



Eugene City Council

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Eugene, OR 97401
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www.eugene-or.gov

AMENDED AGENDA EUGENE CITY COUNCIL

October 11, 2021

7:30 p.m. CITY COUNCIL MEETING

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

**Meeting of October 11, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

Note: This agenda was amended to reflect the addition of Item 8.

7:30 p.m. CITY COUNCIL MEETING

- 1. CEREMONIAL MATTER**
- 2. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 3. CONSENT CALENDAR 1**
 - A. Approval of City Council Minutes**
 - B. Approval of City Council Tentative Agenda**
- 4. PUBLIC FORUM**
- 5. CONSENT CALENDAR 2**
 - A. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-15-23, Tax Lot 1400 Located West of HWY 99N, South of McDougal Lane) (City File: Snake River Jessen; A 21-9)**
 - B. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-14; Tax Lot 1400 Located at 3915 Scenic Drive) (City File: 3915 Scenic Drive; A 21-11)**

- 6. ACTION: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System**
- 7. ACTION: An Ordinance Vacating Ferry Alley Between East 3rd Avenue and East 2nd Alley, and Providing for an Effective Date**
- 8. ACTION: Motions Related to Safe Sleep Sites**

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Ceremonial Matter

Meeting Date: October 11, 2021
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

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

BACKGROUND

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

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: October 11, 2021
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work session on May 10, September 8 and September 20, 2021; and the public hearing on September 20, 2021.

ATTACHMENTS

- A. May 10, 2021 Work Session Minutes
- B. September 8, 2021, Work Session Minutes
- C. September 20, 2021, Work Session Minutes
- D. September 20, 2021, Public Hearing Minutes

FOR MORE INFORMATION

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

MINUTES

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

**May 10, 2021
5:30 p.m.**

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

Mayor Vinis opened the May 10, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION: Community Safety Initiative Engagement Sessions

Community Relations Director Laura Hammond and Human Rights and Neighborhood Involvement Manager Acting-in-Capacity Fabio Andrade gave an overview of the Community Safety Initiative (CSI) community surveys and community focus groups process and results. Policy Analyst Jason Dedrick gave an overview on the key findings.

Council Discussion:

- Mayor Vinis - expressed gratitude for the work to help the process move forward, noting the book *Upstream* and the results of the survey reflect the idea of looking for upstream solutions.
- Councilor Keating - commented on the wealth of quantitative and qualitative data received; said he was intrigued and encouraged to see the same themes revolving around emergency shelters, services, and alternative responses to mental health crisis; asked how broadly the survey was promoted to community members, particularly in BIPOC and LGBTQ+ communities and if the survey was self-selecting.
- Councilor Groves - commented that there was a lot of variety in responses and said he was encouraged by the results; asked if there was a way to use the data for report writing for police officers as this can impact officer availability.
- Councilor Evans – said he thought the report was thorough and some responses caught his attention, noting the Hispanic/Latinx responses’ emphasis on the need for more cultural availability for language and social services; said the results show the need to increase the number of BIPOC community members; expressed his desire to have an alternative police response to mental health, domestic violence and other calls for help.
- Councilor Clark - shared his biggest takeaway was that the community recommended how the system should be constructed; said he would have preferred to see what outcomes the community would like to see, which could then enable the City to say how the it can provide the community’s desired outcome; commented that he voted against the payroll tax and felt the tax is unjust; recalled the tax being implemented as the only solution to fix a dire problem and felt the problem is changing; requested the Chief of Police give his presentation again in detail for Council to make a balanced decision.
- Councilor Yeh - agreed there is a lot of information to reflect on and appreciated the additional time to review and make thoughtful decisions; supported hearing again from Chief Skinner, Chief Heppel and all involved because shifting money and priorities is challenging; said she felt the process has been appropriate and productive; shared questions about what services are currently provided, the appropriateness of the City’s actions, and Cahoots’ capacity where additional funds could be used; voiced concern about language services as a barrier; supported the idea of a community safety officer.

- Councilor Zelenka – said he was eager to get more people’s input and the results were not surprising in terms of the services the community said are needed; noted that sworn officers are still needed in Eugene; appreciated the effort put into the process and report.
- Councilor Syrett - shared her appreciation for the report and data analysis; said it’s helpful to see the connection between people’s identities and their input; commented Council is navigating how to address this complex problem of delivering community safety to the public in a way that everyone feels well-served; suggested considering different metrics for success.
- Councilor Semple - shared her appreciation for the report details and seeing graphs of survey respondents’ differences; said she was not surprised by the results or the differences in responses by the different groups; said mental health services and support are a top priority.
- Councilor Keating – said he was encouraged by the demographics of the survey respondents, particularly the participation of youth and women; shared some key takeaways from the 2021 survey compared to the 2018 survey; asked what percentage of EPD uniformed officers are bilingual and what incentives the City offers to staff to encourage bi-lingual or multi-lingual capabilities; asked for the Chief’s, CAHOOTS’ and first responders’ input on the 911 call time response and other service gaps; asked questions regarding monetary allocation and funding details.
- Councilor Clark – said a major takeaway of the survey the apparently overwhelming support for the City to provide more homeless services and response; requested to see more information on survey questions and data.
- Councilor Zelenka – noted that there are responses that reflect funding allocation and items that reflect policy changes; commented that homelessness is a symptom and the causes are lack of mental health services, addiction services and affordable housing and said the CSI won’t fix these alone; said support at the State and Federal level is needed to effect real change; said he was hopeful that community members made the connection between wraparound services and community safety; said the City needs to act differently, act smarter, act with respect for people, and lead by example.
- Councilor Evans - asked how many youth responded to the survey, noting their input is critical, especially related to interactions with police in Eugene; shared ideas on how officers can build community relationships with the youth to create trust and view them as a positive force.
- Mayor Vinis - shared that the aspect of the survey that drew her attention was the unfamiliarity of many with the CSI, which speaks to the value of the work done to reach out to people who typically aren’t heard from; noted that the initiative is framed in terms of “community safety” and the survey respondents framed it as “community wellbeing” which presents an opportunity to shift the council’s perspective.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Niyah Ross)

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

MINUTES

**Eugene City Council and Urban Renewal Agency
Virtual Work Session
Eugene, Oregon 97401**

**September 8, 2021
12:00 p.m.**

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

Councilors Absent: Randy Groves

Mayor Vinis opened the September 8, 2021, work session of the Eugene Urban Renewal Agency in virtual format.

1. WORK SESSION – Downtown Open Space Improvements

Community Development Director AIC Will Dowdy presented potential Open Space improvements downtown, including the Willamette Connection, a proposed improvement to the public space between the Hult Center and the Graduate Hotel (also known as the Hult Center Plaza). The presentation included information on design, estimated costs, and funding options.

Council Discussion:

- Councilor Semple – expressed excitement about the proposed project moving forward; voiced concern about incorporating 6th and 7th avenues into the downtown design and supported sidewalk improvements and reducing bottlenecks; said aesthetics, useability and safety are key to the project's success; noted efforts to earmark urban renewal funds for open space improvements.
- Councilor Clark – stated that \$2.5 million is a lot to dedicate to aesthetic improvements for one block; asked about the benefits that will be realized from this tax increment financing and what feedback staff and the council have heard about connectivity problems.
- Councilor Syrett – thanked Councilor Semple for her persistence in setting aside money for open space improvements; expressed appreciation for planned upgrades to the wheelchair ramp and said the sloping sidewalk on 7th Avenue is difficult to navigate; said the memorial garden is a hidden gem marking a historic wrong and plans to make it more visible and accessible are appreciated; supported the plan's focus on two entrances, noting it will create better connections and lead to enhanced property values.
- Councilor Zelenka – agreed that enhancements to open spaces are important and noted that there are limitations on how urban renewal money can be spent; agreed that plans for the memorial garden are worthy; asked about intentions for the “projection wall” and the public art plinth.
- Councilor Keating – thanked staff for their work; discussed the geographical significance of the memorial garden as the site where internment registration occurred; noted that many areas of the city do not have sidewalks; inquired about plans to replace any trees that are removed for the project; asked about engagement efforts with surrounding businesses and whether any negative impact on the hotel or Hult Center business was anticipated.
- Councilor Yeh – appreciated the detail of the presentation and its consideration of multiple factors; asked whether the advisory committee included representation from the memorial garden and encouraged proactivity in ensuring diversity of perspectives on future projects; thanked Councilor Semple for efforts to keep this project moving forward.

- Councilor Syrett – asked about the status of the Hult Center kiosks at the north and south end of the plaza; supported using any remaining funds for lighting improvements; clarified that urban renewal money can only be used within the district; therefore, it is not depriving other areas of similar improvements.
- Councilor Clark – suggested a rededication ceremony for the memorial garden be planned when the project is completed.
- Councilor Keating – asked about the impacts of the project on the PeaceHealth bike share station and hoped there would be no interruption of availability; asked about using extra funds for transportation improvements.
- Mayor Vinis – agreed that the existing ramp is a “cattle shoot” and appreciated the focus on the memorial garden.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to direct the Agency Director to schedule a public hearing to solicit public comment on whether the proposed open space projects should move forward and on the appropriate funding mechanisms for the projects. The Agency Director is further directed to schedule a work session for the Agency Board to deliberate on the projects. **PASSED 7:0.**

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

2. WORK SESSION – Unhoused Response Update

Assistant City Manager Kristie Hammitt and Public Works Director Matt Rodrigues provided an update on temporary urban camps and vehicle camping response and actions related to developing site plans and programming for the establishment of “Safe Parking” and “Safe Tent” sites.

Council Discussion:

- Councilor Clark – thanked staff for the work they are doing to implement Council policy and direction; asked questions about compliance efforts and the data kept in the Homeless By Name count; asked about the policy position on those in unsanctioned camps who violate the law and if individuals who are banned for behavior issues from sanctioned camps have an opportunity to return; supported efforts to protect the community and neighborhoods from criminal activity; inquired whether Unified Command had access to data about criminal activity.
- Councilor Keating – agreed that safe sleep sites must be safe for the users and the community and supported a systems approach that indicates the number of people served of each cohort and the percentage of funds allocated; noted the Governor’s mask mandate omits homeless facilities and suggested that the City consider enacting a policy around masks and vaccinations.
- Councilor Syrett – appreciated the efforts of staff and the resources allocated for this work; reported that her constituents are feeling afraid and fatigued, and the near-constant disruptive activity at Washington Jefferson Park may lead to a breaking point for many; supported keeping the pace of the work going and taking into account the number of tents at each site versus the number of individuals.
- Councilor Semple – agreed that many in the community are losing patience and asked how long it will be until the safe sleep sites are ready; regarding communication efforts, asked where the funding is coming from, if there are enough port-a-potties, and the timeline for occupation.
- Councilor Zelenka – agreed that more is needed faster, noting it is difficult work in a difficult environment; said the work done to-date has been successful and expressed optimism about the additional sites; suggested that vaccination cannot be mandated but can be required for participation in the sites.

- Councilor Clark – reported that he received an average of 55 complaints a day and the community is at a breaking point; said he felt the Council’s policy is insufficient and it needs to address unsanctioned camps and the individuals who won’t utilize sanctioned camps if drugs and alcohol use are not permitted.
- Councilor Semple – inquired about the number of COVID cases reported in camps.
- Mayor Vinis – asked whether vaccination status can be included in data collection.

Mayor Vinis adjourned the meeting at 1:35 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES

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

**September 20, 2021
5:30 p.m.**

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

Councilors Absent: Alan Zelenka

Mayor Vinis opened the September 20, 2021, work session of the Eugene City Council in virtual format.

1. WORK SESSION: Financial Update

City Manager Sarah Medary and Finance Director Twylla Miller gave a financial update.

Council Discussion:

- Councilor Keating - referenced the funding consideration slides and asked when the last time this municipality adjusted the local fuel tax rates in Eugene; suggested it was worth exploring an increase in the fuel tax.
- Councilor Clark - said the largest source of City revenue is property taxes and encouraged the council to consider and make policy decisions that would increase the amount of property taxes generated, including incentivizing construction and annexations.
- Councilor Syrett – noted there are limits on what gas taxes and aviation fuel taxes can be used for; commented that denser housing has a greater impact on revenue relative to costs than single-family dwellings.
- Councilor Clark – said he felt the multi-family vs single-family comparison was based on faulty assumptions and reiterated that building more homes on the land and annexations will increase the tax base and the City’s ability to respond with services.
- Councilor Groves – expressed concern that raising fuel costs will push people to fuel up at other locations and the City will lose money; encouraged understanding what the local market looks like.
- Mayor Vinis - asked if property tax increases from MUPTE’s expiring were included in the financial assumptions.
- Councilor Evans – asked whether implementation of a utility tax or fee was considered.
- Councilor Keating – supported exploring a tax on utilities that offer incentives to switch to fossil fuel use and a tax on unoccupied housing.

2. WORK SESSION: 2020 Census and Ward Population Update

Policy Analyst Jason Dedrick gave an update on the result of the 2020 Census and presented two scenarios for ward redistricting.

Council Discussion:

- Councilor Syrett - commented that Ward 7 experienced the most growth and that this is reflection of how great the area is; appreciated the rational approach taken to identify possible ward changes; supported Option 1 but said both options should move forward for public comment.
- Councilor Clark – complimented the work done to synthesize the data and develop options; supported the City Manager’s recommendations for public engagement; commented that north and

northwest Eugene are growing and encouraged a commensurate increase in funds for park development.

- Councilor Keating - commented that nothing is being decided tonight except whether to advance the recommendations; stated south Eugene needs more rentals and economic diversity will be added to Ward 2 with this plan; supported advancing the two recommendations.
- Councilor Groves - commented the options as presented makes sense; noted that Ward 8 includes the vast majority of Eugene's commercial industrial area and its ongoing issues, and said responding to those issues might be more effective if additional councilors represented these constituents; asked whether council should consider a third scenario that splits the industrial area in other wards.
- Councilor Clark - stated he would appreciate seeing another option to split some of the industrial area into another ward, noting it would have little impact on population and could be a good idea.
- Councilor Evans - commented if his ward line extended south it would take some of the Roosevelt Blvd. area and several smaller neighborhoods that connect with the industrial area.
- Councilor Keating - welcomed Councilors to come to an LRAPA meeting and talk about the JH Baxter Company; voiced concern that the suggestion to add another option deviates from the direction Council gave staff to determine what the new ward boundaries would be and said he felt it would be inappropriate to ask staff for a third option at this point.
- Councilor Syrett - commented that it is a responsibility of the Council act within its authority to address JH Baxter issues regardless of which ward it is located; said she would not support a last-minute change to add a third scenario.
- Councilor Groves - encouraged his colleagues to reach out across ward boundaries to address difficult issues.
- Councilor Evans - commented that each ward has its unique challenges and Ward 6 is experiencing an affordable home challenge, noting the price of rentals is increasing and using as an example a mobile home park was recently bought by a developer and will result in the displacement of senior citizens.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to initiate community engagement on ward boundary scenarios. **PASSED: 7-0**

Meeting adjourned at 6:47 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Niyah Ross)

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

MINUTES

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

**September 20, 2021
7:30 p.m.**

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

Mayor Vinis opened the September 20, 2021, meeting of the Eugene City Council in virtual format.

1. Presentation of Oregon Mayors' Association Award

Mayor of Cottage Grove and Oregon Mayor's Association President Jeff Gowing presented Mayor Vinis with the 2021 OMA Mayors Leadership Award.

2. PUBLIC HEARING: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Mayor Vinis closed the Public Hearing.

2. PUBLIC HEARING: An Ordinance Granting to BNSF Railway Company a Non-Exclusive Franchise to Use the Public Way to Construct and Maintain Private Commercial Facilities Within the City of Eugene

Mayor Vinis opened the Public Hearing.

There were no speakers for the Public Hearing.

Council Discussion

- Councilor Clark – asked whether there was any opportunity through the franchise process to benefit the work being done to establish quiet zones.
- Councilor Syrett – asked what BNSF's responsibility was for maintaining their property to certain standards; asked what the City can do to ensure the railway keeps their own property trash free.
- Councilor Evans – asked what facility-related safety enhancement planning projects BNSF envisions occurring in the Eugene city limits within the next year; noted that some rail cargo can be dangerous to the community and the community should be informed upfront of its existence and plans for transport.
- Councilor Syrett – discussed the differences between private and public property and who is responsible for upkeep when use of the right-of-way has been granted.

Mayor Vinis closed the Public Hearing.

4. PUBLIC HEARING: An Ordinance Vacating Ferry Alley Between East 3rd Avenue and East 2nd Alley, and Providing for an Effective Date

Mayor Vinis opened the Public Hearing.

1. Rick Satre – on behalf of applicant, spoke in favor of the ordinance noting it satisfies the applicable criteria.
2. Bobbie Rosenberg – tenant in adjacent development; supported the proposed redevelopment.
3. Dan Hughes – Cold Fire Brewing, spoke in favor of the proposed redevelopment.

Mayor Vinis closed the public hearing and closed the record.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

Webcast of meeting available [here](#).

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: October 11, 2021
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

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

BACKGROUND

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

COUNCIL OPTIONS

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

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

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



City Council Tentative Agenda

Updated October 7, 2021

**** SPECIAL NOTICE ****

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

October 2021					
Date	Day	Time	Title	Length	Dept. Contact
11-Oct	Monday	5:30 pm	 CSI Update (Work Session)	60 mins	Kristie Hammitt, CMO
			 Right-of-Way Resolutions on Federal Aid Projects (Work Session)	30 mins	Jenifer Willer, PW
		7:30 pm	 Ceremonial Matter – Indigenous Peoples Day Proclamation		
			 Committee Reports and Items of Interest		
			 Public Forum		
			 Resolution Annexing Land to City of Eugene (Snake River Jessen) (Consent Calendar #2)		Althea Sullivan, PDD
			 Resolution Annexing Land to City of Eugene (Scenic Drive) (Consent Calendar #2)		Althea Sullivan, PDD
 Ordinance on Comcast Cable Franchise Extension (Action)		Pam Berrian, CS			
 Ordinance on Ferry Alley Vacation (Action)		Nick Gioello, PDD			
Expected absences for 10/11: none					
13-Oct	Wednesday	12 pm	 Housing Implementation Pipeline (HIP) Update (Work Session)	90 mins	Amanda Nobel, PDD
Expected absences for 10/13: Zelenka					



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



CC Agenda Changes



Ceremonial Matters



Pledge of Allegiance

18-Oct	Monday	5:30 pm	 Joint Meeting with Eugene Planning Commission (Work Session)	60 mins	Alissa Hansen, PDD
			 TBD (Work Session)	30 mins	
		7:30 pm	 Ordinance Adding Crime of Intimidation by Display of a Noose and Increasing Maximum Penalty for Violating EC 4.731 (Bias Crime in the 2 nd Degree) (Public Hearing)		CAO
			 Downtown Open Space Improvements (Public Hearing)		Will Dowdy, PDD
Expected absences for 10/18: Zelenka, Syrett (absent WS only)					
20-Oct	Wednesday	12 pm	 1059 Willamette Proposed Terms (Work Session)	45 mins	Amanda D’Souza, PDD
			 Downtown Open Space Improvements (Work Session and Poss. Action)	45 mins	Will Dowdy, PDD
Expected absences for 10/20: Syrett					
20-Oct	Wednesday	5:30 pm	 Budget Committee ARPA Funds Presentation and Discussion (Work Session)		Vicki Silvers, CS
Expected absences for 10/20: Syrett				Note: Budget Committee Meeting Added	
25-Oct	Monday	5:30 p.m.	 Steam Plant Proposed Terms (Work Session)	45 mins	Amanda D’Souza, PDD
			 Human Rights Commission Report and Work Plan (Work Session)	45 mins	Fabio Andrade, CS
		7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
			 942 Olive-Update Purchase and Sale Agreement (Action)		Anne Fifield, PDD
Expected absences for 10/25: Syrett (absent WS only)					
27-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 Waste Management at Large Events (Work Session)	45 mins	Michael Wisth, PDD
Expected absences for 10/27: none					
27-Oct	Wednesday	5:30 pm	 Budget Committee ARPA Funds Discussion and Recommendation (Work Session)		Vicki Silvers, CS
Expected absences for 10/27: none				Note: Budget Committee Meeting Added	

November 2021					
Date	Day	Time	Title	Length	Dept. Contact
8-Nov	Monday	5:30 pm	 Ward Boundary Update (Work Session)	45 mins	Jason Dedrick
			 Sustainability Commission Work Plan (Work Session)	45 mins	Chelsea Clinton
		7:30 pm	 Pledge of Allegiance to the Flag  Committee Reports and Items of Interest  Public Forum  Resolution Annexing Land to City (Joseph Muller) (Consent Calendar 2)		Althea Sullivan, PDD
Expected absences for 11/8: none					
10-Nov	Wednesday	12 pm	 Housing Implementation Pipeline (HIP) Draft Review (Work Session)	45 mins	Amanda Nobel, PDD
			 2022 Legislative Priorities (Work Session)	45 mins	Ethan Nelson, CS
Expected absences for 11/10: none					
15-Nov	Monday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 11/15: none					
17-Nov	Wednesday	12 pm	 CAP 2.0 Annual Update and Implementation Plan (Work Session)	90 mins	Chelsea Clinton, CS
Expected absences for 11/17: none					
22-Nov	Monday	5:30 p.m.	 Renter Protections (Work Session)	45 mins	Genevieve Middleton, PDD
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Resolution Approving LIRHPTE for Aurora Building (Consent Calendar #1)  Public Forum  Ordinance Granting BNSF Railway a Franchise for Use of Public Way (Action)		Ellen Meyi-Galloway, PDD Pam Berrian, CS
Expected absences for 11/22: none					

24-Nov	Wednesday	12 pm	Schedule only as needed		
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Expected absences for 11/24: none

December 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Dec	Wednesday	12 pm		Joint Work Session with Lane County Board (Work Session)	45 mins	CS
Expected absences for 12/8: none						
8-Dec	Wednesday	5:30 pm		Budget Committee FY22 Supplemental Budget Review (Work Session)		Vicki Silvers, CS
Expected absences for 12/8: none						Note: Budget Committee Meeting Added
13-Dec	Monday	5:30 p.m.		Funding for Climate Change and Homelessness Initiatives (Work Session)	45 mins	Twylla Miller, CS
				HIP – Downtown Housing (Work Session)	45 mins	Will Dowdy, PDD
		7:30 pm		Committee Reports and Items of Interest		Finn Cronin, CS
		Resolution Acknowledging Receipt of FY21 Annual Financial Report (Consent Calendar 1)		Finn Cronin, CS		
		Public Forum			Liz Butterfield, CS	
		URA - Resolution Acknowledging Receipt of FY21 URA Annual Financial Report (Action)				Liz Butterfield, CS
		FY22 City of Eugene Supplemental Budget (Public Hearing and Action)		Liz Butterfield, CS		
		FY22 URA Supplemental Budget (Public Hearing and Action)			Liz Butterfield, CS	
Expected absences for 12/13: none						
15-Dec	Wednesday	12 pm		Downtown Riverfront Projects (Work Session)		45 mins
				TBD (Work Session)	45 mins	
Expected absences for 12/15: none						

Council Break: December 16 – January 5

January 2022					
Date	Day	Time	Title	Length	Dept. Contact
5-Jan	Wednesday	5:30 pm	2022 State of the City		Niyah Ross, CS
Expected absences for 1/5:					
10-Jan	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	Election of 2022 City Council Officers  Committee Reports and Items of Interest  Public Forum		
Expected absences for 1/10: none					
12-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 1/12: none					
18-Jan	Tuesday	5:30 pm	Schedule only as needed		
		7:30 pm	 Ordinance Updating Public Contracting Code Provisions an Exemptions (Public Hearing)		
Expected absences for 1/18: none					
19-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 1/19: none					
24-Jan	Monday	5:30 p.m.	 Housing Implementation Pipeline Review and Action (Work Session)	90 mins	Amanda Nobel, PDD
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Ordinance Updating Public Contracting Code Provisions an Exemptions (Action)		Becky Wheeler, CS
Expected absences for 1/24: none					

26-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 1/26: none</i>					

February 2022					
Date	Day	Time	Title	Length	Dept. Contact
9-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 2/9: none</i>					
14-Feb	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
<i>Expected absences for 2/14: none</i>					
16-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 2/16: none</i>					
22-Feb	Tuesday	5:30 pm	<i>Schedule only as needed</i>		
		7:30 pm	 TBD (Public Hearing)		
<i>Expected absences for 2/22: none</i>					
23-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 2/24: none</i>					
28-Feb	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
<i>Expected absences for 2/28: none</i>					

March 2022						
Date	Day	Time	Title		Length	Dept. Contact
9-Mar	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 3/9: none						
14-Mar	Monday	5:30 p.m.	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum			
Expected absences for 3/14: none						
16-Mar	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 3/16: none						

Council Break: March 17 – April 11

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

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
"Housing Status" as a Protected Class – <i>follow-up TBD</i>	Sample	03/12/20
Response to Hate Crimes – <i>public hearing scheduled October 18</i>	Clark	03/18/21
Reparations (two-part work session) – <i>Part 1 held June 23</i>	Evans	03/18/21
Waste Management at Large Events – <i>scheduled October 27</i>	Sample	04/08/21
Funding Source for Climate Change and Homelessness – <i>scheduled December 13</i>	Zelenka	05/10/21

UPCOMING PUBLIC HEARINGS			
Date of Public Hearing	Title	Description	Staff Contact
October 18 (7:30 p.m.)	Ordinance Adding the Crime of Intimidation by Display of a Noose and Increasing Maximum Penalty for Violating EC 4.731 (Bias Crime in the 2nd Degree)	At its July 26, 2021 work session, Council directed staff to prepare an ordinance and schedule a public hearing on a code amendment adding the crime of intimidation by display of noose and increasing the maximum monetary penalty for violating EC 4.731 to \$6,250.	
October 18 (7:30 p.m.)	Downtown Open Space Improvements	On September 8, staff presented a plan to the Urban Renewal Agency Board for Open Space improvements in downtown Eugene, primarily focused on the Willamette Connection between 6 th and 7 th Avenues. The public is invited to comment on a) whether the Downtown Open Space Improvements should move forward, and b) if so, how they should be funded.	Will Dowdy 541-682-5340

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: October 11, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
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



Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-15-23; Tax Lot 1400 Located West of HWY 99N, South of McDougal Lane)
(City File: Snake River Jessen; A 21-9)

Meeting Date: October 11, 2021
Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

This item is a request to annex a 9.43-acre property located west of Highway 99N, south of McDougal Lane and north of Jessen Drive. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is currently zoned PL Public Land with /CAS Commercial Airport Safety and /UL Urbanizable Land overlays. Both the Metro Plan and the applicable refinement plan, the Bethel-Danebo Refinement Plan, designate the subject property for low density residential use. The area of annexation is located within the City's urban growth boundary (UGB) and is adjacent to the City limits along the property's north, south, and west boundaries. Annexation will allow for future rezoning and development consistent with the property's residential land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

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

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

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

500 feet of the subject property and the affected neighborhood association (Active Bethel Citizens) consistent with Eugene Code requirements. No written testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of any testimony, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue. To take preventative measures for community members and staff safety against the spread of COVID-19, please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the 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 a resolution approving 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: Althea Sullivan
Telephone & Email: 541-682-5485, ASullivan@eugene-or.gov



Vicinity Map

SNAKE RIVER JESSEN (A 21-9)

Attachment A



- Subject Property
- Eugene City Limits
- Taxlots



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

Created on 9/29/2021
by City of Eugene Planning Division

0 70 140 280
Ft



RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-15-23, TAX LOT 1400 LOCATED WEST OF
HWY 99N, SOUTH OF MCDOUGAL LANE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on June 22, 2021, by Snake River Jessen LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-15-23, Tax Lot 1400, to the City of Eugene.

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

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

D. On September 9, 2021, a notice containing a geographical reference to the property, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Active Bethel Citizens. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 11, 2021.

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

NOW, THEREFORE,

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

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-15-23, Tax Lot 1400, which is depicted on the map attached as Exhibit A, and more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

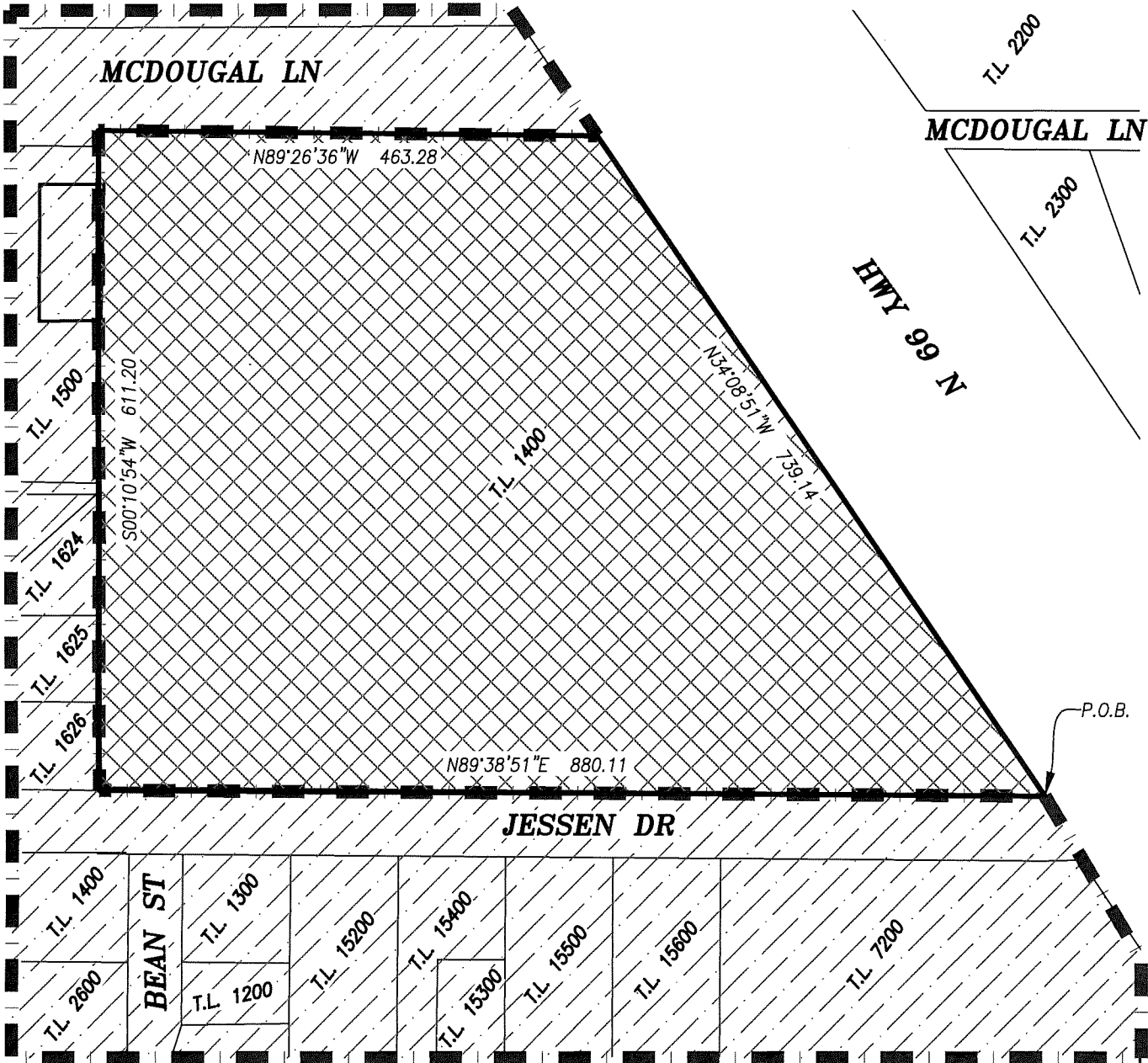
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from PL Public

Land with /UL Urbanizable Land and /CAS Commercial Airport Safety overlays to PL Public Land with /CAS Commercial Airport Safety overlay shall become effective in accordance with State law.

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

City Recorder

LAND ANNEXATION FOR
SNAKE RIVER JESSEN, LLC
NW 1/4, SEC 15, T17S, R4W, WM
EUGENE, LANE COUNTY, OREGON
MAY 25, 2021

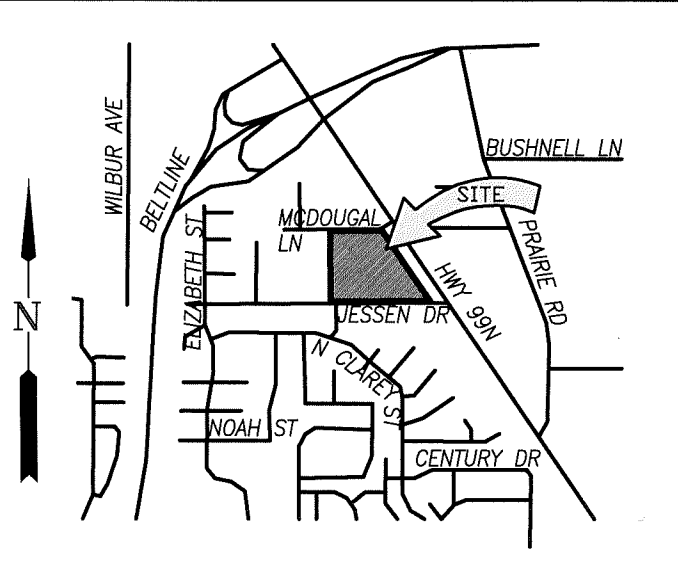


LEGEND

- CITY LIMITS
- LANDS TO BE ANNEXED

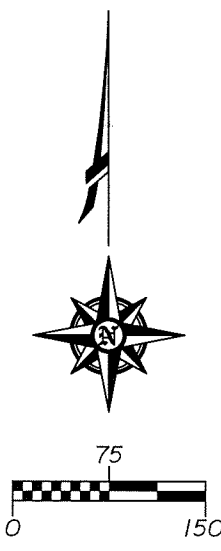
NOTES

P.O.B. POINT OF BEGINNING



VICINITY MAP

NOT TO SCALE



SCALE: 1"=150'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
MAY 12, 2011
DANIEL ADAM NELSON
84832PLS

EXPIRES: December 31, 2022



310 5th Street
Springfield, OR 97477
p: 541.746.0637
www.BranchEngineering.com

ASSESSOR'S MAP(S) TAX MAP: 17-04-15-23 TAX LOT: 1400

May 15, 2021

ANNEXATION LEGAL DESCRIPTION

TM 17-04-15-23 TL 1400

Branch Engineering Inc. Project No. 20-258

A parcel of land lying in lots 26 and 25 of THE OAKS, as platted and recorded in Volume 4, Page 106, Lane County Oregon Plat Records, and situated in the Northwest quarter of Section 15, Township 17 South, Range 4 West, Willamette Meridian, and being described as follows:

COMMENCING at a point on the South line of the plat of THE OAKS, said line being also the South line of the North half of Section 15, Township 17 South, Range 4 West, Willamette Meridian, said point being 1643.1 feet East and 14.8 feet South from the West quarter corner of Section 15, Township 17 South, Range 4 West, Willamette Meridian, said point being also opposite and 120 feet distant Westerly from Engineer's center line Station 494+68 of the relocated line of the Junction City-Eugene Secondary Highway No. 223; **THENCE** North 34°08'51" West, parallel to and 120 feet distant from said relocated center line, a distance of 36.40 feet, to a point on the north margin of Jessen Drive and the Point of Beginning; **THENCE** continuing North 34°08'51" West, parallel to and 120 feet distant from said relocated center line, a distance of 739.14 feet to a point on the South boundary of a dedicated road in the plat of THE OAKS; **THENCE** North 89°23'36" West a distance of 463.28 feet, along the South boundary of the dedicated road; **THENCE** South 0°10'54" West a distance of 611.20 feet to a point 30.00 feet north, by perpendicular measurement, of the South line of the plat of THE OAKS, being a point on the north margin of said Jessen Drive; **THENCE** along said north margin, South 89°38'51" East a distance of 880.11 feet, to the **POINT OF BEGINNING**, in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
MAY 12, 2011
DANIEL ADAM NELSON
84832LS

RENEWAL DATE: 12/31/2022



**Planning Director's Findings and Recommendation:
Annexation Request for Snake River Jessen LLC
(City File: A 21-9)**

Application Submitted: June 22, 2021
Applicant: Snake River Jessen LLC
Property Included in Annexation Request: Tax Lot 01400 of Assessor's Map 17-04-15-23
Zoning: PL Public Land with /UL Urbanizable Land and /CAS Commercial Airport Safety overlays
Location: West of HWY 99N, South of McDougal Lane
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>Bethel-Danebo Refinement Plan</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use. The property is zoned PL Public Land with /UL Urbanizable Land, and /CAS Commercial Airport Safety overlays. Policy A.2 noted above, indicates that re-zoning of the property for consistency with the <u>Metro Plan</u> and <u>Bethel-Danebo</u> plans should occur. Zone changes are a separate process from annexation, and a change in the zoning of the property from PL Public Land will be required prior to any future development of the property. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>Bethel-Danebo</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies ☒ YES ☐ NO		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Wastewater service is available via an 8-inch public main located within Jessen Drive. The applicant has acknowledged that there is an assessment of approximately \$28,216 that will become due upon annexation and has agreed to current financing terms provided to the applicant by City staff. Based on the availability of service, and the</p>

	<p>applicant's agreement to provide payment of the sewer assessment, service can be provided to the property in a timely manner.</p> <p><u>Stormwater</u> At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.</p> <p><u>Transportation</u> The property has frontage on Hwy 99, Jessen Drive, and McDougal Lane all of which are public streets that connect to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> 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> Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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		<p><u>Public Schools</u></p> <p>The subject property is within the boundaries of the Bethel School District. 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 of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of PL Public Land and the /CAS Commercial Airport Safety overlay will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-15-23	1400	Public Land	9.43

Property Address: Undeveloped Land

Plans for Future Development & Permit Number (if applicable): Future multifamily; no pending permits

Public Service Districts:

Name			
Parks:	Eugene		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	1979 sewer improvement assessment due to Eugene at annexation		
Fire:	Lane Fire Authority		
Schools:	Elementary: Clear Lake	Middle: Shasta	High: Willamette
Other:			

Filing Fee



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

Written Statement (Submit 5 copies)



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

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:

- ☒ Show the date & north arrow on site plan.
- ☒ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☒ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☒ Show city limits & UGB (if applicable)
- ☒ Clearly label the affected territory and any public right of ways to be annexed.
- ☒ Show all adjacent streets, alleys, and accessways.
- N/A ☐ 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.
- N/A ☐ 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.

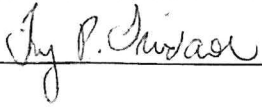
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application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

PROPERTY OWNER OF TAX LOT: 1400

Name (print): Snake River Jessen, LLC Ivy Trinidad, Manager/Trustee

Address: 10177 Littlewood Street Email: ivypatajotrinidad@gmail.com

City/State/Zip: Boise, Idaho 83709 Phone: _____ Fax: _____

Signature:  Date: 6/15/21

PROPERTY OWNER OF TAX LOT: _____ No additional tax lots or owners

Name (print): _____

Address: _____ Email: _____

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

Signature: _____ Date: _____

PROPERTY OWNER OF TAX LOT: _____ No additional tax lots or owners

Name (print): _____

Address: _____ Email: _____

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

Signature: _____ Date: _____

SURVEYOR:

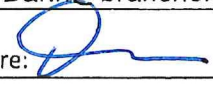
Name (print): Daniel A. Nelson, PLS

Company/Organization: Branch Engineering

Address: 310 5th Street

City/State/Zip: Springfield, OR 97477 Phone: 541-746-0637 Fax: _____

E-mail: Dann@branchengineering.com

Signature:  Date: 6-16-2021

REPRESENTATIVE (If different from Surveyor):

Name (print): Richard M. Satre, AICP, ASLA, CSI

Company/Organization: The Satre Group

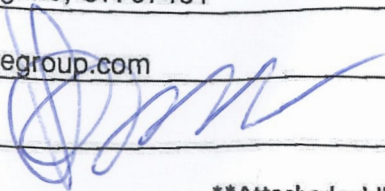
Address: 375 W 4th Avenue

City/State/Zip: Eugene, OR 97401

Phone: 541-686-4540

Fax:

E-mail: rick@satregrp.com

Signature: 

Date:

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

July 23, 2021

SNAKE RIVER JESSEN LLC Annexation

Map 17-04-15-23, Lot 1400

Written Statement

In accordance with EC 9.7825, Annexation—Approval Criteria, the applicant, Snake River Jessen LLC, is requesting that the City of Eugene review this annexation request and determine that the proposal complies with approval criteria and that the requested annexation can be approved. To aid Eugene staff in this endeavor, the following information is provided.

I. THE SITE AND EXISTING CONDITIONS

A. Planning Context

The subject property is inside the Urban Grown Boundary (UGB) and outside the City Limits of Eugene. The site is contiguous to area inside City of Eugene city limits on its north, west and southern boundaries. The property to the east is outside of Eugene city limits. The Metro Plan designation, neighborhood plan designation and zoning for the subject property is as follows:

Metro Plan:	Low Density Residential
Refinement	Low Density Residential
Plan:	
Base Zone:	Public Land
Overlay	Commercial Airport
Zone:	Safety and Urbanizable Land



Excerpt
Eugene Zoning Map
May 2021

Subject Property

B. Subject Site

The site is located east of Highway 99, north of Jessen Drive, and south of McDougal Lane. The site is approximately 9.43 acres in size. There are industrial businesses located to the north and east and single-family dwellings to the south and west.



Subject Property
Google Earth
May 2021

C. Development Objective

The development objective is to develop multi-family housing. Among other permits and approvals, annexation into the Eugene's City Limits is the first step.



PLANNERS + LANDSCAPE ARCHITECTS + ENVIRONMENTAL SPECIALISTS

375 West 4th, Suite 201, Eugene, OR 97401

Phone: 541.686.4540

www.satregroup.com

II. ANNEXATION – APPROVAL CRITERIA

This written statement demonstrates how the development meets the Annexation criteria in Eugene Code 9.7825. Applicable sections of the Code are in ***bold italics*** followed by proposed findings of facts in normal text.

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

- (1) The land proposed to be annexed is within the city’s urban growth boundary and is:***
(a) Contiguous to the city limits; or
(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

Response: The affected territory is located within the city’s urban growth boundary and is contiguous to the city limits on its northern, western and southern boundaries. Given this, criterion 9.7825(1) is met.

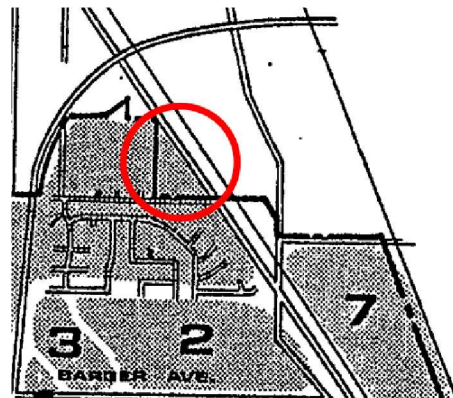
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.***

Response: The subject property is designated low density residential on the Metro Plan and Bethel-Danebo Refinement Plan and zoned Public Land on the Eugene Zoning Map.

The original refinement plan diagram from 1975 excluded the ponds from the Refinement Plan area. In 1982 the Refinement Plan diagram was modified due to changes in the Metro Plan (See Resolution 3716). The resolution included the ponds but does not provide a clear land use designation for the site as the refinement plan map is a “generalized graphic display of the projected land use”¹ for the area. Circled areas on the diagram were assigned numbers 2-8 and used to identify specific land use designations. For instance, a “2” on the map refers to Medium Density Residential and a “7” refers to Heavy Industrial. The Low-Density Residential areas were labeled 1 but were not circled on the diagram. Therefore, it is assumed that any areas that were not circled or labeled a number 2-8 are Low Density Residential areas. The Low-Density Residential designation is also consistent with the Metro Plan designation.



Metro Plan Diagram
2010



Bethel Danebo Refinement Plan
September 1982

¹ Resolution 3716, page 2

METRO PLAN: Applicable Metro Plan policies and findings in support of this annexation request are as follows:

C. Growth Management, Goals, Findings and Policies:

- Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum of key urban facilities and services can be provided to the area in an orderly and efficient manner.

Response: Minimum key urban facilities and services as defined in the Metro Plan includes wastewater, stormwater, transportation, solid waste management, water service, electric service, fire and emergency medical service, police protection, city-wide parks and recreation programs, land use controls, communication facilities and public schools on a district-wide basis (Metro Plan, Chapter V, Glossary, definition 24). As documented elsewhere in this application these key urban facilities and services can be provided to the subject site in an orderly and efficient manner.

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

Response: Annexation into the limits of the City of Eugene is codified in the Eugene Code. Processes and procedures regarding annexation are, by submittal and processing of this Annexation Application, being followed.

- 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 from for annexation may vary, annexation should occur as land transitions from urbanizable to urban.

Response: The land around the subject site is already urbanized on three sides and urban facilities and services are available. Therefore, the proposed annexation is consistent with this policy.

- Policy 16. 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.

Response: The subject site is inside Eugene's Urban Growth Boundary and will be provided with the minimum level of urban facilities and services.

Given the above, standard 9.7825(2) is met.

BETHEL DANEBO REFINEMENT PLAN: In terms of Resolution 3716, which modified the 1975 Bethel-Danebo Refinement Plan, the following applicable policies and findings are in support of this annexation request:

Plan Contents

The plan is divided into three elements: I. Land Use, II. Urban Services and the Urban Growth Boundary, and III. Transportation. Each element includes an introduction, background material, and recommendations in the form of policies and proposals. Policies are adopted by the City Council as guides for decision making related to the plan area. City programs, actions, and decisions such as zone changes, traffic pattern changes, and capital improvements will be

evaluated on the basis of their ability to implement these policies as well as other adopted City goals and policies. Because they are adopted by the council as the City's guide for action, policies are the most important statements in the plan. Proposals are suggestions for implementing policies of this plan. In general, they will be further reviewed and studied and may or may not be implemented in the form in which they appear in the plan. They are recognized as ideas which have been suggested after some public discussion as possible ways to implement the plan, but are not adopted as City policy. (Emphasis added.)

13. Proposal 4, page 8 (which will be new proposal #5) should be revised to read: “[The present efforts by] The Eugene Parks Department should continue its efforts to acquire [a five-acre] additional park land for the park site north of Barger Avenue between Beltline Road and Highway 99 North.”

Response: As noted above, the Refinement Plan amendment includes a proposal to acquire a five-acre park site north of Barger Avenue between Beltline Road and Highway 99 North. The proposal does not clarify which potential park land they are referring to, but it can be inferred that it was either Mangan Park (5.03 acres) or Empire Park (5.87 acres). The Snake River Jessen site is 9.43 acres. Nevertheless, the proposal is a suggestion for implementing the plan and is not adopted as City policy.

RECOMMENDATIONS: Parks Policies

1. Acquisition and development of park land and acquisition of open space in the Bethel-Danebo Refinement area shall receive a city-wide priority which will move it toward equity with other parts of the city.

Response: When the Bethel-Danebo Refinement Plan was created the City of Eugene had a goal of 15 acres of park land per 1,000 people in either the Bethel-Danebo area or the city as a whole.² By February 1982, there was a total of 99.58 acres of parkland in the Bethel Danebo neighborhood. By 2004 the Eugene Parks, Recreation and Open Space Comprehensive Plan determined that the Bethel-Danebo neighborhood had 459.74 acres of parkland which was 16% of all the parkland in the City of Eugene. Based on the information above, this policy has been met with the neighborhood's existing parks. See Exhibit A - Appendix B of the Parks, Recreation and Open Space Comprehensive Plan.

Table B-2: Parks and Open Space Inventory: Summary by Planning Sub-area

Planning Sub-area	% of Population	Count	NEIGHBORHOOD PARKS		URBAN PLAZAS		COMMUNITY PARKS		METROPOLITAN PARKS		NATURAL AREA PARKS		LINEAR PARKS		SPECIAL USE FACILITIES		Total Acres
			# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	
BETHEL-DANEBO	15%	21	7	37.63	0	0.00	3	51.59	0	0.00	7	291.40	7	75.00	2	4.12	459.74
			14%	18%	0%	0%	30%	24%	0%	0%	26%	20%	54%	37%	12%	3%	16%

5. Private developers shall be encouraged to set aside land for parks.

Response: The applicant has proposed to set aside an area adjacent to the western pond as available to the neighborhood for continued enjoyment of the pond environs. Again, while

² Bethel Danebo Refinement Plan: Parks, page 27.

policies are not adopted mandates, and the policy clearly states “encouraged”, the prospect exists there may well be neighborhood access to the edge of the western pond.

6. *Landscape buffers shall be provided along existing highways and freeways.*

Response: A future development plan will provide a landscape buffer between Highway 99 and the remainder of the subject site.

(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.*

Response: Because the property to be annexed is already surrounded on three sides by the City of Eugene, and those surrounding properties are already provided with at least the minimum level of key urban facilities and services, all of which can be extended to the subject property, providing such facilities and services to the subject property will be orderly, efficient, and timely. Facilities and services applicable to the site, including information regarding providers, existing facilities and service extensions, is provided below:

- Storm: A 12-inch stormwater line exists in Jessen Drive adjacent to the subject property at both the southwest and southeast corners. The facility to the southeast connects to the larger neighborhood system.
- Sanitary: An 8-inch sanitary line exists in Jessen Drive. In addition, the subject property is subject to a sanitary sewer assessment (dated 1979) from the City of Eugene. This assessment is due at time of annexation. See Attachment 6.
- Water: An 8-inch water line runs the length of the southern property boundary bordering Jessen Drive and a 6-inch line runs along the northern boundary at McDougal Lane. Additional water infrastructure is to the east in the Highway 99 right-of-way.
- Electric: Electric infrastructure is available to abutting properties and can be provided to the property.
- Streets: Three streets abut the subject property; Jessen Drive and McDougal Lane area classified as local streets and Highway 99 is classified as a Major Arterial per the TSP.
- Communications: CenturyLink, Comcast and other telecommunications providers offer services throughout the Eugene/Springfield area.
- Solid Waste and Recycling: Solid waste collection is operated by private firms, whose franchise territory granted by the City of Eugene includes the site. Regional disposal sites are operated by Lane County.
- Fire and Emergency Services: Upon annexation, service will be provided by Eugene-Springfield Fire and Emergency Services.
- Public Safety: Upon Annexation, the City of Eugene will provide public safety services.
- City-Wide Parks and Rec: Upon annexation, the site will be within the jurisdiction of City of Eugene Parks and Recreation.

District-Wide Public Schools: The site is within the boundaries of the Bethel School District.

Given this, 9.7825(3) is met.

III. Conclusion

Based on the information contained in this written statement and elsewhere in the application submittal, the applicant believes that the requested annexation can be approved.

If you have any questions about the above application, please do not hesitate to contact our office at 541-686-4540 or rick@satregroup.com.

Sincerely,

Richard M. Satre

Richard M. Satre, AICP, ASLA, CSI, Principal / Partner
The Satre Group



Eugene Parks, Recreation and Open Space Comprehensive Plan

Existing Parks, Recreation and Open Space Resources Map

August 25, 2005

Legend

- Waterway or Pond
- Existing Multi-use Path
- Existing Trail
- Urban Growth Boundary

Existing Parks (by classification)

- Neighborhood Park
- Urban Plaza
- Community Park
- Metropolitan Park
- Natural Area Park
- Linear Park/Greenway
- Special Use Facility
- Other Non-City Owned Parks and Open Space Areas*

* Parks and Open Space Areas in "non-City ownership" include lands owned by the Bureau of Land Management, The Nature Conservancy, McKenzie River Trust, Lane County, Willamalane Park and Recreation District, River Road Park and Recreation District, Oregon State Parks, and the U.S. Army Corps of Engineers.

Planning Area Index Map

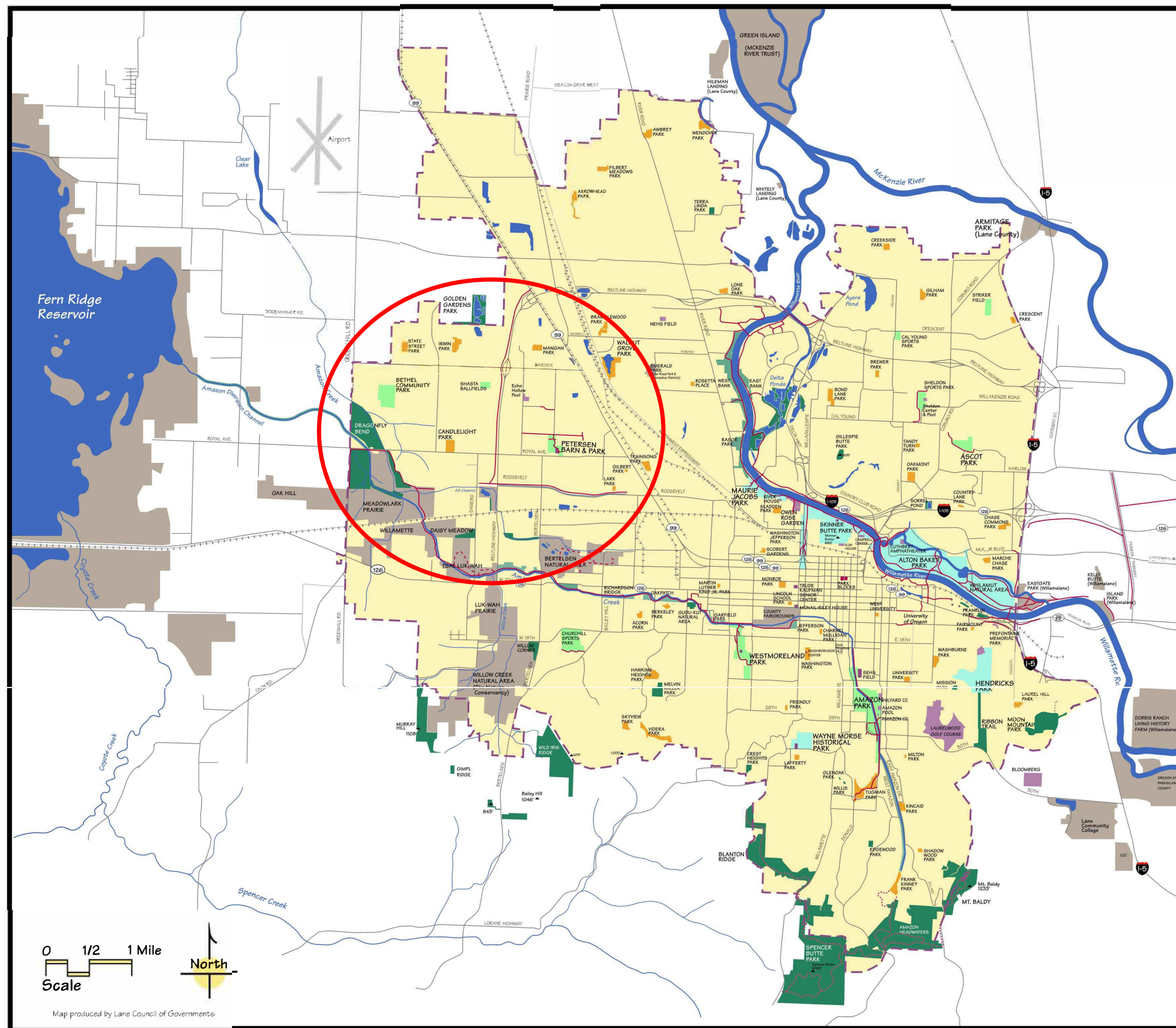


Table B-2: Parks and Open Space Inventory: Summary by Planning Sub-area

Planning Sub-area	% of Population	Count	NEIGHBORHOOD PARKS		URBAN PLAZAS		COMMUNITY PARKS		METROPOLITAN PARKS		NATURAL AREA PARKS		LINEAR PARKS		SPECIAL USE FACILITIES		Total Acres	Developed Acres	Prop. Developed Acres	Natural Acres
			# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres	# of Parks	Acres				
BETHEL-DANEBO		21	7	37.63	0	0.00	3	51.59	0	0.00	7	291.40	7	75.00	2	4.12	459.74	83.70	13.47	362.57
	15%	17%	14%	18%	0%	0%	30%	24%	0%	0%	26%	20%	54%	37%	12%	3%	16%	16%	13%	16%
CITY CENTRAL		20	7	10.05	1	1.10	0	0.00	3	144.97	1	4.72	1	3.97	7	12.51	177.32	86.76	27.62	61.69
	14%	16%	14%	5%	100%	100%	0%	0%	43%	22%	4%	0%	8%	2%	41%	10%	6%	16%	28%	3%
RIVER ROAD/ SANTA CLARA		12	9	52.60	0	0.00	0	0.00	0	0.00	0	0.00	2	60.40	1	0.00	113.00	3.04	18.84	91.12
	18%	10%	18%	25%	0%	0%	0%	0%	0%	0%	0%	0%	15%	30%	6%	0%	4%	1%	19%	4%
SOUTH EUGENE		37	11	53.41	0	0.00	2	136.43	2	107.28	11	849.88	1	22.30	10	114.08	1283.38	206.70	17.43	1059.25
	21%	30%	22%	26%	0%	0%	20%	62%	29%	16%	41%	57%	8%	11%	59%	87%	44%	39%	17%	47%
WILLAKENZIE		22	10	32.97	0	0.00	4	31.15	1	402.20	3	103.45	1	6.68	3	0.00	576.45	143.05	17.30	416.10
	21%	18%	20%	16%	0%	0%	40%	14%	14%	61%	11%	7%	8%	3%	18%	0%	20%	27%	17%	18%
WILLOW CREEK		18	6	21.97	0	0.00	1	0.00	0	0.00	5	237.32	6	32.78	0	0.00	292.07	7.85	5.53	278.69
	12%	15%	12%	11%	0%	0%	10%	0%	0%	0%	19%	16%	46%	16%	0%	0%	10%	1%	6%	12%
TOTAL	100%	130	50	208.63	1	1.10	10	219.17	6	654.45	27	1486.77	18	201.13	23	130.71	2901.96	531.10	100.19	2269.42

June, 2004

July 23, 2021

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

Attn: Althea Sullivan, Senior Planner

RE: Snake River Jessen LLC
Application for Annexation (A 21-9)

Althea,

In response to Completeness Review comment number 4, the applicant, Snake River Jessen (SRJ) provides the following response.

City of Eugene, Oregon
July 23, 2021

City Planning and Zoning Staff,

Rick Satre has indicated that the City would like a statement from Snake River Jessen (SRJ) regarding its intentions with respect to payment of the sewer assessment for the LLC's property adjacent to Jessen Drive.

It is the Trust/LLC's understanding that the assessment, of approximately \$28,216.12, will become due upon annexation but that, per the terms of the April 27, 1979, agreement between the City of Eugene and the Oregon State Highway Commission (and binding upon the heirs and assigns thereto) the LLC has the option to utilize the Bancroft program to spread those payments out for a period of twenty semi-annual installments. Assuming that is the case, SRJ will utilize the Bancroft program upon annexation. However, it is likely that construction and/or permanent financing obtained in connection with any development of the property will require that the lien be paid off. If that is the case, it is likely that any remaining balance of the assessment will be paid in full upon the commencement or completion of development of the subject property.

Please feel free to contact me, via Mr. Satre, if you have further questions.

Thank you,
Ivy Trinidad

Ivy Patajo Trinidad
Trustee
Snake River Revocable Living Trust

Respectfully submitted.

Richard M. Satre

Richard M. Satre, AICP, ASLA, CSI, Principal / Partner
The Satre Group

PLANNERS + LANDSCAPE ARCHITECTS + ENVIRONMENTAL SPECIALISTS

375 West 4th, Suite 201, Eugene, OR 97401

Phone: 541.686.4540

www.satregroup.com



SULLIVAN Althea C

From: Richard Satre <rick@satregroup.com>
Sent: Saturday, August 28, 2021 6:50 AM
To: SULLIVAN Althea C
Subject: Fwd: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL 

Hello Althea. Please see the email message below. I trust this will satisfy the need for a definitive statement from the applicant. Let me know. Thank you.

Sent from my iPhone
Rick Satre

Begin forwarded message:

From: Richard Duncan <rdd9348@gmail.com>
Date: August 27, 2021 at 11:21:10 PM PDT
To: Richard Satre <rick@satregroup.com>
Subject: Re: FW: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

Rick,
The Trustee for the trust which owns Snake River Jessen LLC has authorized me to indicate, for the record, that Snake River Jessen agrees to the finance terms stated in the email dated August 25, 2021 at 5:15 pm from Cyndi Emerson, Management Analyst for the City of Eugene (part of this email chain), for payment of the sewer assessment dated 27 April, 1979 and recorded against the property owned by the LLC.
Thank you,
Dick Duncan
Owner's Representative

On Fri, Aug 27, 2021 at 1:26 PM Richard Satre <rick@satregroup.com> wrote:

Dick, can you have a letter generated from the applicant stating that they will utilize the city financing option and send it to me? By the way, there is no pre-payment penalty. The assessment could be paid in full at any time.

Sincerely,

Richard M. Satre, AICP, ASLA, CSI, Principal / Partner

The Satre Group

Land Use Planners, Landscape Architects, Environmental Specialists
375 West 4th Avenue, Suite 201, Eugene, Oregon 97401

Office: (541) 686-4540 * Direct: (541) 854-8036 * www.satregroup.com

Please Note: During this COVID-19 pandemic we want you to know that The Satre Group is back in the office. We are following CDC guidelines - screens have been installed between workstations, surfaces are sanitized on a regular basis, and we are using masks when we can't keep our distance or when meeting anyone in-person. In addition, we have masks and sanitizer for all visitors. As always, there have been and still are multiple ways to reach us. You can reach us via email, you can call the office and be directed to our individual extensions (**Rick's extension is 1302**), or you can call us at our direct number (**Rick's direct number is 541-854-8036**). Our aim is to continue providing the high-quality service you have come to expect from us. In advance, thank you very much.

From: SULLIVAN Althea C <ASullivan@eugene-or.gov>

Sent: Friday, August 27, 2021 12:35 PM

To: Richard Satre <rick@satregroup.com>; EMERSON Cyndi L <CEmerson@eugene-or.gov>

Cc: John Anderson <johna@satregroup.com>; Haley Campbell <haley@satregroup.com>

Subject: RE: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

Hi Rick,

This information works for me. Can you get a brief statement from the owner agreeing to this information for the record?

Best,

Althea Sullivan | Senior Planner

Pronouns: she/her/hers

Eugene Planning Division | Land Use Planning

99 West 10th Avenue | Eugene OR 97401

541-682-5485 | ASullivan@eugene-or.gov

City of Eugene Planning & Development Department offices are operating. In order to protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly delayed.

From: Richard Satre <rick@satregroup.com>
Sent: Friday, August 27, 2021 11:26 AM
To: EMERSON Cyndi L <CEmerson@eugene-or.gov>; SULLIVAN Althea C <ASullivan@eugene-or.gov>
Cc: John Anderson <johna@satregroup.com>; Haley Campbell <haley@satregroup.com>
Subject: RE: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

[EXTERNAL 

Super. Thank you. Althea, can you use this information here that the applicant will use the city financing option regarding the assessment to move the annexation application forward?

Sincerely,

Richard M. Satre, AICP, ASLA, CSI, Principal / Partner

The Satre Group

Land Use Planners, Landscape Architects, Environmental Specialists
375 West 4th Avenue, Suite 201, Eugene, Oregon 97401

Office: (541) 686-4540 * **Direct: (541) 854-8036** * www.satregroup.com

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From: EMERSON Cyndi L <CEmerson@eugene-or.gov>
Sent: Friday, August 27, 2021 11:23 AM
To: Richard Satre <rick@satregroup.com>; SULLIVAN Althea C <ASullivan@eugene-or.gov>
Cc: John Anderson <johna@satregroup.com>; Haley Campbell <haley@satregroup.com>
Subject: RE: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

Hi Richard,

There is not a penalty to pay the financed assessment off early.

Thank you,

Cyndi

Cyndi Emerson
Management Analyst

Finance | Accounts Receivable
541.682.5035



Your feedback is appreciated - [Customer Satisfaction Survey](#)

From: Richard Satre <rick@satregroup.com>
Sent: Friday, August 27, 2021 11:13 AM
To: EMERSON Cyndi L <CEmerson@eugene-or.gov>; SULLIVAN Althea C <ASullivan@eugene-or.gov>
Cc: John Anderson <johna@satregroup.com>; Haley Campbell <haley@satregroup.com>
Subject: RE: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

[EXTERNAL ⚠]

Hello, Cyndi and Althea. The Snake River Jessen property owner would like to utilize the city finance option outlined below. Can you let us know if that includes the provision that an early payment on any assessment balance could be tendered at any time during the length of the assessment, and without penalty? (They may wish to pay off the assessment sooner than the full 15 years.)

Thank you very much.

Sincerely,

Richard M. Satre, AICP, ASLA, CSI, Principal / Partner

The Satre Group

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From: EMERSON Cyndi L <CEmerson@eugene-or.gov>

Sent: Wednesday, August 25, 2021 5:15 PM

To: Haley Campbell <haley@satregroup.com>

Cc: SULLIVAN Althea C <ASullivan@eugene-or.gov>; Richard Satre <rick@satregroup.com>; John Anderson <johna@satregroup.com>

Subject: RE: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

Good Afternoon Haley,

If the property owner wishes to finance this assessment with the City then:

- A finance contract is signed
- The financing period is 15 years
- Installments are either monthly or semi-annual
- The interest is a fixed rate equal to the Prime rate plus 2%, as reported from the St. Louis Federal Reserve Bank
- A 1.5% of the property owner's financed assessment is calculated as an Admin fee
- There is an Administrative fee of \$420.00

Please let me know if there is any further information I can provide.

Thank you,

Cyndi

Cyndi Emerson

Management Analyst

Finance | Accounts Receivable

541.682.5035



Your feedback is appreciated - [Customer Satisfaction Survey](#)

From: Haley Campbell <haley@satregroup.com>
Sent: Wednesday, August 25, 2021 10:00 AM
To: EMERSON Cyndi L <CEmerson@eugene-or.gov>
Cc: SULLIVAN Althea C <ASullivan@eugene-or.gov>; Richard Satre <rick@satregroup.com>; John Anderson <johna@satregroup.com>
Subject: Alternative Financing Options to Bancroft for the Snake River Jessen Annexation

[EXTERNAL 

Good Morning Cyndi,

Althea Sullivan recommended that we reach out to you on behalf of our client, Snake River Jessen, to determine the finance options for a Bancroft bond that no longer exists. We have submitted an annexation application for Snake River Jessen (A 21-9) and determined that an assessment for a sewer line is due at the time of annexation. The Bancroft option would have allowed the applicant to spread out the payments over a period of twenty semi-annual installments. As the Bancroft option is no longer viable, can you please provide more information on the process, cost, and timing of other options? A copy of the assessment agreement from 1979 and a memo addressing the Bancroft payment are attached for reference.

We would appreciate any clarification you can provide. Thank you Cyndi,

Haley Campbell

Planner

The Satre Group

Planners, Landscape Architects and Environmental Specialists

375 West 4th Avenue, Suite 201, Eugene, Oregon 97401
(541) 686-4540 * Fax (541) 686-4577 * www.satregroup.com

Application #: C * 2008 - _____

For City Use Only

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

PETITION

Petition Signature Sheet Annexation by Individuals

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. <u>Ivy P. Trinidad</u>	6/15/21	Ivy Trinidad, Member/Trustee Snake River Jessen LLC	10177 Littlewood Street Boise, Idaho 83709	17-04-15-23-01400	X		9.43 <u>9.88</u>
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.)

Ivy Trinidad, Member/Trustee Snake River

Jessen LLC

I, _____ (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X Ivy P. Trinidad (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

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

CERTIFICATION OF ELECTORS

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

Halle Fuller
Lane County Department of Assessment and Taxation

6/16/21
Date Certified

J. Nadine Pratt
Lane County Clerk or Deputy Signature

6-21-2021
Date Certified

Consent to Annexation

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

Map and Tax Lot: 17-04-15-23-01400 Address: Undeveloped Land

Legal Description: Attached to this Consent to Annexation

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

DATED this 15 day of June, 20 21.

Jay P. Trinidad

STATE OF IDAHO)
)ss
County of ADA)

On this 15 day of JUNE, 2021, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, JAY P TRINIDAD, 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.

Ronald J. Bishop
Notary Public for IDAHO
My Commission Expires 5/24/2025

7927564

AGREEMENT
DEFERRING COLLECTION OF ASSESSMENT

KNOW ALL MEN BY THESE PRESENTS that STATE OF OREGON, STATE HIGHWAY COMMISSION

hereinafter described as OWNER, and the City of Eugene, a Municipal Corporation of the State of Oregon, hereinafter described as CITY,

WITNESSETH:

WHEREAS, the CITY has constructed a public improvement for sanitary sewer in lessen Drive from Melrose Loop to 99 North

designated as Contract No. 78-13, and,

WHEREAS, OWNER is the owner of the real property described as V193/P626 and V187/P56 Tax Lot #17-04-15-23-1400

located within the above proposed public improvement district, and,

WHEREAS, the Owner's property qualifies to have the collection of the assessment deferred for the following reason(s):

The property is not within the City limits;

Authorized for Recording
by City of Eugene

Date 5-11-79

Director of Finance

NOW, THEREFORE,

The CITY and the OWNER agree that the collection of the assessment by the City and the payment by the OWNER in the amount of \$ 28,216.12 for the proposed public improvements levied as provided for by the Charter of the City of Eugene and the laws of the State of Oregon, and in accordance with the existing assessment policies of the City shall be postponed until such time as the following condition(s) occurs:

The property is annexed to the City of Eugene,

at which time the OWNER or his successor in interest shall give written notice to the CITY that the condition(s) has occurred. The CITY shall give the OWNER or his successor in interest written notice that the assessment is then due and payable.

THE OWNER agrees that when the above described deferral condition(s) no longer exists and when so notified by the CITY, he or his heir or successor shall pay the assessment to the CITY in lawful money of the United States of American, or he will pay said assessment in twenty semi-annual installments with interest thereon at the current rate of interest being charged on Bancroft bonded assessments, said interest to be paid on said assessment from the date that the CITY notifies him that the assessment is due and payable. Said interest to be paid semi-annually in addition to the semi-annual principal payment. Notwithstanding anything to the contrary contained herein, the OWNER or his successor in interest shall notify the CITY within thirty (30) days that the condition(s) has occurred which terminates the reason for deferral. In the event timely notice is not so given, interest shall accrue from the thirtieth (30th) day following occurrence of such condition(s).

This Agreement shall be binding upon the heirs, executors, administrators, assigns, and personal representatives of the OWNER and shall be a covenant and condition running with the above described land and binding upon all subsequent owners of the above described real property.

In addition to any other remedy herein contained, the OWNER and the CITY agree and covenant that in the event of default in the performance of the terms and conditions of this agreement by the OWNER, the CITY may bring an action against the OWNER for damages for the breach thereof, including but not limited to an action for specific performance in the Circuit Court of the State of Oregon for Lane County. In any such suit or action the City may collect from the OWNER, in addition to its costs and disbursements, a reasonable attorney fee herein.

IN WITNESS WHEREOF, the CITY and the OWNER have entered into this agreement this 27 day of April, 1979.

OWNER:

J. B. Boyd

J. B. Boyd, Right of Way Manager,
under Delegated Authority 16-48 from the
STATE OF OREGON, COUNTY OF LANE, ss: Transportation Comm.
personally appeared before me, a Notary Public in and
for said County, on the within named

CITY OF EUGENE, OREGON, a Municipal
Corporation of the State of Oregon

By: *Charles J. Henry*
City Manager

STATE OF OREGON, COUNTY OF LANE, ss:
On this 7th day of May
1979, personally came before me, a Notary Public
in and for said County, the within named

to be personally known to be the identical person
described in and who executed the within instrument
and acknowledged to me that he executed the same
freely and voluntarily for the uses and purposes
thereof named.

Notary Public for Oregon
My Commission Expires: 1-25-82

to me personally known to be the identical
person described in and who executed the within
instrument, and acknowledged to me that
he executed the same freely and voluntarily for the
uses and purposes therein named.
I, *Marie M. Price*,
do hereby certify my hand and seal this day and year

Notary Public for Oregon
My Commission Expires: 2-26-79

7927564

State of Oregon,
County of Lane--ss.

I, D.M. Penfold, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at

11 MAY 79 11: 56

Reel 993 A
Lane County OFFICIAL Records.

D.M. Penfold, Director of the Department of General Services.

By 
Deputy

Cross



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-14; Tax Lot 1400 Located at 3915 Scenic Drive) (City File: 3915 Scenic Drive; A 21-11)

Meeting Date: October 11, 2021
Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

This item is a request to annex property located at 3915 Scenic Drive. The property to be annexed is approximately 1.79 acres and is located east of Scenic Drive and north of the intersection with River Loop 2. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

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

BACKGROUND

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

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

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within 500 feet of the subject property and the affected neighborhood association (Santa Clara

Community Organization) consistent with Eugene Code requirements. No written testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of any testimony, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue. To take preventative measures for community members and staff safety against the spread of COVID-19, please contact the listed staff representative about alternatives for reviewing materials or the staff report. Copies may be also obtained at a reasonable cost.

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the 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 a resolution approving 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

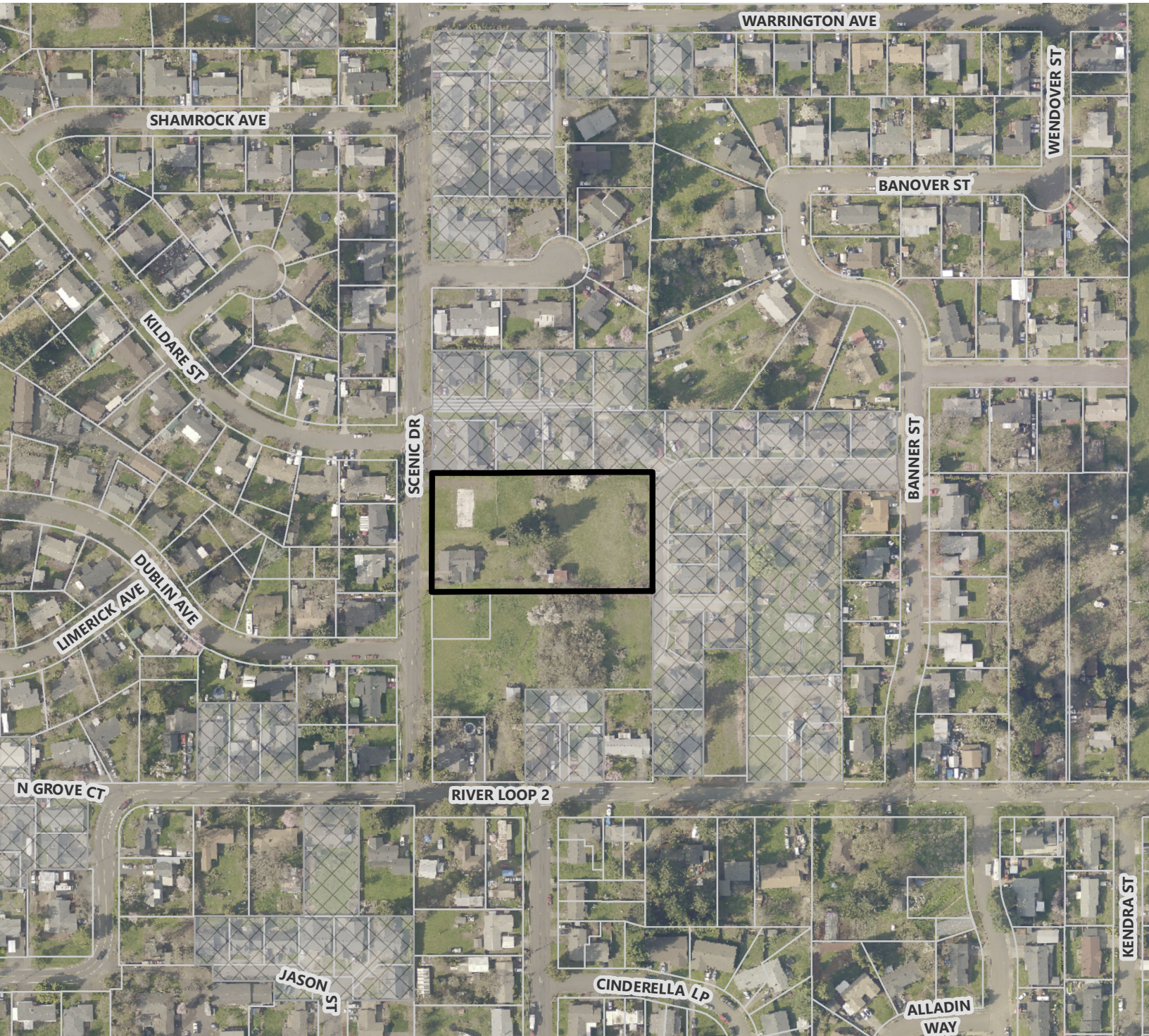
Staff Contact: Althea Sullivan
Telephone & E-Mail: 541-682-5485, ASullivan@eugene-or.gov



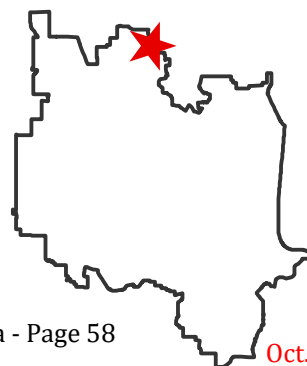
Vicinity Map

3915 SCENIC DRIVE (A 21-11)

Attachment A



- Subject Property
- Eugene City Limits
- Taxlots



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

Created on 9/17/2021
by City of Eugene Planning Division

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RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-02-14, TAX LOT 1400 LOCATED AT 3915
SCENIC DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on July 23, 2021, by Pineridge Construction LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-02-14, Tax Lot 1400, to the City of Eugene.

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

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

D. On September 9, 2021, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 11, 2021.

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

NOW, THEREFORE,

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

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-02-14, Tax Lot 1400, which is depicted on the map attached as Exhibit A, and more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

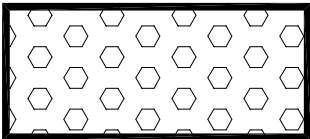
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from AG Agricultural with /UL Urbanizable Land Overlay to AG Agricultural shall become effective in accordance with State law.

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

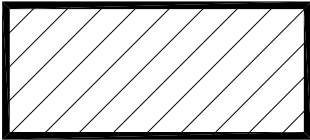
City Recorder

LAND ANNEXATION FOR
TAX LOT 17-04-02-14-1400
NE1/4 SECTION 2, T17S, R4W, W.M.
LANE COUNTY, OREGON

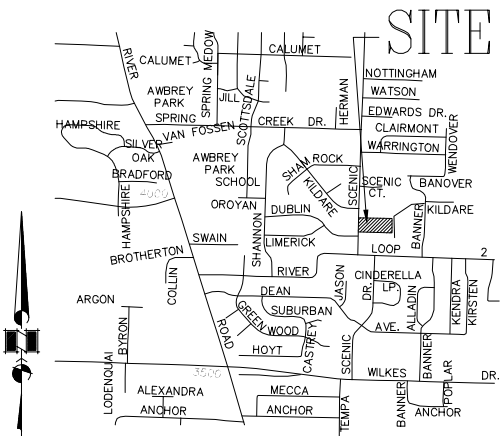
LEGEND



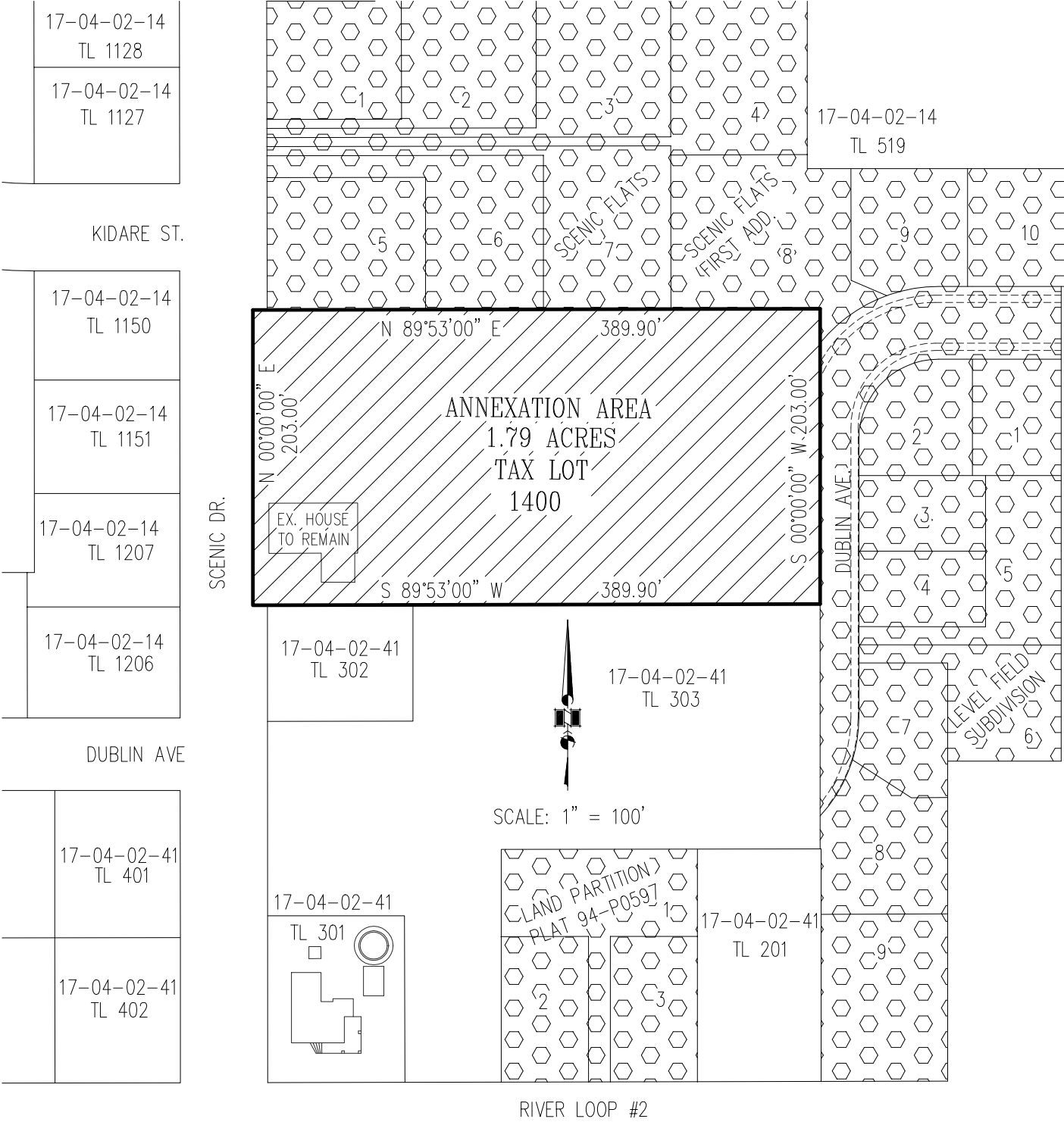
CITY LIMITS



LAND TO BE ANNEXED



VICINITY MAP
NO SCALE



LEGAL DESCRIPTION:

Beginning 7.88 chains North 89° 53' East and 561.30 feet North of the Northwest corner of the B.W. Poindexter Donation Land Claim No. 57, Township 17 South, Range 4 West of the Willamette Meridian; Thence North 89° 53' East, 20.00 feet to the True Point of Beginning;

Thence North 89° 53' East, 389.90 feet;

Thence South 203.00 feet;

Thence South 9° 53' West, 389.90 feet;

Thence North 203.00 feet to the True Point of Beginning, all in Lane County, Oregon.



**Planning Director's Findings and Recommendation:
Annexation Request for 3915 SCENIC DRIVE
(City File: A 21-11)**

Application Submitted: July 23, 2021
Applicant: Pineridge Construction LLC
Property Included in Annexation Request: Tax Lot 01400 of Assessor's Map 17-04-02-14
Zoning: AG Agricultural with /UL Urbanizable Land Overlay
Location: 3915 Scenic Drive
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use. The property is zoned AG Agricultural with a /UL Urbanizable Land overlay. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that 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 <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies		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:
☒ YES	☐ NO	

	<p><u>Wastewater</u> Wastewater service is available via the existing wastewater system within Scenic Drive which abuts the subject property. Based on the proximity to the service, service is available to the subject property.</p> <p><u>Stormwater</u> At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.</p> <p><u>Transportation</u> The property has frontage on Scenic Drive which is a public street that connects to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> 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> Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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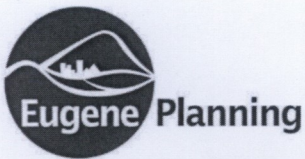
		<p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of Awbrey Park Elementary School, Madison Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</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 of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



RECEIVED

JUL 23 2021

Attachment C
ANNEXATION

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-02-14	1400	AG	1.79

Property Address: 3915 Scenic Dr.

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

Public Service Districts:

Name			
Parks:	Aubrey Park		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	City of Eugene		
Fire:	Santa Clara Rural Fire District		
Schools:	Elementary: Aubrey Park	Middle: Madison	High: North
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).

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: 1400

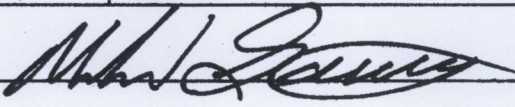
Name (print): Pineridge Construction LLC

Address: P.O. Box 23526

Email: _____

City/State/Zip: Eugene, OR 97402

Phone: 541-554-3370 Fax: _____

Signature: 

Date: JULY 21, 2021

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 SURVEY

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

E-mail: KENT@ROBERTSSURVEY.COM

Signature: _____

Date: _____

✓ **REPRESENTATIVE** (If different from Surveyor):

Name (print): Anthony J. Favreau

Company/Organization: The Favreau Group, LLC

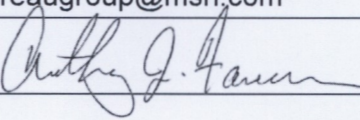
Address: 3750 Norwich Ave.

City/State/Zip: Eugene, OR 97408

Phone: 541-683-7048 Fax:

E-mail: favreaugroup@msn.com

Signature:



Date: 7-21-21

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

ANNEXATION NARRATIVE

APPLICANT: Michael Sorric **PHONE:** (541) 554-3370
SURVEYOR: Roberts Surveying Inc. **PHONE:** (541) 345-1112
CIVIL ENGINEER: The Favreau Group **PHONE:** (541) 683-7048
DATE: July 21, 2021
MAP: 17-04-02-14, Tax Lot 1400
SITE ADDRESS: 3915 Scenic Dr., Eugene, Oregon

Present Request:

The present request is for approval to annex the subject property into the City of Eugene.

Approval Criteria:

The following findings demonstrate that the proposed annexation area will comply with all applicable approval criteria and related standards as set forth in EC 9.7825. The approval criteria and related standards are listed below, with findings addressing each.

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

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

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

Response: *The proposed property is contiguous to the city limits along its northern and eastern boundary lines.*

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

Response: *The proposed property is designated as low density residential zoned land within the Metro Plan and the River Road-Santa Clara Urban Facilities Plan. The proposal complies with the site's low density residential designation on the Metro Plan Diagram and the River Road-Santa Clara Urban Facilities Plan diagram. In this instance, there are no specific codified policies from the Metro Plan or River Road-Santa Clara Urban Facilities Plan beginning at EC 9.9560 which serve as mandatory approval criteria or would generate any additional requirements for the proposed subdivision. The proposal is consistent with all of the Metro Plan Growth Policies 8, 10 and 15 along with the Residential Element 8.2.*

The River Road-Santa Clara Urban Facilities Plan is the applicable adopted plan for the area of the requested subdivision. The land use diagram of the River Road-Santa Clara Urban Facilities Plan designates the subject property for low density residential use, which is consistent with the proposed subdivision.

The subject property is also located within the River Road/Wilkes sub area as identified within the River Road-Santa Clara Urban Facilities Plan. The River Road-Santa Clara Urban Facilities Plan policies and proposed actions specific to the River Road/Wilkes Subarea are primarily focused on future commercial development in the area. They do not identify any requirement relevant to the proposed residential zone.

(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.

Response: *The proposed annexation boundary extends the current city limits line that is on the north boundary. All key urban facilities and services are available to the property and surrounding areas at this time. The wastewater facilities in Scenic Dr. will be extended at the developer's expense. The stormwater will be treated and retained onsite via a proposed retention pond. The existing waterlines located in Scenic Dr. and Dublin Ave. will be extended into the site at the developer's expense.*

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

PETITION

Petition Signature Sheet Annexation by Individuals

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>[Signature]</i>	07/22	PINERIDGE CONSTRUCTION LLC <i>Michael Sorrie</i>	3915 Scenic Dr., Eugene	17-04-02-14-1400	X	X	1.82
2.							1.82
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, ANTHONY J. FAUREAU (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X *[Signature]* (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

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

CERTIFICATION OF ELECTORS

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

[Signature]
Lane County Department of Assessment and Taxation

7/22/21
Date Certified

[Signature]
Lane County Clerk or Deputy Signature

7-22-21
Date Certified

Consent to Annexation

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

Map and Tax Lot: 17-04-02-14-1400 Address: 3915 Scenic Dr., Eugene, OR 97404

Legal Description: Beginning 7.88 chains North 89° 53' East and 561.30 feet North of the Northwest corner of the B.W. Poindexter Donation Land Claim No. 57, Township 17 South, Range 4 West of the Willamette Meridian; thence North 89° 53' East, 409.9 feet; thence South 203 feet; thence South 9° 53' West, 409.9 feet; thence North 203 feet to the point of beginning, all in Lane County, Oregon.
EXCEPT the West 20 feet, as reserved for a roadway, in Lane County, Oregon.

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

DATED this 22 day of July, 2021.

[Signature]

STATE OF OREGON)

County of Lane)ss
)

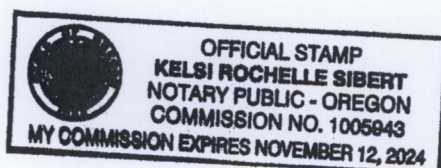
On this 22 day of July, 2021, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, MICHAEL SCOTT SORRIC, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:

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

[Signature]

Notary Public for Oregon
My Commission Expires 11/12/2024



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System

Meeting Date: October 11, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Pam Berrian
Contact Telephone Number: 541-682-5590

ISSUE STATEMENT

The purpose of this agenda item is Council action regarding the adoption of the proposed ordinance extending Comcast's cable television franchise agreement until December 31, 2022. A public hearing on this ordinance was held on September 20, 2021; no speakers testified. Without the extension, the franchise agreement will expire on December 31, 2021. This ordinance would only extend the term of the franchise; all other franchise terms and conditions would remain the same.

BACKGROUND

The Franchise

The City of Eugene, the City of Springfield, and Lane County together granted Comcast of Oregon II, Inc. ("Comcast") a franchise for the operation of a cable communications system (Eugene Ordinance No. 19775). In 2007, the three entities amended and renewed Comcast's franchise (Eugene Ordinance No. 20397) through August 1, 2018.

Extensions to date

The term of the franchise has been extended several times, most recently to December 31, 2021 by Ordinance 20629. Initially, the extensions were necessary due to the fact that while Eugene, Springfield and Lane County staff had been negotiating in good faith with Comcast about the renewal terms and provided progress updates to the Cable Commission, delays occurred while staff tried to resolve a dispute with Comcast arising from a franchise fee review the jurisdictions conducted. That resulted in staff simultaneously dealing with fee review issues for the current franchise, and also trying to negotiate policy and operational terms for the franchise renewal. Delays also occurred due to the loss of Comcast personnel who had been working on the franchise renewal.

Thereafter, the Federal Communications Commission (FCC) adopted in 2019 a final order and rules regarding cable regulation (FCC Cable Order) that is unfavorable to local government franchising authorities and affects franchise negotiations. For example, the order not only allows cable operators to offset from their 5% franchise fees the value of "cable related, in-kind

contributions,” like free service or cable boxes in government buildings, it prohibits local franchising agencies from charging cable operators additional fees – aside from the 5% cable franchise fee – for use of the public rights-of-way to provide other services, including broadband internet. To date, Comcast has not implemented any cable franchise fee reduction nor provided notice of when it may choose to do so.

Numerous local franchising authorities, including the City of Eugene, filed a lawsuit challenging the FCC Cable Order. Although the Sixth Circuit Court of Appeals recently ruled primarily in favor of the FCC and the cable industry and upheld the majority of the order, additional litigation or petitions are likely to be filed in the case and will not be decided before the current franchise expires on December 31, 2021.

Therefore, the three jurisdictions believe additional time is needed to allow for the potential litigation to be completed before agreeing to a new 10-year franchise term. Comcast is also agreeable to this proposed one-year cable franchise extension.

This proposed extension ordinance would extend only the term of the current franchise to December 31, 2022. All other franchise terms and conditions would remain the same, including Comcast’s obligation to pay franchise fees for use of the rights of way, which is capped under federal law at five percent of gross revenues earned from providing cable TV services within Eugene City limits. The fees collected from the cable franchise are allocated to the General Fund and are used for general purposes. There are no anticipated costs as a result of the proposed extension.

When negotiations are completed, the proposed franchise renewal agreement will be brought to the City Council for action as an ordinance, with a likely term of 10 years.

Related City Policies

City Telecommunication Vision and Policy: The City of Eugene's telecommunications vision is completion and operation of a coordinated regional information infrastructure that provides accessible and affordable high-speed connectivity for citizens, public institutions and businesses and is constructed in a manner that best serves the public interest.

Telecommunications Ordinance, Eugene Code 3.005, 3.400 to 3.430.

Ordinance No. 20397, An Ordinance Granting Comcast of Oregon II, Inc., An Additional Term and Franchise Renewal For The Operation Of A Cable Communications System; Amending Ordinance 19775; Adopting A Severability Clause; And Providing an Effective Date.

COUNCIL OPTIONS

1. Adopt the ordinance as proposed, extending the franchise for one year
2. Adopt the ordinance with modifications as determined by the City Council
3. Deny the adoption of the ordinance
4. Take no action

Option 1, adopting the ordinance as proposed, will extend the cable franchise term until December 31, 2022, without a lapse, and allow time for likely litigation regarding cable regulation to be completed, and for the parties to complete negotiations. For Options 3 and 4, the franchise would expire on December 31, 2021, and while the franchise might possibly be construed as continuing on a month-to-month informal basis, a formal extension is the preferred course. Staff believe Option 1 would provide the best opportunity for a clear path to continued and informed negotiations of a new 10-year franchise

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option #1, that the City Council approve the ordinance extending the current franchise for one year.

SUGGESTED MOTION

Move to approve an Ordinance extending the term of Ordinance 19775 and Ordinance 20397 granting to Comcast of Oregon II, Inc. a franchise for operation of a cable telecommunications system.

ATTACHMENTS

- A. Table of Negotiation Issues (many of which have been tentatively agreed upon)
- B. Proposed Extension Ordinance

FOR MORE INFORMATION

Staff Contact: Pam Berrian, Telecommunications Program Manager

Telephone: 541-682-5590

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

<u>Section</u>	<u>Issue</u>	<u>Comcast Proposal</u>	<u>LFA Response</u>	<u>Current Status 7/18/18</u>
Section 3	Definition of gross revenues	MACC definition, adding late fee language	Stay with MACC definition originally proposed by Comcast	Add Comcast language stating late fees are prorated based on aggregate pro rata calculation
Section 5(1)	Channel capacity	Change capacity from 35 to 120 channels	OK	OK
Section 5(2)	Service to Institutions	Allow Comcast to elect to offset complimentary service against franchise fees	No basis upon which to agree; remove last two sentences of that paragraph	Grandfathering in existing buildings plus 3 additional new buildings per jurisdiction
Section 5(4)	Number of channels in HD	When channel is averaging 25 hours per week of programming, must be provided in HD	OK	OK
Section 5(4)(b)	Number of digital converters for public safety channel	Drop from 75 to 50	Keep 75 or same as last 10 years; agree to not increase despite anticipated growth in internal viewing locations.	60
Section 7(3)	Expansion of Service	Delete requirement for expansion plan	OK, but keep requirement for boundary maps.	OK
Section 7(4)	Extension of System	Delete	Keep all language after first sentence.	OK
Section 9(8)(a)	Forced relocates	Call for reimbursement of temporary removal of equipment	No basis upon which to agree; remove proposed new language (last sentence of subsection)	Remove language; perhaps insert language from Eugene code re forced relocates based on reasonable necessity
Section 10(4)	Cap on cost of fee review	Where Comcast underpays by 5% or more, Comcast pay only up to \$15,000 of fee review	No \$ cap, limited to 2 reviews per franchise term ¹	No threshold trigger; Comcast pays a total of \$45,000 fees per 10 year term

¹ The LFA is not comfortable relying on a percentage of underpayment to justify Comcast's contribution to the cost of the audit. In the current franchise, the LFA agreed with Comcast's proposal to conduct only one per franchise term if Comcast paid for the review. The MACC franchise limits Comcast to paying \$15,000 per review, but allows a review to occur every two years. The LFA is proposing to limit the number of reviews to two per the franchise term, and proposes that Comcast pay for those two reviews. The LFA would consider capping each of those reviews at \$50,000.

<u>Section</u>	<u>Issue</u>	<u>Comcast Proposal</u>	<u>LFA Response</u>	
Section 10(5)	PEG fees	Delete; duplicative language	OK	OK
Section 10(6)	Comcast to pay LFA's financial and legal fees	Delete	OK ²	OK
Section 10(8)	Pass through charges	Delete	Keep calculation, revise last paragraph ³	Retain only language that require Comcast to notify MPC of rates
Section 12	Customer Service	Delete Section 12, replace with Customer Service Addendum, which includes ability to close Eugene office	Retain Section 12, adopt revisions of Addendum specifying it is intended to complement but does not preempt Section 12. See attachment A. Eugene office to remain open during term of franchise.	Remove Addendum; retain Section 12; insert store language revised by Kristina into the franchise
Section 13(1)(g)	Certification of annual report	Allow certification to be done by Comcast, not independent CPA	No, retain the independent review	OK to have Comcast do own in house certification
Section 16(2)(b)	Definition of fee review and audit	Comcast disagreed to proposed language stating a fee review is not an audit	LFA proposes to provide only for an "audit," (no distinction between fee review and audit) which will be allowed twice during term, with 3 year look back that will apply for all years preceding audit. Performance review language in the franchise is not changed.	No distinction in audit v. fee review; limited to 2 per term;

² This assumes the determination of who pays for certain fees will be spelled out clearly in other sections of the franchise. For instance, Comcast would pay at least some portion of LCOG's fees, as it agreed to do in this review.

³ FCC Form 1240 Instructions sets forth the method for annual updating of pass through rates. The language proposed by the LFA mirrors those instructions, spells out how the rate will be changed, and provides for notification to the commission. The last paragraph provides the remedy for challenging the pass through rate. The 5-year time for challenging the rate was based on the one-time "fee review" in the current franchise. It might make sense to require the LFA to challenge the rate at or before the next scheduled fee review.

Section 16(2)(c)(iv)	Summary of FCC regs	Remove requirement to summarize new FCC regs in annual report.	OK	OK
Section 16(2)(d)	Comcast presentation to MPC	Allows Comcast to address MPC	OK to clarify Comcast's ability to comment before MPC	OK
Miscellaneous				
\$30,000 for HD upgrades Side Letter which is linked legally to adoption of renewal franchise Ord.		OK	Will not count toward 5% franchise fees	OK
\$50,000 to Springfield Library for closure of Springfield Customer Service site during the term. Side Letter		OK, provided \$25,000 of the \$50,000 for ARC project	Springfield staff will discuss this ARC project proposal with its city council at next opportunity. Will not count toward 5% franchise fees	\$75,000
Competitive Equity		Addendum requires equity for services not covered by the Cable Act and not appropriately covered by this franchise agreement	LFA does not accept the rationale for any such provision under current law. However, it potentially will accept that sort of addendum as revised in draft; see attachment B	Revised by Tim Lay version
Fee Review				Comcast pay fee review--\$35,000 LCOG--\$23,000 ½ of difference

ORDINANCE NO. _____

**AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 19775
AND ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON
II, INC. A FRANCHISE FOR OPERATION OF A CABLE
TELECOMMUNICATIONS SYSTEM.**

The City Council of the City of Eugene finds that:

A. The federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act.

B. The Cities of Eugene and Springfield, together with Lane County, granted a franchise to Comcast of Oregon II, Inc. ("Comcast") for the operation of a cable communication system, and have designated the Metropolitan Policy Commission (MPC), acting as the cable commission, as the representative of the local franchising authorities in administration of the franchise.

C. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting the franchise.

D. The City of Eugene enacted Ordinance No. 20397 on October 22, 2007, amending and renewing the franchise through August 1, 2018.

E. The term of the franchise has since been extended several times, most recently by Ordinance No. 20629, adopted on April 27, 2020, which extended the franchise through December 31, 2021. The Cities of Eugene and Springfield, Lane County, and Comcast agreed that the extensions were needed for several reasons, including but not limited to, delays in negotiations due to difficulties resolving a franchise fee review, which has since been resolved; and the Federal Communications Commission (FCC) adopting in 2019 a final order and rules regarding cable regulation (FCC Cable Order) that is unfavorable to local government franchising authorities and affects franchise negotiations.

F. Numerous local franchising authorities, including the City of Eugene, filed a lawsuit challenging the FCC Cable Order. Although the Sixth Circuit Court of Appeals recently ruled primarily in favor of the FCC and the cable industry, and upheld the majority of the order, additional litigation or petitions are likely to be filed in the case and will not be decided before the current franchise expires on December 31, 2021.

G. The Cities of Eugene and Springfield, Lane County, and Comcast continue good faith negotiations under the Cable Act's informal process to renew Comcast's cable franchise. However, the parties anticipate that because of the likely additional litigation challenging the FCC Cable Order as well as the number of remaining unresolved franchise issues, those negotiations will not be completed in a timeframe that would allow the City of Eugene to adopt a franchise renewal by December 31, 2021.

H. The Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from December 31, 2021, up to and through December 31, 2022.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance No. 19775 and Ordinance No. 20397 shall be extended up to and through December 31, 2022.

Section 2. The City of Eugene and Comcast agree that execution of this extension does not waive any rights that either party may have under the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.*, or other provision of federal, state, or local law.

Section 3. Other than the duration of the franchise set forth herein, Ordinance No. 19775 and Ordinance No. 20397 shall continue in full force and effect.

Passed by the City Council this

_____ day of _____, 2021

City Recorder

Approved by the Mayor this

_____ of _____, 2021

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Vacating Ferry Alley Between East 3rd Avenue and East 2nd Alley, and Providing for an Effective Date

Meeting Date: October 11, 2021
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Nicholas Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

The City Council is scheduled to take action on a right-of-way vacation request submitted by Jeff Wilson-Charles. The requested vacation of improved public right-of-way consists of Ferry Alley located between East 3rd Avenue and East 2nd Alley (City File VRI 21-1). A vicinity map of the alley vacation request is provided as Attachment A.

BACKGROUND

The applicant has requested a vacation of the Ferry Alley public right-of-way to create a "woonerf," also known as a "living street," providing a mix of parking, traffic calming devices, and landscaped outdoor spaces.

The area to be vacated is approximately 2,240 square feet of public right-of-way and currently serves as alley access for properties north of East 3rd Avenue, between Mill Street and the Ferry Street Bridge. The applicant indicates the proposed alley vacation will maintain through access for vehicles and provide an opportunity for pedestrians and cyclists to utilize the enhanced outdoor space of the adjacent businesses, which the applicant owns.

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

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

City Council Process

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

Notice of the September 20, 2021 public hearing for the requested vacation was provided in the following manner: on August 20, 2021, notice was mailed to owners of property within 100 feet of the alley, interested parties, and the officially recognized neighborhood group, the Downtown Neighborhood Association; on September 3, 2021, the property was posted with signs in the immediate vicinity of the requested vacation; and, on September 6, 2021 and September 13, 2021, legal notice was published in The Register-Guard newspaper.

On [September 20, 2021](#), Council held a public hearing on the application, during which the applicant's representative provided testimony in support of the application. Two members of the public spoke in support of the proposed vacation. No other verbal or written testimony was received for the application prior to the close of the record.

Consent of Abutting and Affected Property Owners and Utility Providers

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from the property owners of 100 percent of the affected area, which exceeds the requirements in Oregon Revised Statute (ORS) 271.080 and Eugene Code (EC) Section 9.8710. A map showing the affected area and the area of property owner consent was included in the materials provided for the public hearing on [September 20, 2021](#).

Determination of Assessment

Pursuant to EC 9.8710(5), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. Pursuant to the City Code, the City provided a notice to the applicants of the assessment more than 20 days prior to the public hearing. At that time, the assessment was determined to be a total of \$35,550, which the applicant has deposited with the City. If the application is approved and the vacation becomes effective, the deposit will be retained by the City; if the application is denied or the vacation fails to take effect for another reason, the money will be returned to the applicant.

Applicable Approval Criteria

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

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

COUNCIL OPTIONS

The City Council may:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

Move to adopt the Ordinance, included as Attachment C to this AIS, vacating Ferry Alley, located Between East 3rd Avenue and East 2nd Alley.

ATTACHMENTS

- A. Vicinity Map
- B. Map of Affected Area and the Area of Property Owner Consent
- C. Draft Ordinance
 - a) Exhibit A – Legal Description
 - b) Exhibit B – Site Plan
 - c) Exhibit C – Findings

FOR MORE INFORMATION

Staff Contact: Nicholas Gioello, Associate Planner

Telephone: 541-682-5453

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



Vicinity Map: Ferry Alley Vacation

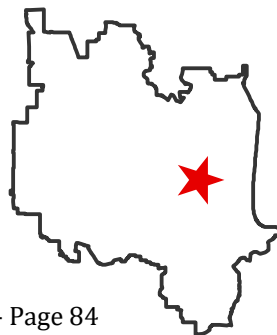
Improved Right-of-Way Vacation (VRI 21-2)

Attachment A



□ Taxlots

▣ Eugene UGB



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

Created on 8/17/2021
by City of Eugene Planning Division

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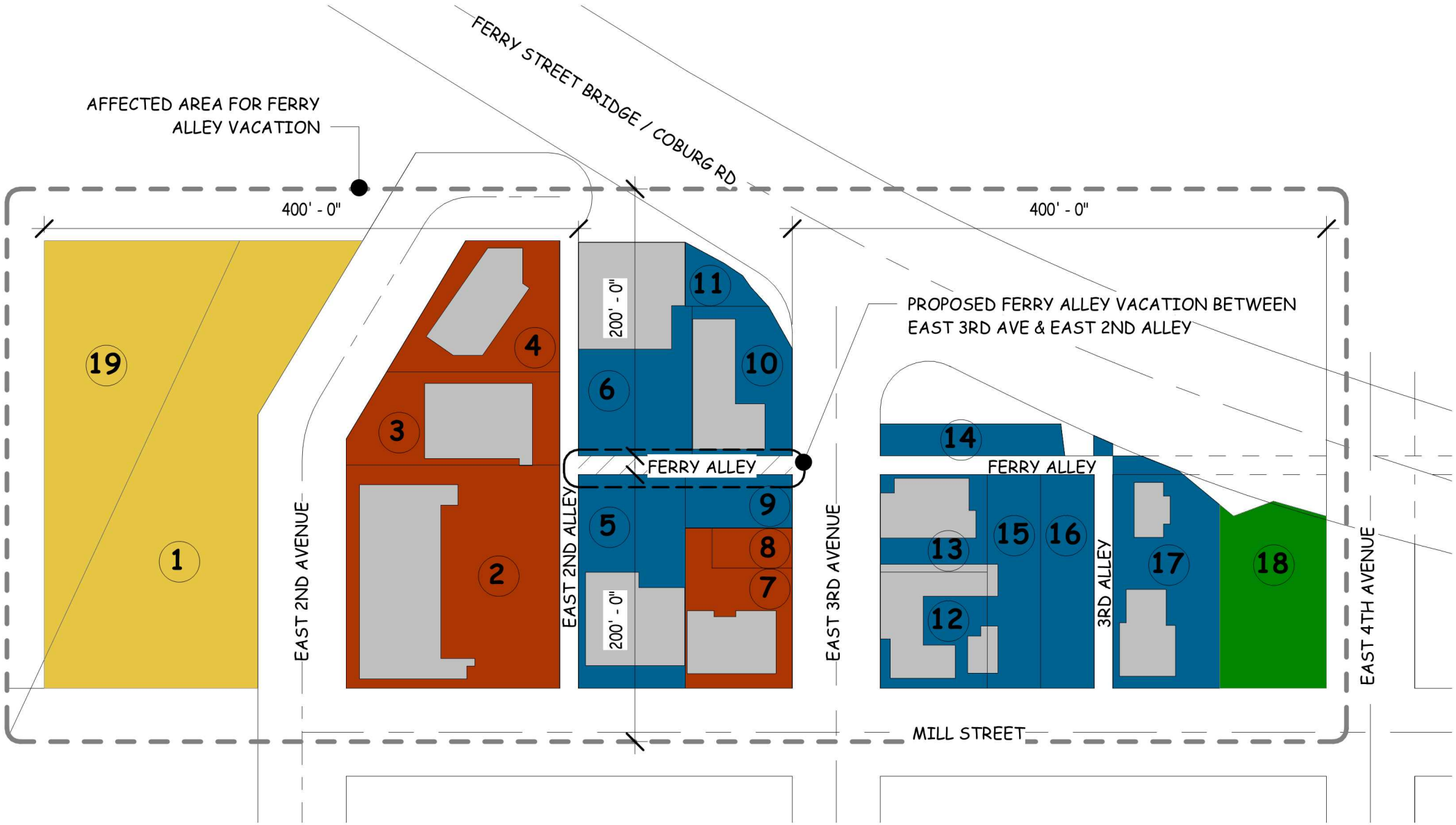
PROPERTY OWNER	PROPERTY AREA	PROPERTY AREA %
<div></div> CITY OF EUGENE	1.41 ACRES	28.3%
<div></div> EWEB	0.25 ACRES	5.0%
<div></div> MANAGED BY JEFF WILSON-CHARLES: - THREE MUSES GROUP, LLC - WATERSHED, LLC - FERRY FOODS, LLC	2.02 ACRES	40.6%
<div></div> OTHERS	1.30 ACRES	26.1%
	4.98 ACRES TOTAL	100 % TOTAL

PROPOSAL TO VACATE FERRY ALLEY

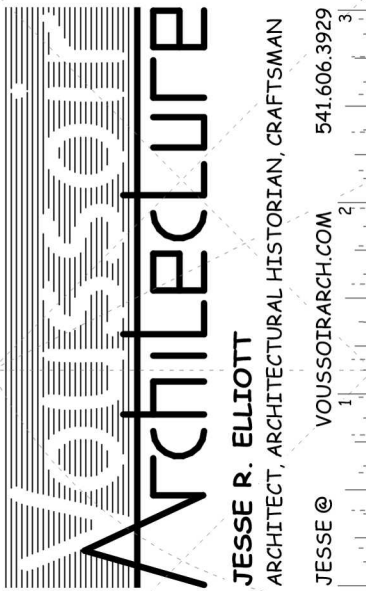
THE PROPOSAL TO VACATE THE NORTHERN PORTION OF FERRY ALLEY WILL FACILITATE THE DEVELOPEMENT OF THE PRIVATE ALLEY AS A LIVING STREET, OTHERWISE KNOWN AS A WOONERF. ONCE VACATED, THE ALLEY WILL BE RECONFIGURED TO ACCOMMODATE A VARIETY OF OUTDOOR PUBLIC AMENITIES INCLUDING LANDSCAPING AND OUTDOOR SEATING AREAS WHILE ENCOURAGING SAFE PEDESTRIAN AND BICYCLE ACCESS AND USE. THE WOONERF WILL CONTINUE TO ALLOW VEHICULAR TRAFFIC AND ACCESS TO THE ADJACENT PARKING AREAS, AND INCLUDE TRAFFIC CALMING FEATURES TO SUPPORT THE VARIETY OF PROPOSED USES.

PROPERTY IDENTIFICATION

1. MAP: 17032933 TAX LOT: 00100
NO ASSOCIATED ADDRESS
* CITY OF EUGENE
2. MAP 17032933 TAX LOT: 00400
400 E 2ND AVE
* TAYLOR & TAPPER INSURANCE ATTORNEYS
* ABOVE ALL OFFERS
420 E 2ND AVE
* TENANT UNKNOWN
3. MAP 17032933 TAX LOT 00401
440 E 2ND AVE
* BULLER, WUITE, OLSSON & ROSENBERG P.C.
444 E 2ND AVE
* BUSINESS UNKNOWN
4. MAP 17032933 TAX LOT 00402
460 E 2ND AVE
* GREAT BASIN INSURANCE
5. MAP 17032933 TAX LOT 00500
263 & 265 MILL ST / THREE MUSES GROUP, LLC
* COLD FIRE BREWING COMPANY
6. MAP 17032933 TAX LOT 01200
260 FERRY ST / THREE MUSES GROUP, LLC
* COLD FIRE
7. MAP 17032933 TAX LOT 00700
411 EAST 3RD AVE
* TENANT UNKNOWN
8. MAP 17032933 TAX LOT 00800
NO ASSOCIATED ADDRESS
9. MAP 17032933 TAX LOT 00900
437 EAST 3RD AVE / THREE MUSES GROUP, LLC
10. MAP 17032933 TAX LOT 01000
469 EAST 3RD AVE / THREE MUSES GROUP, LLC
* PARTLOW ENDEAVORS
497 EAST 3RD AVE
* CITY OF EUGENE BIKES
11. MAP 17032933 TAX LOT 03200
270 FERRY ST /THREE MUSES GROUP, LLC
* COLD FIRE
12. MAP 17032933 TAX LOT 02100
321 MILL ST /WATERSHED, LLC
* WATERSHED
13. MAP 17032933 TAX LOT 02200
444 EAST 3RD AVE / FERRY FOODS, LLC
* RYE RESTAURANT
14. MAP 17032933 TAX LOT 03100
NO ASSOCIATED ADDRESS / FERRY FOODS, LLC
15. MAP 17032933 TAX LOT 02300
NO ASSOCIATED ADDRESS / WATERSHED, LLC
16. MAP 17032933 TAX LOT 02400
NO ASSOCIATED ADDRESS / WATERSHED, LLC
17. MAP 17032933 TAX LOT 02500
359 MILL ST / FERRY FOODS, LLC
* AKIRA RESTAURANT
440 EAST 3RD ALLEY
* TENANT UNKNOWN
18. MAP 17032933 TAX LOT 02600
NO ASSOCIATED ADDRESS
*EWEB
19. MAP 17032933 TAX LOT 03000
NO ASSOCIATED ADDRESS
* CITY OF EUGENE



SITE MAP OF NEARBY PROPERTIES TO FERRY ALLEY
SCALE: 1" = 100'-0"



FERRY ALLEY
VACATION
WOONERF PLAN

DESCRIPTION	VACATION APP	ISSUED	04/13/2021
-------------	--------------	--------	------------

ALLEY
VACATION

A003

ORDINANCE NO. _____

AN ORDINANCE VACATING FERRY ALLEY BETWEEN EAST 3RD AVENUE AND EAST 2ND ALLEY, AND PROVIDING FOR AN EFFECTIVE DATE.**The City Council of the City of Eugene finds that:**

A. The City Council of the City of Eugene approved an agenda scheduling a virtual public hearing at 7:30 p.m. on September 20, 2021, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described right-of-way:

The portion of the right-of-way identified as Ferry Alley located between East 3rd Avenue and East 2nd Alley, more particularly described in Exhibit A and depicted on the map attached as Exhibit B to this Ordinance ("the Vacation Area"), and reserving a public utility easement over the entire Vacation Area.

B. Notice was duly and regularly given of the public hearing and, on September 20, 2021, the City Council held a public hearing and heard all objections to the proposed vacation.

NOW, THEREFORE, THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Eugene finds that notice of the public hearing on the proposed vacation was published and posted as required by law, that consents required by EC 9.8710(6) and ORS 271.080(2) have been filed in the proceedings, and that vacation of the right-of-way described and depicted on Exhibits A and B is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance and hereby adopted in support of this Ordinance.

Section 2. The right-of-way described and depicted on Exhibits A and B attached to this Ordinance is vacated, subject to the public utility easement described in Exhibit A, and shall revert pursuant to the statutes of the State of Oregon.

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

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this ordinance shall be come effective 30 days from the date of passage by the Eugene City Council and approval by the Mayor, or upon the recording of the public utility easement described in Exhibit A, in a form acceptable to the City Manager, whichever is later.

Passed by the City Council this

____ day of _____, 2021.

Approved by the Mayor this

____ day of _____, 2021.

City Recorder_____
Mayor

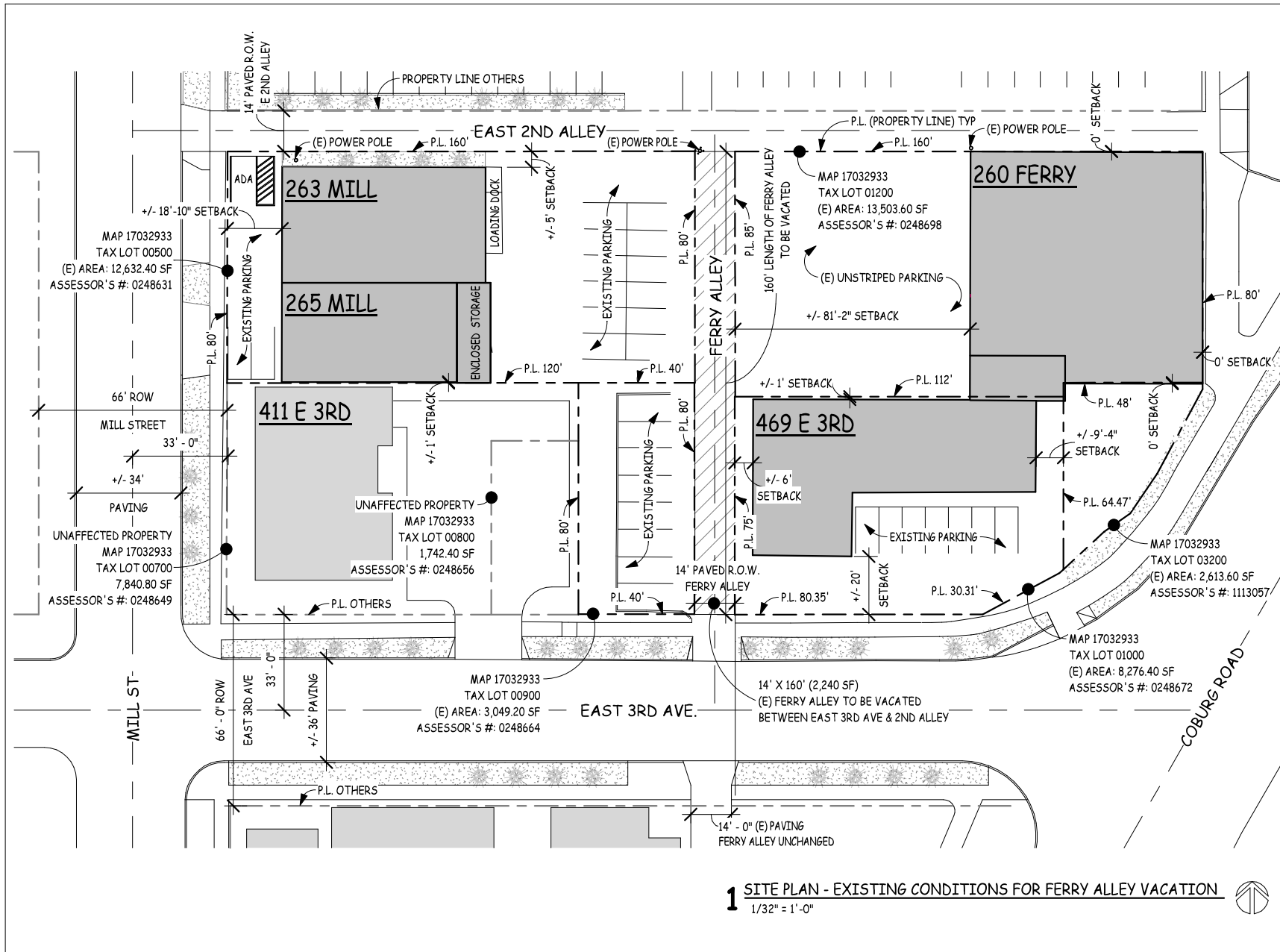
Legal Description
for
Alley Vacation

A strip of land 14.00 feet wide lying in Block 4, of the Plat of Eugene City, recorded April 20, 1852, in the Lane County Oregon Official Records, Lane County, Oregon, said strip being more particularly described as follows:

Beginning at the Southwest corner of Lot 8, Block 4, of said Plat of Eugene City, being a point on the north margin of Third Street; Thence along the west line of said Lot 8 and continuing along the west line of Lot 5, Block 4, of said Plat of Eugene City, North 160 feet, more or less, to the Northwest corner of said Lot 5; Thence West 14 feet to the Northeast corner of Lot 6, Block 4 of said Plat of Eugene City; Thence along the east line of said Lot 6 and continuing along the east line of Lot 7, Block 4, said Plat of Eugene City, South 160 feet, more or less, to the Southeast corner of said Lot 7; Thence East 14 feet returning to the point of beginning.

The City of Eugene reserves an easement for public utilities over the above described 14.00 foot wide strip of land. Contains 2,240 square feet, more or less.





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ARI-12865
STATE OF OREGON

FERRY ALLEY WOONERF
From E. 2nd Alley
to E. 3rd Ave
EUGENE, OR 97401

DESCRIPTION
Ref. Plan to G0.4
ISSUED
08/20/21

EXISTING COND.
SITE PLAN

G0.4b

Findings

Background:

The applicant is requesting the vacation of Ferry Alley between East 3rd Avenue and East 2nd Alley, which is improved right-of-way. The total requested vacation area consists of approximately 2,240 square feet. The applicant is requesting the vacation of Ferry Alley to create a "woonerf," also known as a "living street," providing a mix of parking, traffic calming devices, and landscaped outdoor spaces. The proposed alley vacation will maintain through access for vehicles and provide an opportunity for pedestrians and cyclists to utilize the enhanced outdoor space of the adjacent businesses.

The portion of Ferry Alley right-of-way to be vacated abuts four parcels, all owned by Three Muses Group, LLC, and consists of Tax Lots 500, 900, 1000 and 1200 of Assessor's Map 17-03-29-33.

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

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. If the vacation is approved, the vacated right-of-way will revert to private ownership of Three Muses, LLC. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements. The applicant has paid the required assessment.

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the rights-of-way to be vacated. Based on the signed consent forms submitted with the application, the applicant has obtained consent for the requested vacation from 100 percent of property owners in the affected area, which exceeds the requirements of ORS 271.080 and EC 9.8710.

The applicant also received statements of concurrence from affected utility providers for the vacation of the improved right-of-way, provided that a Public Utility Easement (PUE) is maintained over the vacated area. The applicant has agreed to provide a PUE over the vacated area so that the City and utility providers will have necessary perpetual access for the operation

and maintenance of public utilities that remain within the vacated area.

Compliance with Approval Criteria:

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

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

The required public notice and hearing have occurred on the vacation request in accordance with applicable statutory and local code requirements. Consent to the vacation request from abutting and affected owners, and payment of a special assessment for the area of vacated right-of-way, has been provided by the applicant, as required by statutes and local code. Utility concurrences were received from impacted utility providers and the applicant has agreed to provide a PUE over the vacated area. The utilities currently provide service to existing developments and other improved public rights of way. The proposed PUE provides the easement necessary to continue perpetual operation and maintenance of public utilities that remain. The City's Public Works Department supports the right of way vacation contingent upon the reservation of a PUE.

Vacation Findings

The following findings demonstrate that a vacation of Ferry Alley is in the public interest.

This determination is based on the conclusion that the vacation of this right-of-way will provide an opportunity for the efficient use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. Should the requested alley vacation be approved the, the vacated area will become private property under the control of the applicant, since the applicant owns all properties that abut the alley. The applicant's intended purpose for the vacation request is as follows:

- To create a "woonerf," also known as a "living street," by providing a mix of parking, traffic calming devices and landscaped outdoor spaces.
- To maintain through access for vehicles, pedestrians, and cyclists.
- To provide an opportunity for pedestrians and cyclists to utilize the enhanced outdoor space of the adjacent businesses.

Analysis from Public Works staff confirms the surrounding street network is a traditional blocked street grid, which provides ample street connectivity as required by Eugene Code and negates the need for a secondary public thoroughfare. Because of the existing local street grid,

the alley to be vacated does not impede the street connection system or fire access to surrounding streets, businesses, and residences.

The vacation of Ferry Alley does not adversely affect direct access to the surrounding streets. All lots abutting the right-of-way proposed for vacation have frontage and access connections in accordance with Eugene Code on East 3rd Avenue, Mill Street and East 2nd Alley. As there are existing public streets and an alley providing vehicular and pedestrian access to the lots, the right-of-way to be vacated does not provide significant public transportation benefit, and public vehicular and pedestrian circulation on adjoining streets will not be compromised as a result of the vacation.

The proposed PUE over the vacated area provides the City and utility providers the necessary perpetual access for the operation and maintenance of public utilities that remain within the vacated area.

Conclusion:

The applicant's requested vacation of Ferry Alley is in the public interest, based on the above facts and the terms of the ordinance.