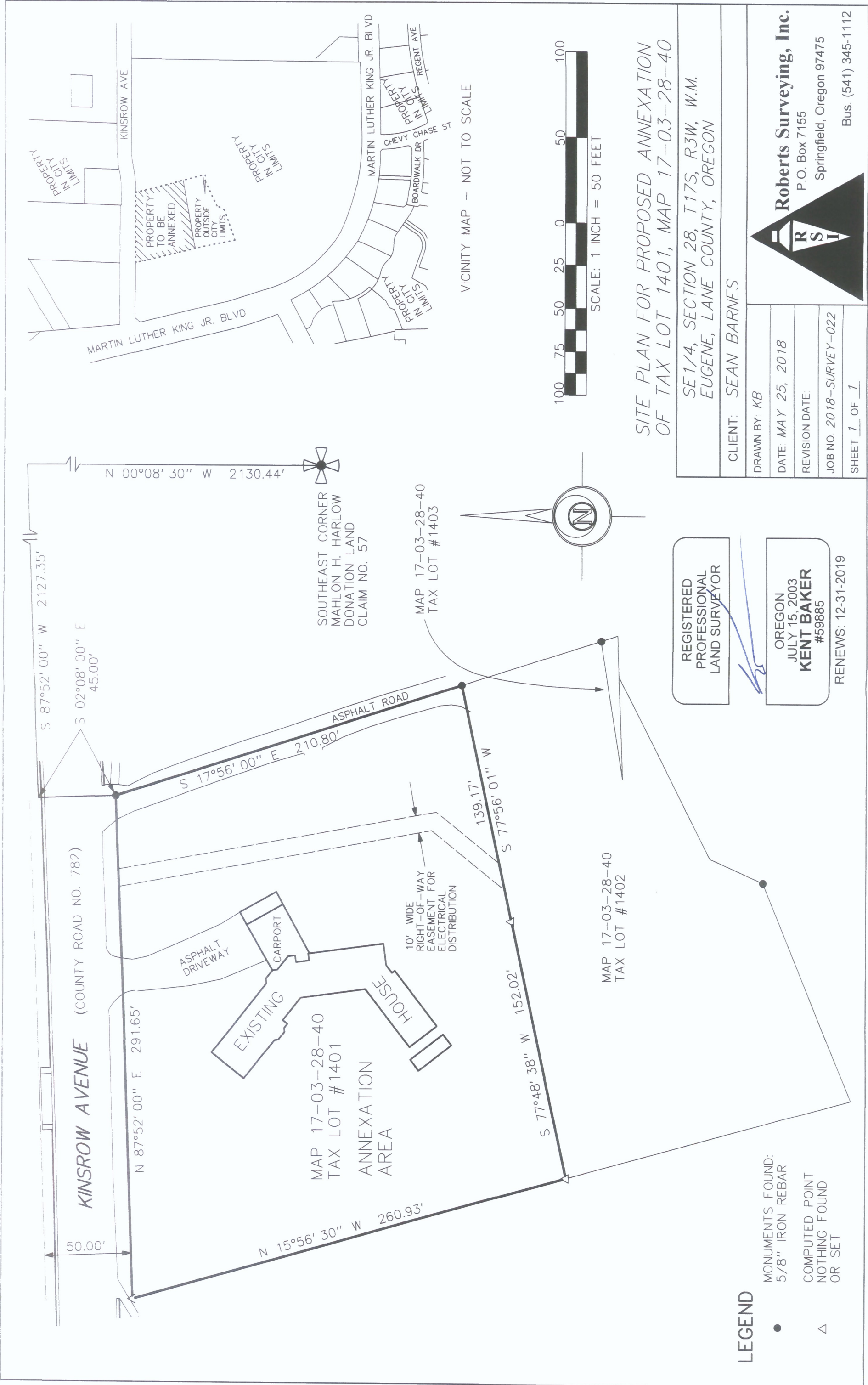
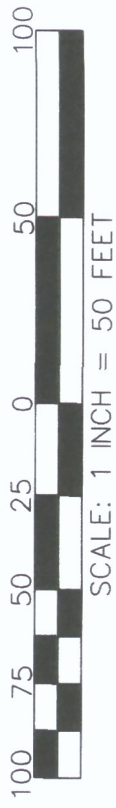
Thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401;

Thence South 77°56'01" West 139.17 feet to an angle point in the southerly boundary of Tax Lot #1401;

Thence South 77°48'38" West 152.02 feet to the southwest corner of Tax Lot #1401;

Thence North 15°56'30" West 260.93 feet to a point on the southerly margin of Kinsrow Avenue, said point being the northwest corner of Tax Lot #1401;

Thence along the southerly margin of Kinsrow Avenue, North 87°52'00" East 291.65 feet to the point of beginning, all in Lane County, Oregon and containing 67,484 square feet (1.55 acres) of land, more or less.



VICINITY MAP - NOT TO SCALE

**SITE PLAN FOR PROPOSED ANNEXATION
OF TAX LOT 1401, MAP 17-03-28-40**

SE1/4, SECTION 28, T17S, R3W, W.M. EUGENE, LANE COUNTY, OREGON	
CLIENT: SEAN BARNES	
DRAWN BY: KB	
DATE: MAY 25, 2018	
REVISION DATE:	
JOB NO. 2018-SURVEY-022	
SHEET 1 OF 1	

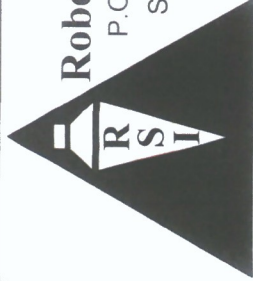
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWALS: 12-31-2019

LEGEND

- MONUMENTS FOUND:
5/8" IRON REBAR
- △ COMPUTED POINT
NOTHING FOUND
OR SET



Roberts Surveying, Inc.
P.O. Box 7155
Springfield, Oregon 97475
Bus. (541) 345-1112

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

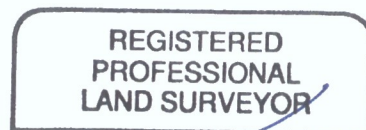
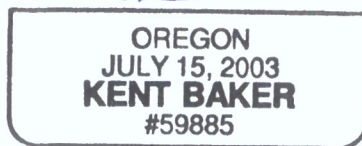
Print Name: _____

Kent Baker

Date: _____

May 25, 2018

Seal: _____



RENEWS: 12-31-2019

Legal Description of Affected Territory to be Annexed

(Tax Lot #1402)

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

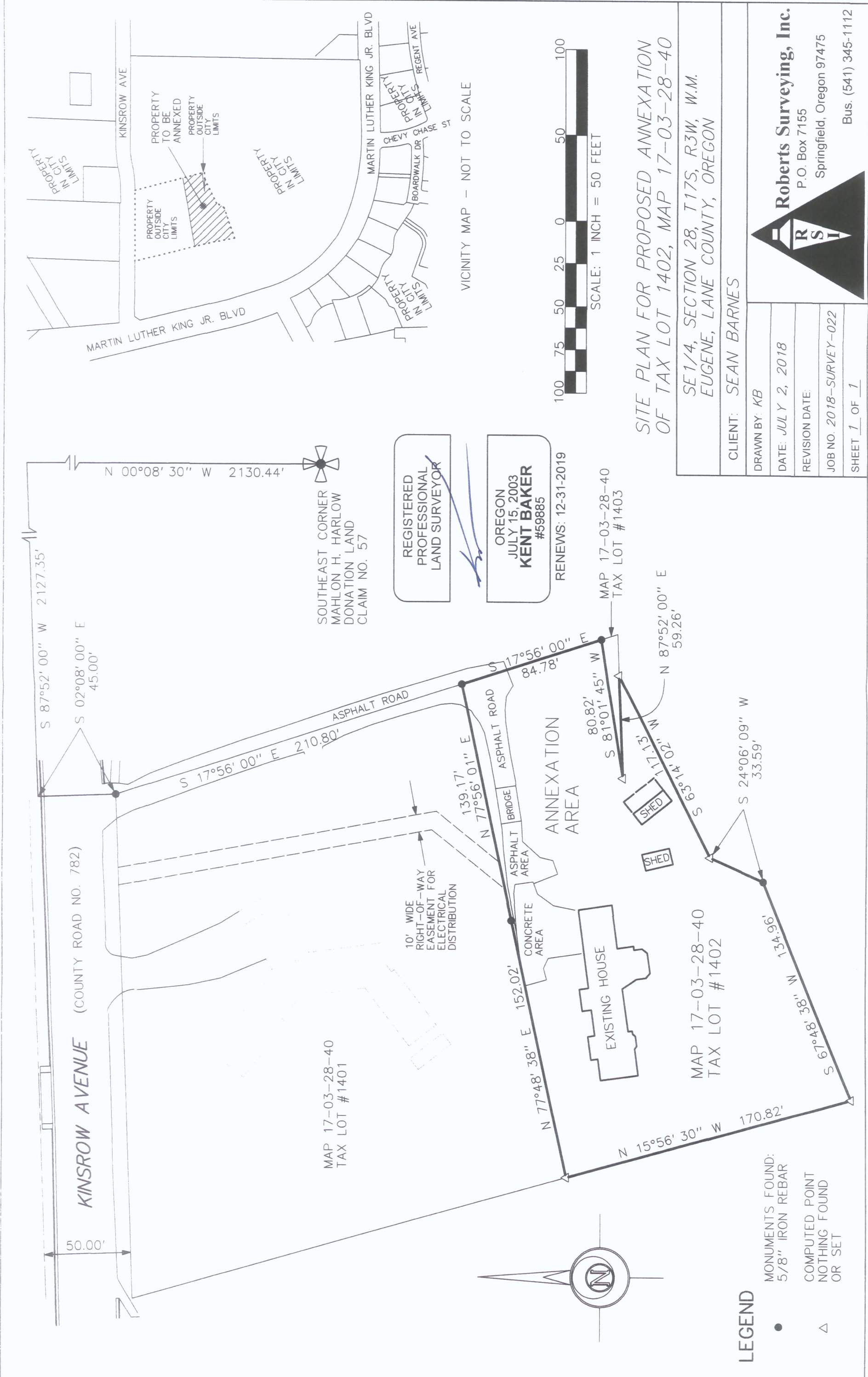
Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401; thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401 and the northeast corner of Tax Lot #1402 and also the **POINT OF BEGINNING** of this unit of land;

Thence continuing South 17°56'00" East 84.78 feet to the southeast corner of Tax Lot #1402;

Thence along the southerly boundary of Tax Lot #1402 the following bearings and distances: South 81°01'45" West 80.82 feet; thence North 87°52'00" East 59.26 feet; thence South 63°14'02" West 117.13 feet; thence South 24°06'09" West 33.59 feet; thence South 67°48'38" West 134.96 feet to the southwest corner of Tax Lot #1402;

Thence North 15°56'30" West 170.82 feet to the southwest corner of Tax Lot #1401 and the northwest corner of Tax Lot #1402;

Thence along the northerly boundary common to Tax Lots #1401 and #1402 the following bearings and distances: North 77°48'38" East 152.02 feet; thence North 77°56'01" East 139.17 feet to the point of beginning, all in Lane County, Oregon and containing 37,920 square feet (0.87 acres) of land, more or less.



SITE PLAN FOR PROPOSED ANNEXATION
OF TAX LOT 1402, MAP 17-03-28-40

SE 1/4, SECTION 28, T17S, R3W, W.M. EUGENE, LANE COUNTY, OREGON	
CLIENT: SEAN BARNES	
DRAWN BY: KB	
DATE: JULY 2, 2018	
REVISION DATE:	
JOB NO. 2018-SURVEY-022	
SHEET 1 OF 1	

LEGEND

- MONUMENTS FOUND:
5/8" IRON REBAR
- △ COMPUTED POINT
NOTHING FOUND
OR SET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWALS: 12-31-2019

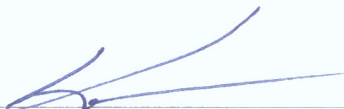
SOUTHEAST CORNER
MAHLON H. HARLOW
DONATION LAND
CLAIM NO. 57

Roberts Surveying, Inc.
P.O. Box 7155
Springfield, Oregon 97475
Bus. (541) 345-1112

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:

Kent Baker

Date:

July 2, 2018

Seal:

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

Property Owner(s) Name:

Property (1) -The Estate of Nancy Ann Chase, deceased; Property (2) -Michael LeCompte

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

Property (1) - Map 17-03-28-40, Tax Lot 1401

Property (2) - Map 17-03-28-40, Tax Lot 1402

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:

 X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

City of Eugene 8-inch wastewater stub to the property which flows into a 15-inch public main on Kinsrow Avenue.

_____ 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?

Currently there is no curb or gutter in place where the property line abuts Kinsrow Avenue.

If yes, location?

City of Eugene Stormwater collector in Kinsrow Ave approx 50-75 feet east of property line.

If no, how will stormwater be handled after development?

Upon redevelopment developer will add curbs, sidewalks, gutters, etc as required by the City of Eugene. The area where the subject properties are located is mapped with Type B soils indicating ability to infiltrate storm water on site without soil tests.

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.

Subject has approx 295 ft of Kinsrow Avenue frontage with existing curb cut to access Kinsrow. Kinsrow Avenue is classified as a major collector and intersects Martin Luther King Jr Blvd 1/8 mile to the west of the site. MLK Blvd is classified as minor arterial and runs NW to meet I-105 Coburg Rd Interchange at 1.2 miles.

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

 Yes No X 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:

The subject properties for annexation are located in the Eugene Parks Willakenzie Planning Area. Existing Eugene Parks, Recreation and Open Spaces in the vicinity include: Alton Baker Park, Whilamut Natural Area, Marche Chase Park and Chase Commons 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.

Subject borders Eugene Incorporated land on 3 sides. Police protection services are provided in immediate area, therefore no extension of services will be required.

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.

Willakenzie RFPD currently provides fire protection services to the subject properties. The properties for annexation are surrounded by Eugene/Springfield Fire and EMA territory. Upon annexation Fire Services to be provided by ESFEMA. Home station is ESFS#5 at 2.27 miles, with ESFS#1 at 2.6 miles, ESFS#6 at 2.9 miles and Central Lane FS#6 at 2.1 miles. Nearest fire hydrant is located approximately 316 feet from the subject properties.

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

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

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

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

Upon annexation EMS Services will be provided by Eugene Springfield Fire and EMS. The subject properties are currently surrounded by ESFEMA existing territory.

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. Agreed and understood.

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?

Eugene Water and Electric Board currently serves the site and will continue to serve the site upon annexation.

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

EWEB has a 16-inch main on Kinsrow Avenue adjacent to the site which has 295 feet of frontage on Kinsrow. Both properties are currently served by wells. Upon redevelopment water service to be provided by EWEB.

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

Solid waste service is currently provided to 2 Chevy Chase Lane by Sani-Pack to 2 Chevy Chase Lane and no Solid Waste service is currently provided to 1 Chevy Chase Lane.

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

Gas service is currently provided to 2 Chevy Chase Lane by Northwest Natural Gas with a 2 inch line extending south on Chevy Chase Lane from Kinsrow Avenue. No natural gas service is currently provided to 1 Chevy Chase Lane.

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

No landline telephone to either property. Xfinity/comcast provides Internet & cable to 2 Chevy Chase Lane.



REC

JUL 16 2018

RT

JUL 18 2018

ANNEXATION

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-03-28-40	1401	AG	1.55
17-03-28-40	1402	AG	0.88

Property Address: Property (1) - 1 Chevy Chase Lane, Eugene, OR; Property (2) - 2 Chevy Chase Lane, Eugene, OR

Plans for Future Development & Permit Number (if applicable): No plans currently available.

Public Service Districts:

Name			
Parks:	Willakenzie Planning Area		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	City of Eugene		
Fire:	Willakenzie RFPD		
Schools:	Elementary: Holt	Middle: Monroe	High: Sheldon
Other:	School District: Eugene 4J		

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.

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: 1401

Name (print): The Estate of Nancy Ann Chase, deceased - By: David Hollomon, Executor

Address: 826 NE Hidden Valley Drive, Unit 2 Email: davefor.ncestate@yahoo.com

City/State/Zip: Bend, Oregon 97701 Phone: 541-549-1544 Fax:

Signature: Date: See attached

PROPERTY OWNER OF TAX LOT: 1402

Name (print): Michael LeCompte

Address: 2 Chevy Chase Lane Email: michael.lecompte@festo.com

City/State/Zip: Eugene, OR 97401 Phone: 541-221-7237 Fax:

Signature: Date: See attached

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

SURVEYOR:

Name (print): Kent Baker

Company/Organization: Roberts Surveying, Inc.

Address: P.O Box 7155

City/State/Zip: Springfield, OR 97475 Phone: 541-345-1112 Fax:

E-mail: kent@robertssurvey.com

Signature: Date: See attached.

REPRESENTATIVE (If different from Surveyor):

Name (print): Sean M. Barnes

Company/Organization: Eastmark Capital Group LLC

Address: 1420 Fifth Avenue, Suite 2600

City/State/Zip: Seattle, WA 98101

Phone: 206.521.0240 Fax:

E-mail: sean@eastmarkcapitalgroup.com

Signature:



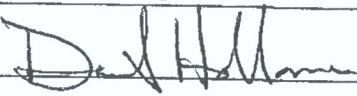
Date:

7/12/18

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

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: 1401

Name (print): The Estate of Nancy Ann Chase, deceased By: David Hollomon, Executor
Address: 826 NE Hidden Valley Drive, Unit 2 Email: davefor.ncestate@yahoo.com
City/State/Zip: Bend, Oregon 97701 Phone: (541) 549-1544
Signature:  Date: 6/6/18

SURVEYOR:

Name (print): _____
Company/Organization: _____
Address: _____
City/State/Zip: _____ Phone: _____
E-mail: _____
Signature: _____ Date: _____

REPRESENTATIVE (If different from Surveyor):

Name (print): Sean M. Barnes
Company/Organization: Eastmark Capital Group LLC
Address: 1420 Fifth Avenue, Suite 2600
City/State/Zip: Seattle, WA 98101 Phone: 206.521.0240 Fax: _____
E-mail: sean@eastmarkcapitalgroup.com
Signature: _____ Date: _____

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

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: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

PROPERTY OWNER OF TAX LOT: 1402

Name (print): Michael LeCompte

Address: 2 Chevy Chase Lane

Email: michael.lecompte@festo.com

City/State/Zip: Eugene, OR 97401

Phone: 541-221-7237 Fax: _____

Signature: 

Date: 7/13/18

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print): Kent Baker

Company/Organization: Roberts Surveying, Inc.

Address: P.O Box 7155

City/State/Zip: Springfield, OR 97475

Phone: 541-345-1112 Fax: _____

E-mail: kent@robertssurvey.com

Signature: _____

Date: _____

Planning & Development

Planning Division

99 W. 10TH Avenue, Eugene, OR 97401

Phone: 541.682.5377 or E-mail: eugeneplanning@ci.eugene.or.us

Updated: December 2016

Page 3 of 4

September 10, 2018, Meeting - Item 2D

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: _____

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: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print): Kent Baker

Company/Organization: Roberts Surveying, Inc.

Address: P.O. Box 7155

City/State/Zip: Springfield, OR 97475

Phone: 541-345-1112 Fax: _____

E-mail: kent@robertssurvey.com

Signature: 

Date: May 25, 2018



City of Eugene Planning

PLANNING RECEIPT

DATE 7/18/2018

Method of Payment

- ☐ Cash
☒ Check
☐ Visa/MC

Amount Received

\$5,155.70

Customer Information

Name Eastmark Capital Group LLC
Address 1420 Fifth Ave Suite 2600
Seattle, WA 98101
Project 17-03-28-40-01401 & 01402

☐ City/Government Agency

#	Application Type	Modification	Concurrent	Qty	Base Fee	Discount	Total
1	Annexation			1	\$ 4,730.00		\$ 4,730.00
2							
3							
4							
5							
6							
7							
8							
9							
	Other						
	Other						
	Appeal			1			\$ -
	Appeal						

Subtotal App Fees \$ 4,730.00

Subtotal Other Fees \$ -

Admin Fee (not included on appeals or other fees) 9% \$ 425.70

Total

\$ 5,155.70

Staff Receiving Application
MHD

99 West 10th Avenue • Eugene, Oregon • 97401 • 541-682-5377 • eugeneplanning.org

=====

CITY OF EUGENE
BUILDING & PERMIT SERVICE
99 WEST 10TH AVE 682-5086
REG-RECEIPT:1-0003116 Jul 18 2018
CASHIER: CMS

=====

Annexation Fee \$4,730.00
17-03-28-40-01401 & 01402
Admin Fee-Auto Calc \$425.70

TOTAL DUE: \$5,155.70
RECEIVED FROM:
EASTMARK CAPITAL GROUP LLC

Check: \$5,155.70
Total tendered: \$5,155.70
Change due: \$.00

=====

www.eugene-or.gov/bldgpermittracking

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Please take our customer survey at:
www.surveymonkey.com/s/COEPermitSurvey

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Changing the Street Name of the Undeveloped Portion of Suzanne Way to Tennyson Avenue, as it Extends North From Crescent Avenue to Tennyson Avenue (City File SC 18-1)

Meeting Date: September 10, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Nicholas R. Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

The City Council will hold a public hearing on a street name change for the portion of Suzanne Way which extends north of Crescent Drive to Tennyson Avenue. The request was submitted by Living Strong, LLC. A vicinity map is provided as Attachment A.

BACKGROUND

Suzanne Way, on the north side of Crescent Avenue, is an approximately 236 feet long unimproved public street. At its northernmost point, Suzanne Way curves 90 degrees to the east and connects to the westernmost portion of Tennyson Avenue, which is also unimproved. There is currently no development along either section of Suzanne Way and Tennyson Avenue. Both portions of Suzanne Way and Tennyson Avenue are scheduled to be improved by the applicant as a local public street concurrent with the development of Crescent Place Apartments.

The street name change request process serves to evaluate if the proposed renaming is in the best interest of the City. This request for street name change is being considered in accordance with section 9.8485 of the Eugene Code. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 through 9.7095, and the Type IV Application Procedures set forth in EC9.7400 through 9.7455.

A complete copy of the application with documents and information related to the street name change request including a written statement, vicinity map and street area map, neighborhood meeting notes, written testimony, Planning Commission materials and recommendation are contained in the council binder located in the City Manager's Office for reference.

Public Hearing Notice

Notice of the City Council public hearing for the requested street name change has been provided in the following manner: on August 24, 2018, notice was mailed to owners of property within 300 feet of the street right-of-way, interested parties, and the officially recognized neighborhood group the Northeast Neighborhood Association; and on September 5, 2018, legal notice was published in *The Register-Guard* newspaper.

The applicant submitted correspondence from the Northeast Neighbors expressing support for the proposed street name change. No other public testimony has been received. Any additional written testimony received prior to close of the public record will be forwarded to City Council for consideration.

Applicable Criteria

The City Council by ordinance shall rename a street or highway in accordance with the recommendation of the Planning Commission, or by resolution shall reject the recommendation. The following approval criterion from the Eugene Code (EC 9.8485) is applicable in making a decision on the proposed street name change:

The planning commission shall recommend, and the city council shall approve an application for a street name change upon determining that a proposed renaming is in the best interest of the city.

Consistent with Eugene Code requirements, a Planning Commission public hearing was held on July 10, 2018. Subsequently, the Planning Commission voted unanimously to recommend approval of the street name change.

The applicant's written narrative lists the following reasons as evidence in support of the proposed street name change:

- Eliminates confusion with Suzanne Way changing names on a curve as it merges with Tennyson Avenue.
- Improved emergency response to existing and future apartments and businesses located on Tennyson Avenue as shortest route will not include a very short segment called Suzanne Way.
- Better visibility for motorists, bicyclists, and transit users to access Tennyson Avenue directly from Crescent Avenue.
- There are no existing addresses assigned to this portion of Suzanne Way and thus no adverse impacts to existing residents or businesses.
- The narrow, private street called Suzanne Way between Crescent Avenue and Chad Drive will remain the same—no existing Suzanne Way addresses will be impacted. The private street is designed for local traffic and will be further differentiated from Tennyson Avenue—a public street.

City of Eugene Public Works responded with no comment regarding the proposal. No other agencies, including the Eugene/Springfield Fire Department, provided comments on the proposed street name change.

Findings addressing the applicable Eugene Code criterion are provided as an attachment to the Draft Ordinance contained in Attachment B.

RELATED CITY POLICIES

The approval criteria for this street name change (the full text is included above) is located at EC 9.8485, which requires the council to find that approval of a street name change is in the best interest of the city.

COUNCIL OPTIONS

This item is scheduled for public hearing only. Council action will occur subsequent to the public hearing and the close of the record. Council action is scheduled for September 24, 2018.

CITY MANAGER'S RECOMMENDATION

No recommendation is provided at this time. A recommendation will be provided for the scheduled action on September 24, 2018.

SUGGESTED MOTION

No motion is suggested at this time.

ATTACHMENTS

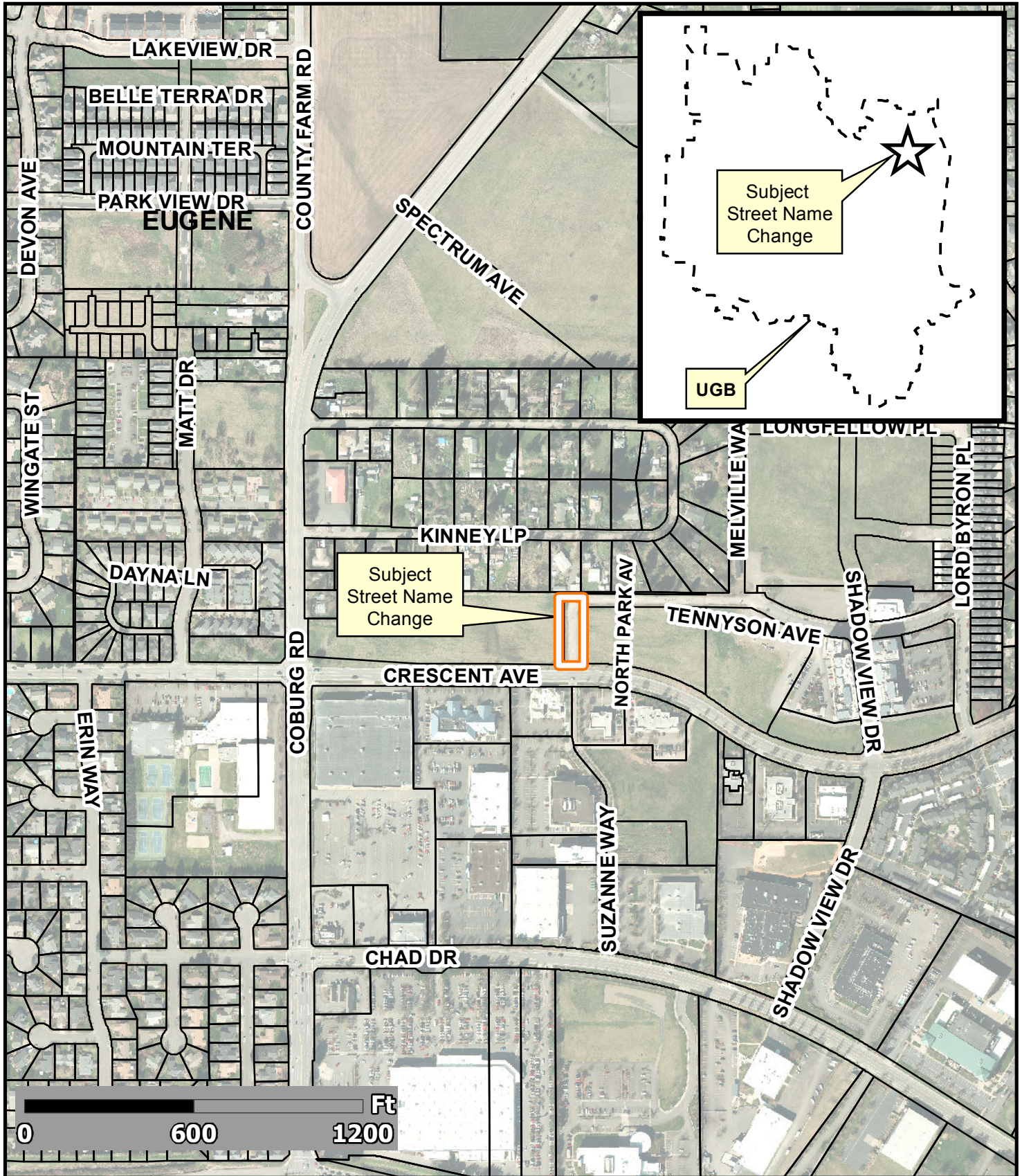
- A. Map of Street Name Change Request
- B. Draft Ordinance
 - Exhibit A: Map of Street Name Change Request
 - Exhibit B – Findings

FOR MORE INFORMATION

Staff Contact: Nicholas Gioello, Associate Planner
Telephone: 541-682-5453
Staff E-Mail: ngioello@eugene-or.gov

Living Strong, LLC (SC 18-1)

Street Name Change



Subject Street Name Change



Taxlots

N

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

September 10, 2018 Meeting - Item 3
August 2018



ORDINANCE NO. _____**AN ORDINANCE CHANGING THE STREET NAME OF THE UNDEVELOPED PORTION OF SUZANNE WAY TO TENNYSON AVENUE, AS IT EXTENDS NORTH FROM CRESCENT AVENUE TO TENNYSON AVENUE (CITY FILE SC 18-1)****The City Council of the City of Eugene finds that:**

A. On April 24, 2018, Living Strong LLC submitted a street name change application to rename as Tennyson Avenue the approximately 236 foot unimproved section of Suzanne Way located north of Crescent Avenue, and connecting Crescent Avenue to the existing Tennyson Avenue. The section of Suzanne Way proposed to be renamed is depicted on the map attached as Exhibit A to this Ordinance.

B. ORS 227.120 and Eugene Code, 1971 (EC) Sections 9.8475 through 9.8490 set forth the procedures for considering a street name change, which includes a Type IV review process requiring the Planning Commission to hold a public hearing according to the quasi-judicial procedures of state law and those set out in EC 9.7065 through 9.7095, and to make a recommendation to the City Council to approve, approve with modifications, or deny the application.

C. On June 8, 2018, notice of a Eugene Planning Commission public hearing was mailed to the applicant, owners and occupants of property located within 300 feet of the perimeter of the unimproved portion of Suzanne Way, the Northeast Neighbors (affected Eugene neighborhood association), and to persons who requested notice. Notice was also posted in at least three locations within 300 feet of the perimeter of the subject property and freestanding signs were installed pursuant to EC 9.7415.

D. On July 10, 2018, the Eugene Planning Commission held a public hearing on the proposed street name change and, following the public hearing, the Planning Commission unanimously recommended that the City Council rename the unimproved section of Suzanne Way to Tennyson Avenue.

E. Pursuant to EC 9.7435, the City Council public hearing is to be conducted within 60 days of the Planning Commission's recommendation unless a longer time frame is agreed to by the applicant. The applicant agreed to hold the public hearing on September 10, 2018, 62 days after the Planning Commission's recommendation.

F. On August 24, 2018, notice of the September 10, 2018 City Council public hearing on the proposed Ordinance was mailed to the applicant, owner of the subject property, all parties who submitted written or oral testimony and to parties who requested notice of the Planning Commission decision pursuant to EC 9.7440.

G. On September 5, 2018, notice of the September 10, 2018 City Council public hearing on the proposed Ordinance was published in the Register Guard, as required by EC 9.7440(3).

H. On August 23, 2018, notice of the September 10, 2018 City Council public hearing was published in the Register Guard as required by Section 28 of the Eugene Charter of 2002.

I. On September 10, 2018, the City Council held a public hearing on the proposed street name change.

J. Evidence exists within the record, and within the findings attached as Exhibit B, establishing that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971, and the requirements of applicable state and local law.

NOW, THEREFORE

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. In accordance with the Eugene Planning Commission recommendation, the street name of the approximately 236 foot unimproved section of Suzanne Way located north of Crescent Avenue within the City of Eugene, as shown on the map attached as Exhibit A to this Ordinance, is renamed to Tennyson Avenue.

Section 2. The above findings and the findings set forth in Exhibit B attached to this Ordinance are adopted in support of this street name change.

Section 3. The City Manager is directed to cause appropriate signage to be installed indicating that the section of Suzanne Way described in Section 1 above and depicted on the map attached as Exhibit A, is now Tennyson Avenue.

Section 4. Certified copies of this Ordinance shall be filed with the Lane County Recorder, the Lane County Assessor, and the Lane County Surveyor.

Passed by the City Council this

_____ **day of September, 2018**

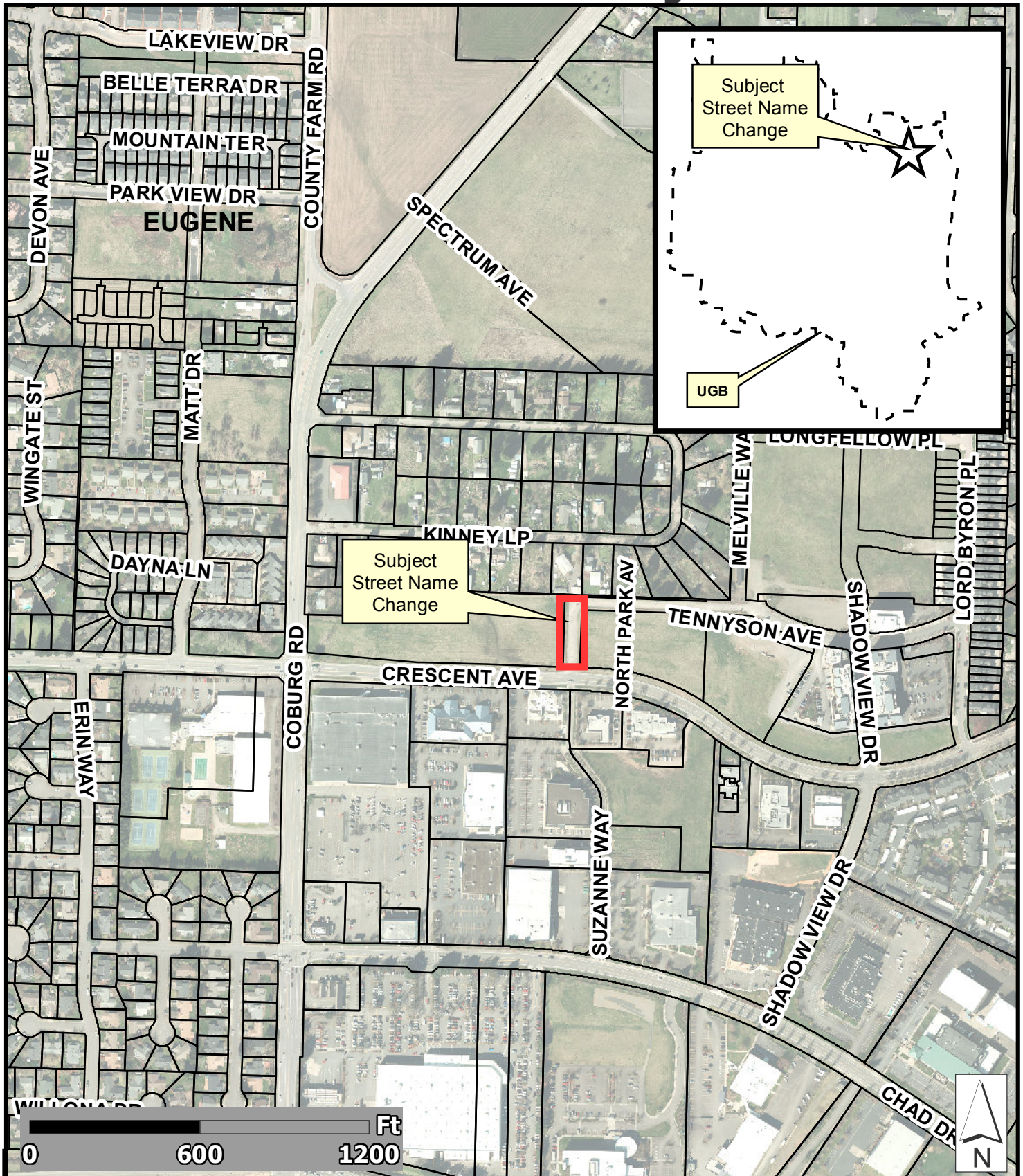
City Recorder

Approved by the Mayor this

_____ **day of September, 2018**

Mayor

Living Strong, LLC (SC 18-1) Street Name Change



Legend

	Subject Property
	Streets
	Taxlots

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



Exhibit B

Findings of Consistency with Street Name Change Criteria

Section 9.8485 of the Eugene Code (EC) provides the sole criterion for evaluating a proposed street name change, stating:

EC 9.8485 Street Name Change Approval Criteria. The planning commission shall recommend, and the city council shall approve an application for a street name change upon determining that a proposed renaming is in the best interest of the city.

Based on the Planning Commission's recommendation, the records of the public hearings before both the Planning Commission and the City Council, the City Council finds that it is in the best interest of the City to change the name of the approximately 236-foot unimproved section of Suzanne Way located north of Crescent Avenue within the City of Eugene.

The City Council finds that the proposed name change will minimize inconvenience and confusion and improve the ability of motorists, bicyclists, and transit users to easily identify Tennyson Avenue, and emergency response will be improved for future residents, businesses, and the general public located on Tennyson Avenue.

The City Council further finds that based on street name changes that have occurred in the past, service providers like 9-1-1 Emergency Communications Center and the U.S. Post Office can make the necessary changes in their database systems with 30 days prior notice. Since no addresses are assigned to this portion of Suzanne Way, no adverse impacts are anticipated with the proposed street name change.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: A Resolution Granting a Measure 49 Claim and Waiving a Provision of Chapter 9 of the Eugene Code, 1971 for Property Located Adjacent to 70 West 24th Place, Eugene, Oregon (Assessor's Map 18-03-06-42, Tax Lot 2700)

Meeting Date: September 10, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Dan Lawler
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The City Council is scheduled to take action on a Measure 49 claim submitted by Elise Moore for the alleged reduction in fair market value to property located on a vacant lot adjacent to 70 West 24th Place, Eugene, Oregon. A vicinity map is provided as Attachment A.

BACKGROUND

In 2007, Oregon voters approved Measure 49 (codified as ORS 195.300-336), which grants a property owner of residentially zoned land located within an urban growth boundary the right to compensation or waiver of a regulation (at the option of the government) if the following five substantive requirements are met:

- The claimant must own title to the property.
- The regulation must constitute a "land use regulation" as defined in Measure 49 and it must have been enacted after January 1, 2007, but not more than five years before the date the claim was filed.
- The regulation must "restrict the residential use" of residentially zoned private property.
- The effect of the regulation must be a reduction of the fair market value of the property.
- The regulation must not fall within one of Measure 49's six exemptions.

Council must decide: 1) whether a Measure 49 claim meets all five requirements listed above, and 2) if the Measure 49 claim meets all five requirements, whether to compensate the claimant, or waive enforcement of the land use regulation.

This Measure 49 claim seeks waiver of a land use regulation, adopted in 2014 as part of the Single Family Code Amendments, that limits building size on alley access lots to 10% of the total lot size or 800 square feet, whichever is smaller. The property owner asserts that the land use regulation restricts the residential use of her property because it limits the size of a dwelling on her property to a maximum of 462 square feet and leaves her with no way to build the 1,200 square foot home she desired for the property. Prior to adoption of the regulation, however, she could have built a home of at least 2,000 square feet. As a result, the property owner claims that the regulation reduces the fair market value of her property and she seeks compensation or waiver of the regulation.

A City Council public hearing on this Measure 49 claim was held on July 16, 2018. The claimant's attorney, Bill Kloos, testified in favor of granting the claim. No other testimony was received at the public hearing.

Following the hearing, the council left the record open one week, until 5:00 p.m. on July 24, 2018, for submission of written testimony and provided the claimant an additional week, until 5:00 p.m. on July 31, 2018, to rebut evidence and arguments submitted. At the council meeting on July 23, 2018, the council voted to extend the open record period until 5:00 p.m. on July 27, 2018, and to extend the claimant's rebuttal period until 5:00 p.m. on August 3, 2018. All testimony and evidence is available at <http://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=M49-18-0001>. Copies were previously provided to the City Council under separate cover. The City Manager's Report and Recommendation has been updated to reflect the public hearing, open record periods, and that testimony received did not change the analysis of the Report and Recommendation.

Testimony received before the close of the record raised two primary issues:

- The argument that a locality should only grant a Measure 49 claim if the regulation at issue prevents residential use of the property altogether. However, Measure 49 states that a locality should grant a Measure 49 claim if the regulation restricts the claimant's desired residential use of the property. In this case, the claimant desires to build a 1,200 square foot house, and could have done so prior to enactment of the 2014 regulation. Thus, the regulation restricts her desired residential use of the property because she can only build a 462 square foot house on the property and has no alternative way to build the 1,200 square foot home.
- The argument that the City should obtain a third-party appraisal to assess the reduction in value for the claimant's property. Claimant's appraisals appear to meet the requirements of Measure 49. Although the council has the ability to order a third-party appraisal, the claimant's appraisal complies with the statutory requirements.

A copy of the Measure 49 claim, along with other documents and information related to the issues in the Measure 49 claim, is contained in a notebook available at the City Manager's Office. A copy of that notebook is also available for public inspection at the Eugene Planning and Development Department, First Floor Reception, 99 West 10th Avenue, Eugene, Oregon 97401 between 9:00 a.m. and 4:00 p.m.

Measure 49 requires the council to make a decision on the claimant's claim within 180 days of the date the claim was deemed complete. In this case, council must approve or deny this claim no later than October 6, 2018.

The attached resolution, provided as Attachment B, incorporates two changes that were not included in the resolution provided to the council prior to the public hearing on this claim. In accordance with the requirements of Measure 49, the attached resolution has been modified to clarify that the waiver is limited to the claimant and limited to the construction of a 1,200 square foot home on the subject property.

RELATED CITY POLICIES

None.

COUNCIL OPTIONS

The City Council may consider the following options:

1. Adopt the attached resolution approving the Moore Measure 49 claim.
2. Adopt the attached resolution with specific modifications as determined by City Council.
3. Direct the City Manager to bring back a resolution denying the claim for adoption on or before October 6, 2018.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that City Council adopt the resolution granting the claim.

SUGGESTED MOTION

Move to adopt Resolution No. _____, a Resolution Granting a Measure 49 Claim for Property Located adjacent to 70 W. 24th Place, Eugene, Oregon.

ATTACHMENTS

- A. Vicinity Map
- B. Proposed Resolution
- C. City Manager's Report and Recommendation

FOR MORE INFORMATION

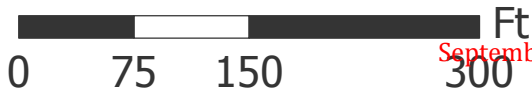
Staff Contact: Dan Lawler, Assistant Planner
Telephone: 541-682-5282
Staff E-Mail: dlawler@eugene-or.gov

Vicinity Map



Legend

Subject Property



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

September 10, 2018, Meeting - Item 4

August 29, 2018



RESOLUTION NO. _____**A RESOLUTION GRANTING A MEASURE 49 CLAIM AND WAIVING A PROVISION OF CHAPTER 9 OF THE EUGENE CODE, 1971, FOR PROPERTY LOCATED AT 70 WEST 24th PLACE, EUGENE, OREGON (ASSESSOR'S MAP 18-03-06-42, TAX LOT 2700).****The City Council of the City of Eugene finds that:**

A. Elise Moore (Claimant) submitted a claim to the City seeking compensation or a waiver of EC 9.2751(18)(a)3. under Ballot Measure 49. Claimant alleges that the limits on building size on alley access lots to 10% of the lot size or 800 square feet (whichever is smaller) restricts the residential use and diminishes the fair market value of her property located at 70 West 24th Place, Eugene, Oregon (the subject property).

B. The City Manager has caused an investigation of the claim to be made, has determined the claim to be valid, and has submitted to the Council a Report and Recommendation that EC 9.2751(18)(a)3. be waived to allow Claimant to construct a 1,200 square foot dwelling that complies with all other residential lot standards on the subject property. The recommended waiver does not address the applicability of any other provision that might preclude such construction.

C. Considering the City Manager's recommendation and conclusion as to the validity of the claim, and the lack of City funds with which to pay compensation to the Claimant, the City Council finds the public interest will be best served by waiving the requirement of EC 9.2751(18)(a)3. as set forth herein.

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, which are adopted, and the analysis contained in the Report and Recommendation of the City Manager, the City Council hereby waives EC 9.2751(18)(a)3. for the property owned by Claimant Elise Moore, Assessor's Map 18-03-06-42, Tax Lot 2700, to the extent necessary to allow Claimant to construct a 1,200 square foot dwelling that complies with all other residential lot standards.

Section 2. A copy of this Resolution shall be forwarded to Elise Moore at 70 West 24th Place, Eugene, Oregon 97405, to her representative, Bill Kloos at 375 W. 4th Street, Suite 204, Eugene, Oregon 97401, and to the City's Planning & Development Department. A copy of this Resolution shall be recorded with the Lane County Records Department.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 10th day of September, 2018.

City Recorder



**BALLOT MEASURE 49
(ORS 195.300 – ORS 195.336)**

CLAIM FOR COMPENSATION

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NAME OF CLAIMANT:	Elise Moore
PROPERTY ADDRESS:	West 24th Place & Portland Alley Eugene, OR 97405
CLAIMANT’S REPRESENTATIVE:	Bill Kloos
PROPERTY IDENTIFICATION:	Tax Lot 2700 of Assessor’s Map 18-03-06-42
ZONING:	R-1 Low Density Residential

I. Summary of Claim

Elise Moore (Claimant) submitted a claim under Ballot Measure 49 for compensation or waiver of land use regulations alleging a reduction in fair market value to her vacant property located near the intersection of West 24th Place and Portland Alley in Eugene, Oregon. The property is a vacant alley access lot that is zoned R-1 Low-Density Residential. Claimant asserts that EC 9.2751(18)(a)3., which limits building size on alley access lots to 10% of the lot size or 800 square feet (whichever is smaller), restricts the residential use of the property and reduces its value. Specifically, Claimant contends that she purchased the lot in 2010 to build a 1,200 square foot house on the property and that the 2014 regulation limits maximum building size on the lot to 462 square feet. She claims the regulation reduced the property’s value by \$25,000 and asks the City to compensate her for the lost value or to waive EC 9.2751(18)(a)3. to allow construction of a 1,200 square foot dwelling that complies with all other residential lot standards.

II. Summary of City Manager’s Recommendation

Measure 49 generally grants a property owner of residentially zoned land located within an urban growth boundary the right to compensation or waiver of the regulation (at the option of the government) if five substantive requirements are met. First, a claimant must own the property subject to the claim. Second, the regulation must constitute a “land use regulation” as that term is defined by Measure 49 and it must have been enacted after January 1, 2007, but not more than five years before the date the claim was filed. Third, the regulation must “restrict the residential use” of residentially zoned private property. Fourth, the regulation must cause a reduction of the fair

market value of the property. Fifth, the regulation must not fall within one of Measure 49's six exemptions.

As discussed below, the Moore claim is valid because it satisfies the five requirements of Measure 49: 1) Claimant Elise Moore owns the property; 2) EC 9.2751(18)(a)3. qualifies as a land use regulation and was enacted after January 1, 2007 and less than five years before the date the claim was filed; 3) EC 9.2751(18)(a)3. restricts a previously allowed residential use on the residentially zoned property; 4) EC 9.2751(18)(a)3. reduces the property's fair market value; and 5) EC 9.2751(18)(a)3. does not fall within one of the six Measure 49 exemptions. Therefore, this report concludes that the claim is valid.

If a claim is valid under Measure 49, a local government must either (1) compensate the claimant for the reduction in the fair market value of the property, or (2) authorize the claimant to use the property without application of the land use regulation "to the extent necessary to offset the reduction in the fair market value of the property." The Claimant requests compensation or a waiver of the regulation. Accordingly, the City Manager recommends that the City Council waive EC 9.2751(18)(a)3. as it relates to the Claimant's property and to the extent that waiver is needed to allow construction of allowed 1,200 square foot residential dwelling that complies with all other residential lot standards.

III. Analysis of Claim

A. Ownership

Measure 49 provides for payment of compensation or relief from (waiver of) specific regulations for "owners" of real property. Ballot Measure 49 defines "owner" to include "[t]he owner of fee title to the property as shown in the deed records of the county where the property is located[.]" ORS 195.300(18).

Based on information that the Claimant submitted (Warranty Deed 2010-033733) and information from the Lane County Regional Land Information Database (RLID), the City Manager concludes that Claimant Elise Moore acquired fee title to the subject property on July 8, 2010. Accordingly, Claimant Elise Moore is the owner of the property.

B. "Land Use Regulations"

Measure 49 requires compensation (or waiver) for only those regulations that constitute "land use regulations" as Measure 49 defines the term. Measure 49 defines "land use regulation," with respect to cities, as a "provision of a city comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use." ORS 195.300(14)(c). Further, land use regulations eligible for waiver under Measure 49 must have been enacted after January 1, 2007, but within five years of the date of the claim.

EC 9.2751(18)(a)3 is a land use regulation under Measure 49 because it is a provision of the city's zoning ordinance and it regulates residential uses on property in a residential use zone. This land use regulation was adopted as part of Ordinance No. 20541 as part of the Single Family Code Amendments, which became effective August 29, 2014. The Claimant filed her Measure 49 claim on January 29, 2018. Thus, EC 9.2751(18)(a)3. is a qualifying land use regulation under

Measure 49 because it was enacted after January 1, 2007, but within five years of the date of the claim.

C. Restriction on Residential Use

A “land use regulation” gives rise to a Measure 49 claim only if the regulation restricts the residential use of private real property. The specific regulation that the Claimant points to is EC 9.2751(18)(a)3., which limits the square footage of new dwellings built on alley access lots. The Claimant alleges that EC 9.2751(18)(a)3. restricts the residential use of her property because it prevents her from building a home that would have been allowed before the regulation took effect.

Adopted on July 28, 2014 (by Ordinance No. 20541) and effective on August 29, 2014, EC 9.2751(18)(a)3. establishes the following limitations on square footage of buildings on alley access lots:

(18) Alley Access Lots in R-1.

(a) General Standards.

1. **Applicability.** Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.
2. **Use Regulations.** Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.
3. **Building Size.** The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

Prior to the Council’s adoption of the above-quoted code provision, general R-1 zoning regulations applied to alley access lots and allowed lot owners to build structures that cover up to 50% of the lot. Thus, the Claimant could have built a 1,200 square foot house on her alley access lot before EC 9.2751(18)(a)3. went into effect because the total lot size is 4,620 square feet. Now, however, EC 9.2751(18)(a)3. limits any structure on the Claimant’s lot to a maximum of 462 square feet, which restricts the Claimant’s ability to build an economically and practically feasible home on the property.

For a land use regulation to restrict a residential use of property under Measure 49, the regulation must leave the property owner with no viable method to achieve the previously allowed residential use. Planning staff evaluated the feasibility of the Claimant using other land use mechanisms, including adjustment review, conditional use permits, planned unit developments, and variances, to build a 1,200 square foot home and determined that none of those options were feasible. Therefore, EC 9.2751(18)(a)3. restricts the Claimant’s residential use of property under Measure 49 because no viable method exists to achieve the previously allowed residential use, absent waiver of the regulation.

D. Reduction in Value

A “land use regulation” gives rise to a Measure 49 claim only if, in addition to restricting the residential use of private real property, it also reduces the fair market value of the property. Claimant submitted appraisals of the fair market value of the property one year before the adoption of EC 9.2751(18)(a)3. (July 28, 2013) and one year after the adoption of EC 9.2751(18)(a)3. (July 28, 2015).¹ The July 28, 2013 appraisal provides a property value of \$65,000. The July 28, 2015 appraisal provides a property value of \$40,000. As of the date of this Recommendation, nothing in the record contradicts the accuracy of the appraisals submitted by the Claimant. Accordingly, the appraisals confirm that EC 9.2751(18)(a)3. reduces the fair market value of the Claimant’s property.

E. Exemptions

Finally, a Measure 49 claim is not valid if the challenged regulation was enacted before the Claimant acquired the property or if it falls within one of the six exemptions under the Measure. Regulations adopted to 1) protect the public health and safety; 2) prevent nuisances; or 3) comply with federal law are exempt under Measure 49, even if they otherwise constitute “land use regulations” that “restrict the residential use” and “reduce the fair market value” of property. In addition, regulations that (4) restrict or prohibit the use of the property for selling pornography or performing nude dancing, (5) plan and rezone land for industrial zoning to be included in the UGB, or (6) plan and rezone land already within a UGB to industrial zoning, are also exempt under Measure 49.

The regulation at issue in this claim does not fall within any of these exemptions.

IV. Conclusion and Recommendation

Based on the analysis set forth above, the City Manager recommends that the City Council conclude that Claimant Elise Moore’s Measure 49 claim is valid. In lieu of compensation, the City Manager recommends that the City Council waive EC 9.2751(18)(a)3. to the extent such waiver is necessary to allow Claimant to construct a 1,200 square foot dwelling on the subject property that complies with all other residential lot standards. The recommended waiver does not address the applicability of any other provision that might preclude such construction.

A City Council public hearing on this Measure 49 claim was held on July 16, 2018. The claimant’s attorney, Bill Kloos, testified in favor of granting the claim. No other testimony was received at the public hearing.

Following the hearing, the Council left the record open one week, until 5:00 p.m. on July 24, 2018, for submission of written testimony and provided the claimant an additional week, until 5:00 p.m. on July 31, 2018, to rebut evidence and arguments submitted. At the Council meeting on July 23, 2018, the Council voted to extend the open record period until 5p.m. on July 27, 2018 and to extend the claimant’s rebuttal period until 5p.m. on August 3, 2018. Testimony submitted did not change the analysis of this report and recommendation.

¹ Measure 49 requires the reduction in fair market value of the property be demonstrated through an appraisal that meets certain requirements. ORS 194.310(2). The appraisal submitted by Claimants satisfies those requirements.

Because the City Manager is recommending that the Council grant the Claimant a waiver of the building size limitation on alley access lots in EC 9.2751(18)(a)3., this claim has been scheduled for deliberations and action on September 10, 2018.