



**Eugene City Council**

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

# **AMENDED AGENDA EUGENE CITY COUNCIL**

**January 25, 2017**

**12:00 p.m. CITY COUNCIL WORK SESSION**  
**Harris Hall**  
**125 East 8<sup>th</sup> Avenue**  
**Eugene, Oregon 97401**

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**Meeting of January 25, 2017;  
Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Alan Zelenka, President  
George Poling  
Emily Semple  
Claire Syrett

Mike Clark, Vice President  
Greg Evans  
Chris Pryor  
Betty Taylor

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***Note: This agenda has been amended to reflect the addition of items 1 – 5  
(postponed from 1/23/17).***

**12:00 p.m. CITY COUNCIL WORK SESSION**  
**Harris Hall, 125 East 8<sup>th</sup> Avenue**

**1. CONSENT CALENDAR**

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**
- C. Initiation of Metro Plan Amendment, Parks and Recreation Facilities Element**
- D. Adoption of Resolution 5182 Annexing Land to the City of Eugene (Property Identified as Assessor's Map 17-04-13-33, Tax Lot 400)(City of Eugene; A 16-11)**
- E. Adoption of Resolution 5180 Authorizing the City Manager to Enter Into an Agreement Regarding a Grant From the Economic Development Administration to Support the Construction of a Fiber Optic Network in Downtown Eugene**

- 2. ACTION:**  
**An Ordinance Allowing a New Recreational Marijuana Facility to  
Locate Less Than 1,000 Feet from Looking Glass New Roads School**
- 3. ACTION:**  
**Adoption of Resolution Annexing Land to the City of Eugene  
(Property Identified as Assessor's Map 18-03-09-20, Tax Lot 500)  
(Furtick; A 16-10)**
- 4. ACTION:**  
**An Ordinance Concerning the Rental Housing Code; Amending  
Sections 8.415, 8.425 and 8.430 of the Eugene Code, 1971, and  
Repealing the Sunset Date**
- 5. ACTION:**  
**A Resolution Opposing Transportation of Oil by Rail Through the  
City of Eugene**

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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](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: January 23, 2017  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### SUGGESTED MOTION

Move to approve the following minutes: December 5, 2016, Joint Elected Officials Meeting and Work Session, December 7, 2016, Work Session, December 12, 2016, Work Session and Meeting, and December 14, 2016, Work Session.

### ATTACHMENTS

- A. December 5, 2016, Joint Elected Officials Meeting and Work Session
- B. December 7, 2016, Work Session
- C. December 12, 2016, Work Session and Meeting
- D. December 14, 2016, Work Session

### FOR MORE INFORMATION

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

MINUTES

**Eugene City Council and  
Joint Meeting with Lane County Board of Commissioners  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**December 5, 2016  
5:30 p.m.**

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

**Councilors Absent:** Claire Syrett

**Lane County Board of Commissioners Present:** Jay Bozievich, Sid Leiken, Pete Sorenson, Pat Farr, Faye Stewart

Mayor Piercy opened the December 5, 2016, meeting of the Eugene City Council.  
Commissioner Stewart opened the December 5, 2016, meeting of the Lane County Board of Commissioners.

The Lane County Board of Commissioners honored Mayor Piercy for her years of service as Mayor.

**1. WORK SESSION: Coordinated Downtown Development**

Assistant City Manager Sarah Medary, Lane County Capital Projects Manager Brian Craner, and representatives of Cameron McCarthy Associates, gave a PowerPoint presentation discussing purpose of the work, project approach, program summaries, development scenarios, and next steps.

Council discussion:

- There are two deeds; the issue is more about which deed is accurate.
- Doing all the work and having the judge potentially overturn it seems imprudent.
- Current footprint and cost for all rented city offices except fire and police requested.
- Phase 2 information is just to see if it would be feasible, not what it would look like.
- Options A and C are the cleanest; no one supports locating the farmers market at the current City Hall site, which would be required with option A.
- A firm agreement - not a memo - is needed for the judge to make a decision.

Public comment:

1. Bob Cassidy- The entire city hall block should go to the County for a new building.

The meeting adjourned at 6:48 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

## **MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**December 5, 2016  
7:30 p.m.**

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

**Councilors Absent:** Claire Syrett

Mayor Piercy opened the December 5, 2016, meeting of the Eugene City Council.

### **1. WORK SESSION: City Hall – Eugene Water & Electric Board Site Evaluations**

Assistant City Manager Sarah Medary, Central Services Director Kristie Hammitt, and representatives from Cameron McCarthy Associates, gave a PowerPoint presentation discussing the project approach, existing conditions, program summary, EWEB site options, and next steps.

#### Council discussion:

- It would be helpful to get clarification on EWEB's potential move-out date.
- EWEB option would provide more than double the space for less than double the cost and enable consolidation of City services.
- Only need 24,000 sq. feet of usable space would be available to start with.
- EWEB option would not meet Council's EUI level goal; building is almost 30 years old.
- Most of the required renovations for moving to the EWEB building are costly.
- No need to make all improvements at once; look at logical phasing opportunities.
- Open house for public input would be beneficial.
- Utilizing social media would be effective way for the public to weigh in.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

MINUTES

Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

December 7, 2016  
12:00 p.m.

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

**Councilors Absent:** Greg Evans, Claire Syrett,

Mayor Piercy opened the December 7, 2016, meeting of the Eugene City Council.

**1. WORK SESSION: Fireworks**

Fire Chief Joe Zaludek and Fire Marshall Al Gerard gave a brief update on fireworks enforcement and background.

Council discussion:

- Use of social media could help with enforcement.
- An ordinance banning fireworks would be unenforceable.
- Most of the fireworks complaints received are for use of illegal ones.
- Conversation about banning fireworks needs to deal with the real problem, not everything.
- Want the ability to deal with bad fireworks through enforcement and education.
- Declaration that fireworks laws are unenforceable sends the wrong message to the community.
- It would be difficult to identify which fireworks are legal or illegal; implementing a total ban would address this issue.

**MOTION AND VOTE** (*friendly included*): Councilor Clark, seconded by Councilor Pryor, moved to direct the City Manager to come back to council prior to the presentation of his budget with a plan to do an action plan and budget for adequate enforcement of the laws around illegal fireworks, meaning it would result in a substantial decrease in the use of illegal fireworks. **PASSED 5:1**, Councilor Taylor opposed.

Council discussion:

- Laws to deal with illegal fireworks already exist; need adequate plans and actions needed.
- The message that needs to be conveyed is that use of illegal fireworks will bring a hefty fine.
- Restricting the allowable times to use fireworks use may help.
- It is important to hear from both the Police and Fire chiefs on what can be done.

## 2. WORK SESSION: Rental Housing Code

Code Compliance Supervisor Rachelle Nicholas, Division Finance Director Lori Kievith, and Planning and Development Director Denny Broad gave a PowerPoint presentation discussing the program history, local contact registration, rental housing complaints, fund overview, committee and board recommendations, and outreach.

### Council discussion:

- Concern expressed about what the City charge property owners and the impacts it creates.
- Outreach to educate people is vital to program's success.
- The code is effective and necessary; elimination of the sunset appropriate.
- 10-day notice is too long; consider adding window screens to the code.
- Housing Policy Board agreed unanimously with the recommendations.
- City Manager should do a regular review of the unit fee to make sure it's fair.
- \$10 fee should be maintained; it's accomplishing good work.

**MOTION:** Councilor Pryor, seconded by Councilor Taylor, moved to direct the City Manager to prepare an ordinance removing the Rental Housing Code sunset date; revising Rental Housing Code provisions to incorporate recommendations from the Housing Policy Board; and to schedule a public hearing on the ordinance for January 17, 2017, and to schedule action on January 23, 2017.

**MOTION TO AMEND AND VOTE:** Councilor Taylor, seconded by Councilor Brown, moved to amend to include screens as a requirement. **FAILED 2:4**, Councilor Taylor and Brown in support.

**VOTE ON MAIN MOTION: PASSED 6:0**

The meeting adjourned at 1:01 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**December 12, 2016  
5:30 p.m.**

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

Mayor Piercy opened the December 12, 2016, meeting of the Eugene City Council.

**1. WORK SESSION: Coordinated Downtown Development**

Assistant City Manager Sarah Medary and Central Services Executive Director Kristie Hammitt gave a PowerPoint presentation discussing EWEB Headquarters, phase 1 minimum improvements options, phase 2 City Hall, cost estimates, estimated utility costs, site option considerations, and City leased spaces.

Council discussion:

- More info on area of outdoor patio requested; convert to a Council Chamber.
- There is a discrepancy with the EUI information and HVAC improvements.
- Having the Council Chamber on the 4<sup>th</sup> floor wouldn't be very accessible.
- Priority is creating a Council Chamber; 4<sup>th</sup> floor is large enough and would work.
- Converting the 4<sup>th</sup> floor would be cheaper and quicker; cost analysis requested.
- With EWEB option, potential exists to co-locate Municipal Court with County.
- Information requested on how much City spends on rent to outside companies.
- Dollar-per-square-foot for each space and net costs requested.
- Impact of all options with deferred maintenance and replacement costs requested.
- Need to look into moving other City offices into spaces vacated for phase 1.
- EWEB is the only option that creates an obligation for a phase 2.
- Distance between City offices would increase with the EWEB option.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**December 12, 2016  
7:30 p.m.**

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

Mayor Piercy opened the December 12, 2016, meeting of the Eugene City Council.

### **1. PUBLIC FORUM**

1. Jennifer Frenzer-Knowlton – Supported an ordinance making Eugene a Sanctuary City.
2. James Cummings – Supported more police and public safety downtown.
3. Caroline Cummings – Supported more police and public safety downtown.
4. Leann McArthur – Supported an ordinance making Eugene a Sanctuary City.
5. Brittany Quick-Warner – Supported increased public safety efforts in downtown.
6. Bob Cassidy – Supported using the EWEB property for City Hall.
7. Gary Rayer – Phase 1 City Hall on the current site is too expensive; supported EWEB site.
8. Kate Gessert – Supported an ordinance making Eugene a Sanctuary City.
9. Jack Dresser – Supported an ordinance making Eugene a Sanctuary City.
10. Diane Daudt – Supported an ordinance making Eugene a Sanctuary City.
11. Indira Bakshi – Supported an ordinance making Eugene a Sanctuary City.
12. Nancy Wood – Supported an ordinance making Eugene a Sanctuary City.
13. Jim Neu – Supported using the EWEB building for a new City Hall.
14. Charmaine Rehg – Supported using the EWEB building for a new City Hall.
15. Fraeda Scholz – Supported an ordinance making Eugene a Sanctuary City.
16. David Piccioni – Opposed to policies that create refugees; opposed to use of EWEB building.
17. Lon Otterby – Supported oil train ban and an ordinance making Eugene a Sanctuary City.
18. Alex Tomaselli – Supported an ordinance making Eugene a Sanctuary City.
19. Marissa Garcia – Supported an ordinance making Eugene a Sanctuary City.
20. Shelly Fort – Supported an ordinance making Eugene a Sanctuary City.
21. Eric Suchman – Supported an ordinance making Eugene a Sanctuary City.
22. Nadia Telsey – Supported an ordinance making Eugene a Sanctuary City.
23. Jeanne Costales – Supported an ordinance making Eugene a Sanctuary City.
24. Jennifer Scurlock – Supported an ordinance making Eugene a Sanctuary City.
25. Roscoe Caron – Supported an ordinance making Eugene a Sanctuary City.
26. Charlie Landeros – Supported an ordinance making Eugene a Sanctuary City.
27. David Fidanque – Supported an ordinance making Eugene a Sanctuary City.
28. John Moriarty – Supported an ordinance making Eugene a Sanctuary City.
29. Roy Ward – Supported an ordinance making Eugene a Sanctuary City.
30. David Woken – Supported an ordinance making Eugene a Sanctuary City.
31. Larissa Petrucci – Supported an ordinance making Eugene a Sanctuary City.
32. Tai Pruce-Zimmerman – Supported an ordinance making Eugene a Sanctuary City.
33. Carmen Urbina – Supported an ordinance making Eugene a Sanctuary City.

34. Angela Finneran – Supported an ordinance making Eugene a Sanctuary City.
35. Alice Louise Warner – Supported an ordinance making Eugene a Sanctuary City.
36. Sue Sierralupé – Opposed to policing of the unhoused in downtown Eugene.
37. Jonathan Showker – Supported the 1000 ft. buffer zone between marijuana dispensaries.
38. Manuel Gonzalez – Supported an ordinance making Eugene a Sanctuary City.
39. Michael Carrigan – Supported an ordinance making Eugene a Sanctuary City.
40. Anna Gates-Tapia – Supported an ordinance making Eugene a Sanctuary City.
41. Jennifer Hayward – Supported an ordinance making Eugene a Sanctuary City.
42. Jim McCarthy – Supported using the EWEB building for a new City Hall.
43. Phil Carrasco – Supported an ordinance making Eugene a Sanctuary City.
44. Joe Tyndall – Said that social justice now creates more injustice than it solves.
45. Jim Hale – Supported using the EWEB building for a new City Hall.
46. Lynn Stephen – Supported an ordinance making Eugene a Sanctuary City.
47. Moshe Immerman – Said the Electoral College should investigate Trump.
48. Erin Barnhart – Supported an ordinance making Eugene a Sanctuary City.
49. Elise Self – Supported an ordinance making Eugene a Sanctuary City.
50. Alfredo Gormezano – Supported an ordinance making Eugene a Sanctuary City.

Council discussion:

- Creating a Sanctuary City ordinance at the local level is appropriate.
- Create a workgroup on the ordinance that will bring back information and a draft to council the first week of February.

**MOTION AND VOTE:** Councilor Taylor, seconded by Councilor Zelenka, moved to direct the City Manager to prepare for council a proposed resolution opposing the transportation by rail of oil through the City of Eugene and to bring that to Council in January.

**PASSED 6:2**, Councilors Poling and Clark opposed.

## **2. CONSENT CALENDAR**

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

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

## **3. URBAN RENEWAL AGENCY ACTION: Resolution 1080, Acknowledging Receipt of the Annual Financial Report of the Urban Renewal Agency of the City of Eugene for the Fiscal Year Ended June 30, 2016**

**MOTION AND VOTE:** Councilor Evans, seconded by Councilor Zelenka, moved to approve a resolution acknowledging receipt of the Annual Financial Report for the Urban Renewal Agency of the City of Eugene for the fiscal year ended June 30, 2016. **PASSED 8:0**.

## **4. URBAN RENEWAL AGENCY PUBLIC HEARING and ACTION: Resolution 1081, Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year Beginning July 1, 2016, and Ending June 30, 2017**

1. John Barofsky – noted the \$6.9 million for purchase of EWEB and consulting contracts.

**MOTION AND VOTE:** Councilor Evans, seconded by Councilor Zelenka, moved to adopt a resolution adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the fiscal year beginning July 1, 2016, and ending June 30, 2017. **PASSED 8:0.**

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

**5. PUBLIC HEARING and ACTION: Resolution 5179, Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017**

1. Michael Carrigan – Supported more funds for homeless efforts, rest stops, and a shelter.
2. Carleen Reilly – Supported funding for neighborhood planning.
3. Pat Reilly – Supported funding for neighborhood planning.
4. John Barofsky – Believed lots of good things are being put forward with the budget.
5. Joshua Skov – Supported reconsideration and moving Comcast settlement to the reserve.
6. Marty Wilde – Said Supplemental Budget should go back to Budget Committee.
7. Hillary Kittleson – Supported funding for neighborhood planning.

**Council discussion:**

- This is an unprecedented supplemental budget; a different process is warranted.
- Public process needed for more thorough review.
- More comfortable moving \$8.7 million to Revenue for Shortfall.
- Need a broader discussion with the Budget Committee.

**MOTION AND VOTE:** Councilor Evans, seconded by Councilor Zelenka, moved to adopt a resolution adopting a Supplemental Budget; making appropriations for the City of Eugene for the fiscal year beginning July 1, 2016 and ending June 30, 2017, with the following changes: on exhibit A, the line under non-departmental that says enter fund transfers would be reduced by \$8.7 million to \$1,050,000, the line that says reserves would be increased by \$8.7 million to \$14,735,115. General Capitol Projects Fund balance available would be negative \$454,211 and the Total General Capitol Projects Fund would be a negative \$1,152,507 **PASSED 8:0.**

**MOTION AND VOTE:** Councilor Clark, seconded by Councilor Evans, moved that Council agree that before Council appropriates any of the remaining \$16.5 million from the Comcast settlement that the Council will hold a meeting of the Budget Committee to get its recommendation. **PASSED 5:4**, Councilors Taylor, Zelenka, Poling and Pryor opposed. Mayor Piercy broke the tie in support.

**6. PUBLIC HEARING and POSSIBLE ACTION: An Ordinance Allowing a Licensed Recreational Marijuana Retail Facility to Locate Less Than 1000 Feet from Looking Glass Intensive Treatment Residential Treatment Facility; Declaring an Emergency; and Providing For an Immediate Effective Date**

1. Marissa Rodriguez – Supported adoption of the ordinance.

**MOTION AND VOTE:** Councilor Evans, seconded by Councilor Zelenka, moved to adopt Council Bill 5161, an ordinance related to a licensed recreational marijuana facility.

**PASSED 8:0**

7. **ACTION: An Ordinance Concerning Erosion Prevention and Amending Sections 6.406, 6.625, 6.630, 6.635, and 6.640 of the Eugene Code, 1971**

**MOTION AND VOTE:** Councilor Evans, seconded by Councilor Zelenka, moved to Council Bill 5160, an ordinance concerning erosion prevention. **PASSED 8:0**

The meeting adjourned at 9:59 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**December 14, 2016  
12:00 p.m.**

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

Mayor Piercy opened the December 14, 2016, meeting of the Eugene City Council.

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

The City Council met in executive session pursuant to ORS 192.660 (2)(e)

**2. WORK SESSION: Coordinated Downtown Development**

Assistant City Manager Sarah Medary and Central Services Executive Director Kristie Hammitt led the Council in a discussion about potential options for coordinated downtown development.

Council discussion:

- Taking action at this moment is premature.
- It is prudent to decide between options A, B, C, or EWEB; implications are huge.
- County prefers option C; no legal certainty for site; most important asset City has is its own lot.
- Option C is the most elegant option for downtown and how space is used.
- More time is needed to digest the information presented.
- Delay will add months to the timeline; time equals money.
- There is no historic City Hall “site;” it has been rebuilt in different locations with each iteration.
- Option C is the best option for providing required courthouse security.
- EWEB site is a natural extension of efforts to improve downtown; revitalize the riverfront.
- A move to EWEB will be seen as abandoning downtown; it is the most expensive option.
- EWEB site would impact communications and meeting accessibility; important to have a civic center.
- Concentrations of people attract more people to public spaces, EWEB option limits that.
- Every downtown plan has included EWEB as a part of downtown.
- The community has the ability to make any of these four options work.
- Creating a usable council chamber is important; building new will allow us to control costs.
- Choosing option A, B, or C will eliminate the possibility of a consolidated City Hall.
- Council has enough facts and enough time; staying downtown is preferred option.
- Proximity to the County and accessibility is very important.

**MOTION AND VOTE** (*with friendly*): Councilor Zelenka, seconded by Councilor Taylor, moved to direct the City Manager to begin negotiations with Lane County with the possible purchase of a portion of the Butterfly lot for City Hall. Offer to sale to Lane County the City Hall site, contingent on the City being able to commence construction of a phase 1 of City Hall on the Butterfly lot, with a back-up option to locate City Hall on the existing City Hall site. **PASSED 5:3**, Councilors Poling, Clark, and Evans opposed.

Council discussion:

- Communicate honestly with the community about Phase 2.
- The County will not support Option B as a back-up.
- City Hall, as currently planned, will house only a council chamber and City Manager's Office staff.
- More certainty about potential deed restrictions is needed.

The meeting adjourned at 1:29 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: January 23, 2017  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

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

### BACKGROUND

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

### RELATED CITY POLICIES

There are no policy issues related to this item.

### COUNCIL OPTIONS

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

### CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

### SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

January 18, 2017

## JANUARY 23 MONDAY

**5:30 p.m.** Council Work Session  
**Harris Hall** Expected Absences:  
A. WS: Enterprise Zone Task Force Report 45 mins – PDD/D'Souza  
B. WS: South Willamette Street Pilot Study Update 45 mins – PW/Henry

**7:30 p.m.** Council Meeting  
**Harris Hall** Expected Absences:  
1. Public Forum  
2. Consent Calendar  
a. Approval of City Council Minutes CS/Forrest  
b. Approval of Tentative Working Agenda CS/Forrest  
c. Initiation of Metro Plan Amendment for Park & Rec System Plan PW/Bjorklund  
d. Resolution Annexing Lands on East Maynard Avenue and River Road (City of Eugene) PDD/Gioello  
e. Resolution on EDA Grant Authorization PDD/Fifield  
3. Action: Resolution Annexing Lands North of Intersection of E. 30th Ave. and Spring Blvd (Furtick,Don) PDD/Gioello  
4. Action: Ordinance on Rental Housing Code PDD/Nicholas  
5. Action: Ordinance on Licensing of Marijuana Facility (GlassRoots) PDD/McKerrow  
6. Action: Resolution on Oil Trains CS/Nelson

## JANUARY 25 WEDNESDAY

**Noon** Council Work Session  
**Harris Hall** Expected Absences:  
A. WS: New Housing Development on Unimproved Roads 45 mins – PW/Schoening  
B. WS: Renter Protections 45 mins – PDD/Jennings

## FEBRUARY 4 SATURDAY **\*\* NOTE: BUDGET COMMITTEE WORKSHOP ADDED \*\***

**9:00 a.m.** Budget Committee Workshop  
**LCC Downtown Conf. Rm.** Expected Absences:  
A. Workshop: FY18 Budget Cycle CS/Miller

## FEBRUARY 8 WEDNESDAY

**Noon** Council Work Session  
**Harris Hall** Expected Absences:  
A. WS: Inclusionary Zoning 45 mins – PDD/Jennings  
B. WS: Real Property Disposal Process for Two Sites 45 mins – PDD/Laurence

## FEBRUARY 13 MONDAY

**5:30 p.m.** Council Work Session  
**Harris Hall** Expected Absences:  
A. Committee Reports and Items of Interest  
B. WS:

**7:30 p.m.** Council Meeting  
**Harris Hall** Expected Absences:  
1. Public Forum  
2. Consent Calendar  
a. Approval of City Council Minutes CS/Forrest  
b. Approval of Tentative Working Agenda CS/Forrest  
3. PH: Ordinance Concerning Code Amendment for Marijuana Tax Collection CAO/Klein, Brotherton

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

January 18, 2017

## **FEBRUARY 15 WEDNESDAY**

**Noon Council Work Session**

**Harris Hall**

**Expected Absences:**

A. WS:

B. WS:

**5:30 p.m. Budget Committee Meeting**

**Harris Hall**

**Expected Absences:**

A. Budget Committee Meeting

CS/Miller

## **FEBRUARY 21 TUESDAY**

**7:30 p.m. Council Public Hearing**

**Harris Hall**

**Expected Absences:**

1. PH: Enterprise Zone Revised Public Benefit Criteria
2. PH: Ordinance Adopting Hazardous Substance User Fees
3. PH: Ordinance on Annexation Withdrawals
4. PH: Ordinance on Rest Stop and Dusk to Dawn Programs

PDD/D'Souza

Fire/Eppli

PDD/Berg-Johansen

CS/Watjus

## **FEBRUARY 22 WEDNESDAY**

**Noon Council Work Session**

**Harris Hall**

**Expected Absences:**

A. WS: South Willamette Next Steps

90 mins – PDD/Harding

## **FEBRUARY 27 MONDAY**

**5:30 p.m. Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. Committee Reports and Items of Interest from Mayor, City Council and City Manager
- B. WS:

30 mins

**7:30 p.m. Council Meeting**

**Harris Hall**

**Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes
  - b. Approval of Tentative Working Agenda
3. Action: Ordinance on Rest Stop and Dusk to Dawn Programs
4. Action: Ordinance Concerning Code Amendment for Marijuana Tax Collection

CS/Forrest

CS/Forrest

CS/Watjus

CAO/Klein, Brotherton

## **MARCH 8 WEDNESDAY**

**Noon Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. WS: Overview of Chronic Nuisance Code
- B. WS: Commercial Setback Code Requirements

45 mins – PDD/Nicholas

45 mins – PDD/Galloway

## **MARCH 9 THURSDAY**

**5:30 p.m. Budget Committee Meeting**

**B/T Room**

**Expected Absences:**

A. Budget Committee Meeting

CS/Miller

## **MARCH 13 MONDAY**

**5:30 p.m. Council Work Session**

**Harris Hall**

**Expected Absences:**

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

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

January 18, 2017

**7:30 p.m.**  
**Harris Hall**

**Council Meeting**  
**Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes
  - b. Approval of Tentative Working Agenda
3. PH and Action: Capital Improvement Program
4. Action: Ordinance on Annexation Withdrawals

CS/Forrest  
CS/Forrest  
CS/Streepey  
PDD/Berg-Johansen

**MARCH 15**

**WEDNESDAY**

**Noon**

**Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. WS: Parks and Recreation System Plan
- B. WS:

45 mins – PW/Burke

**5:30 p.m.**

**Budget Committee Meeting**

**B/T Room**

**Expected Absences:**

- A. Budget Committee Meeting

CS/Miller

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

**APRIL 10**

**MONDAY**

**5:30 p.m.**

**Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. Committee Reports and Items of Interest
- B. WS:

**7:30 p.m.**

**Council Meeting**

**Harris Hall**

**Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes
  - b. Approval of Tentative Working Agenda

CS/Forrest  
CS/Forrest

**APRIL 12**

**WEDNESDAY**

**Noon**

**Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. WS:
- B. WS:

**APRIL 17**

**MONDAY**

**7:30 p.m.**

**Council Public Hearing**

**Harris Hall**

**Expected Absences:**

1. PH:

**APRIL 19**

**WEDNESDAY**

**Noon**

**Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. WS: JEO Meeting with EWEB

90 mins

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

January 18, 2017

|                                                                                                                                                                                                      |                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>APRIL 24</b>                                                                                                                                                                                      | <b>MONDAY</b>                                                                                                |
| <b>5:30 p.m.</b><br><b>Harris Hall</b><br>A. WS:<br>B. WS:                                                                                                                                           | <b>Council Work Session</b><br><b>Expected Absences:</b>                                                     |
| <b>7:30 p.m.</b><br><b>Harris Hall</b><br>1. Public Forum<br>2. Consent Calendar<br>a. Approval of City Council Minutes<br>b. Approval of Tentative Working Agenda                                   | <b>Council Meeting</b><br><b>Expected Absences:</b><br><br><br><br><br>CS/Forrest<br>CS/Forrest              |
| <b>APRIL 26</b>                                                                                                                                                                                      | <b>WEDNESDAY</b>                                                                                             |
| <b>Noon</b><br><b>Harris Hall</b><br>A. WS:<br>B. WS:                                                                                                                                                | <b>Council Work Session</b><br><b>Expected Absences:</b>                                                     |
| <b>5:30 p.m.</b><br><b>B/T Room</b><br>A. Budget Committee Meeting                                                                                                                                   | <b>Budget Committee Meeting</b><br><b>Expected Absences:</b><br><br>CS/Miller                                |
| <b>MAY 3</b>                                                                                                                                                                                         | <b>WEDNESDAY</b>                                                                                             |
| <b>5:30 p.m.</b><br><b>B/T Room</b><br>A. Budget Committee Meeting                                                                                                                                   | <b>Budget Committee Meeting</b><br><b>Expected Absences:</b><br><br>CS/Miller                                |
| <b>MAY 8</b>                                                                                                                                                                                         | <b>MONDAY</b>                                                                                                |
| <b>5:30 p.m.</b><br><b>Harris Hall</b><br>A. Committee Reports and Items of Interest<br>B. WS:                                                                                                       | <b>Council Work Session</b><br><b>Expected Absences:</b>                                                     |
| <b>7:30 p.m.</b><br><b>Harris Hall</b><br>1. Public Forum<br>2. Consent Calendar<br>a. Approval of City Council Minutes<br>b. Approval of Tentative Working Agenda<br>c. Ratification of MWMC Budget | <b>Council Meeting</b><br><b>Expected Absences:</b><br><br><br><br><br>CS/Forrest<br>CS/Forrest<br>PW/Huberd |
| <b>MAY 10</b>                                                                                                                                                                                        | <b>WEDNESDAY</b>                                                                                             |
| <b>Noon</b><br><b>Harris Hall</b><br>A. WS:<br>B. WS:                                                                                                                                                | <b>Council Work Session</b><br><b>Expected Absences:</b>                                                     |
| <b>5:30 p.m.</b><br><b>B/T Room</b><br>A. Budget Committee Meeting                                                                                                                                   | <b>Budget Committee Meeting</b><br><b>Expected Absences:</b><br><br>CS/Miller                                |

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

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

January 18, 2017

|                    |                               |
|--------------------|-------------------------------|
| <b>MAY 15</b>      | <b>MONDAY</b>                 |
| <b>5:30 p.m.</b>   | <b>Council Public Hearing</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>     |
| A. PH:             |                               |

|                    |                             |
|--------------------|-----------------------------|
| <b>May 17</b>      | <b>WEDNESDAY</b>            |
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                             |                                 |
|-----------------------------|---------------------------------|
| <b>5:30 p.m.</b>            | <b>Budget Committee Meeting</b> |
| <b>B/T Room</b>             | <b>Expected Absences:</b>       |
| A. Budget Committee Meeting | CS/Miller                       |

|                                                                                      |                             |
|--------------------------------------------------------------------------------------|-----------------------------|
| <b>May 22</b>                                                                        | <b>MONDAY</b>               |
| <b>5:30 p.m.</b>                                                                     | <b>Council Work Session</b> |
| <b>Harris Hall</b>                                                                   | <b>Expected Absences:</b>   |
| A. Committee Reports and Items of Interest from Mayor, City Council and City Manager | 30 mins                     |
| B. WS:                                                                               |                             |

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

|                    |                             |
|--------------------|-----------------------------|
| <b>MAY 24</b>      | <b>WEDNESDAY</b>            |
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                    |                             |
|--------------------|-----------------------------|
| <b>MAY 31</b>      | <b>WEDNESDAY</b>            |
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                                                                                    |                             |
|------------------------------------------------------------------------------------|-----------------------------|
| <b>JUNE 12</b>                                                                     | <b>MONDAY</b>               |
| <b>5:30 p.m.</b>                                                                   | <b>Council Work Session</b> |
| <b>Harris Hall</b>                                                                 | <b>Expected Absences:</b>   |
| A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed |                             |
| B. WS:                                                                             |                             |

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

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January 18, 2017

January 18, 2017

|                    |                             |
|--------------------|-----------------------------|
| <b>JUNE 28</b>     | <b>WEDNESDAY</b>            |
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

## ON THE RADAR

| Work Session Polls/Council Requests | Status |
|-------------------------------------|--------|
| 1. Drones .....                     | TBD    |

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Initiation of Metro Plan Amendment, Parks and Recreation Facilities Element

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Meeting Date: January 23, 2017  
Department: Public Works  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
Staff Contact: Neil Bjorklund  
Contact Telephone Number: 541-682-4909

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### ISSUE STATEMENT

This item is a request for the City Council to initiate a Eugene-only Metro Plan amendment to clarify a policy concerning the adoption of city parks and recreation plans. Contrary to the City's position, in 2007 the Oregon Land Use Board of Appeals determined that a specific Metro Plan policy requires the City of Eugene to adopt its park and recreation plan as a land use refinement plan with mandatory policies. The proposed amendment would clarify the Metro Plan policy, allowing the City Council to decide how to adopt parks and recreation plans. The amendment must be formally initiated by the Council because it is legislative in nature.

### BACKGROUND

As it is currently written, Metro Plan Policy H.2 provides:

*H.2 Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.*

The Oregon Land Use Board of Appeals has ruled that Policy H.2 effectively prohibits Eugene from adopting a new Parks and Recreation System Plan that is aspirational in nature. The new Parks and Recreation System Plan that is currently under development is intended to be aspirational, and is not proposed to include any policies that would govern land use on lands not owned by the City. Staff has concluded that such policies are not needed to implement an effective plan for future development of park and recreation facilities.

The proposed amendment would add the following phrase to Policy H.2: *"This Policy does not apply to the City of Eugene, where a park and recreation plan may be aspirational in nature and does not need to be adopted as a land use plan."*

### Next Steps

If the City Council initiates the proposed amendment to Metro Plan Policy H.2, the Eugene Planning Commission will hold a work session and hearing and, following deliberations, make a

recommendation to the Council. Following the Planning Commission hearing and action, the Council will hold a public hearing followed by action on the amendment.

### **RELATED CITY POLICIES**

This item is a request to initiate Metro Plan amendments only, and not to consider the merits of the proposal. Any relevant policy analysis will be provided in conjunction the public review process, which will include future public hearings before the Planning Commission and City Council.

### **COUNCIL OPTIONS**

The City Council may consider the following options:

1. Initiate the proposed amendment to the Metro Plan.
2. Decline to initiate the proposed amendment to the Metro Plan.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council initiate the proposed amendment to Policy H.2 of the Metro Plan regarding parks and open space plans to enable Planning Commission and City Council consideration.

### **SUGGESTED MOTION**

Move to initiate the proposed amendment to the Metro Plan to enable Planning Commission and City Council consideration.

### **ATTACHMENTS**

None

### **FOR MORE INFORMATION**

Staff Contact: Neil Björklund, Special Projects Consultant  
Telephone: 541-682-4909  
Email: [neil.h.bjorklund@ci.eugene.or.us](mailto:neil.h.bjorklund@ci.eugene.or.us)

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Adoption of a Resolution Annexing Land to the City of Eugene (Property Identified as Assessor's Map 17-04-13-33, Tax Lot 400)(City of Eugene; A 16-11)

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Meeting Date: January 23, 2017  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **ISSUE STATEMENT**

This item is a request to annex approximately 0.28 acres (12,197 square feet) of vacant land located on the northeast corner of River Road and East Maynard Avenue. The property is located within the Urban Growth Boundary and is contiguous to the City limits. The public rights-of-way are not proposed for annexation as part of this request. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low Density Residential with /UL Urbanizable Lands Overlay. The Metro Plan and the River Road - Santa Clara Urban Facilities Plan designates the property for low density residential use. Annexation will allow for future development consistent with the property's designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application, however the property is owned by the City of Eugene and planned for future development of an affordable housing project.

#### **BACKGROUND**

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

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

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice for this annexation request was provided consistent with Eugene Code requirements. As of this date, no testimony from the public has been received regarding the proposed annexation.

Referral comments were provided by affected agencies including City of Eugene Public Works, Lane County Public Works, and EWEB. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and no testimony received, a public hearing is not recommended in this instance.

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

### **RELATED CITY POLICIES**

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

### **COUNCIL OPTIONS**

City Council may consider the following options:

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

### **CITY MANAGER'S RECOMMENDATION**

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

### **SUGGESTED MOTION**

Move to adopt Resolution No. 5182, which approves the proposed annexation request consistent with the applicable approval criteria.

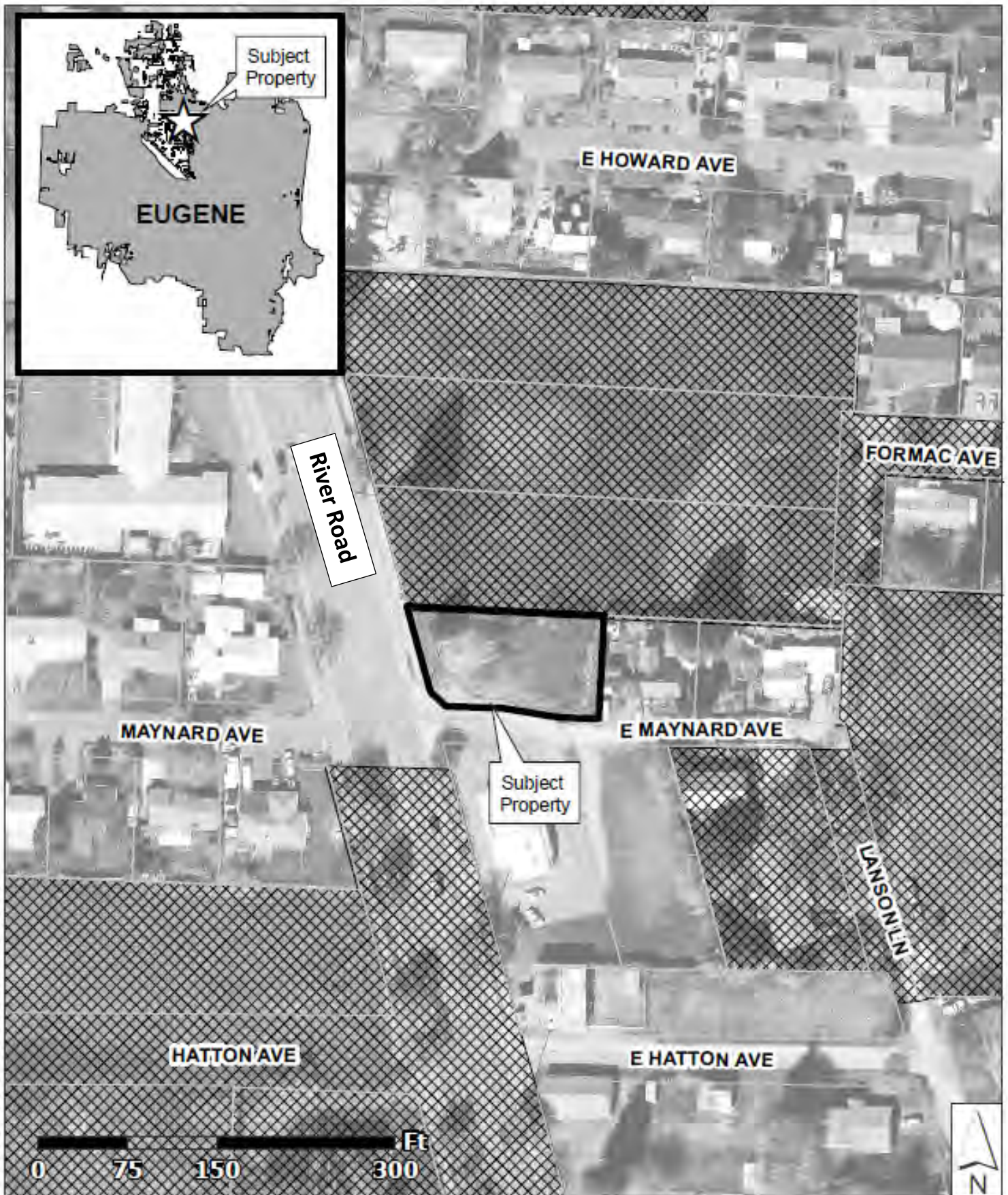
### **ATTACHMENTS**

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

### **FOR MORE INFORMATION**

Staff Contact: Nicholas R. Gioello  
Telephone: 541/682-5453  
Staff E-Mail: Nick.r.gioello@ci.eugene.or.us

# City of Eugene (A 16-11)



## Legend

Subject Property City Limits Taxlots

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

January 2017



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-13-33, TAX LOT  
400).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by the City of Eugene on November 22, 2016, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-13-33, Tax Lot 400.

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

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

**D.** On December 22, 2016, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of property within 500 feet of the subject property, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on January 23, 2017.

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

**NOW, THEREFORE,**

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

**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-13-33, Tax Lot 400, depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

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

**The foregoing Resolution adopted the 23<sup>rd</sup> day of January, 2017.**

---

**City Recorder**

## Attachment C

### Written Statement

Applicant: City of Eugene

Contact Information: Ellen Meyi-Galloway  
Community Development Division  
City of Eugene  
99 W. 10<sup>th</sup> Ave.  
Eugene, OR 97401  
541-682-5532  
[Ellen.E.Meyi-Galloway@ci.eugene.or.us](mailto:Ellen.E.Meyi-Galloway@ci.eugene.or.us)

Surveyor: Tim Fassbender

Date: August 9, 2016

Map and Tax Lot: 17-04-13-33-00400

Site Address: 1505 River Road, Eugene, OR 97404

Received

NOV 22 2016

City of Eugene  
Planning Division

#### PRESENT REQUEST

This request is to annex vacant property that is approximately 0.28 acres in size. A legal description and map of the property proposed for annexation is included with these application materials. The City of Eugene acquired the subject property along with adjacent property to the north. The adjacent property to the north is also vacant but is contained within city limits. The entire development site is intended for a housing development that is affordable to individuals and families with low or moderate income.

#### APPROVAL CRITERIA

This request is subject to the requirements, application criteria, and procedures of Eugene Code (EC) 9.7800 through 9.7835. As demonstrated below, this request complies with the applicable approval criteria which is presented below in italics with responses 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.*

The land proposed to be annexed is within the city's urban growth boundary and is contiguous to the city limits along its north boundary line. Property located to the east of the subject property is not within the city limits. The property abuts River Road along its west boundary line and E. Maynard Ave. along its south boundary line.

- EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.*

The Metro Plan contains the policies that are related to this annexation request. The River Road Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject property.

The Metro Plan policies listed below support this annexation:

*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 level of key urban facilities and services can be provided to the area in an orderly and efficient manner.*
- b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)*

*Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).*

*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 for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5).*

The Metro Plan designates the annexation area as appropriate for residential use. The River Road Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the annexation area and also designates the area for residential use. The subject property is currently zoned R-1/UL Low Density Residential with Urbanizable Land overlay zone. Upon annexation, the /UL overlay will automatically be removed.

With regard to applicable policies of the RR/SC UFP, the subject property is located within Subarea d. River Road/Howard of the general “Residential land Use Policies” at Section 2.2. This subarea is characterized by a limited amount of single-family use, with neighborhood-commercial uses in the southern portion. All commercial uses north of Maynard are non-conforming. The subarea is intersected by the only non-freeway access to west Eugene and is well served by the transit station and commercial facilities to the north.

Applicable recommendations for this subarea include:

- 2. Maintain the status of existing medium-density land use.*
- 3. Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River Road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.*

The “Public Facilities and Services Element” policies of the RR/SC UFP are directed at local government; however, the premise of these policies for the provision of urban services is the assumption that the properties within the UGB will be annexed.

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 additional requirements for the proposed subdivision.

As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed

annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

*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.*

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:

#### **Wastewater**

Wastewater lines owned by the City of Eugene are available adjacent to the subject property in E. Maynard Avenue and River Road.

#### **Stormwater**

Stormwater lines owned by Lane County are available to the subject property through E. Maynard Avenue and River Road.

#### **Streets**

The subject property abuts E. Maynard Road to the south and River Road to the west. At this location, both streets are under Lane County's jurisdiction.

#### **Solid Waste**

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

#### **Water**

Eugene Water and Electric Board (EWEB) staff notes that the subject property is served by an existing water line from River Road.

#### **Electric**

EWEB staff notes that the subject property does not currently have electric service; however, Pole 10437 which is located at the intersection of River Road and E Maynard Avenue has a transformer and service is possible from that location.

#### **Public Safety**

Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.

#### **Parks and Recreation**

A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan. The property is currently located in River Road Park and Recreation District. Once withdrawn from the

district, park service will continue to be provided by the city with the property becoming part of the River Road-Santa Clara parks planning district.

### **Planning and Development Services**

Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.

### **Communications**

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

### **Public Schools**

The subject property is within the Eugene 4J School District and is served by Howard Elementary School, Kelly Middle School, and North Eugene High School.

### **CONCLUSION**

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

## Consent to Annexation

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

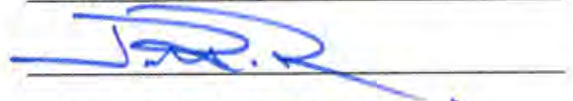
Map and Tax Lot: 17-04-13-33-00400 Address: 1505 River Rd, Eugene, OR

Legal Description: see attached

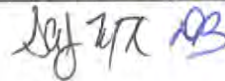
In the corporate limits of said city, which is owned by the undersigned

DATED this 8th day of November, 20 16.

City of Eugene



By: Jon R. Ruiz, City Manager



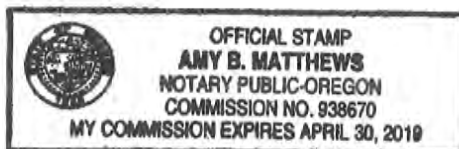
STATE OF OREGON )

)ss

County of Lane )

On this 8th day of November, 20 16, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Jon R. Ruiz, City Manager of the City of Eugene, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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

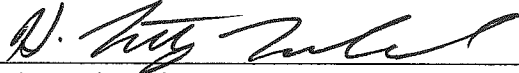


Notary Public for Oregon

My Commission Expires 4-30-19

## Certification of Description

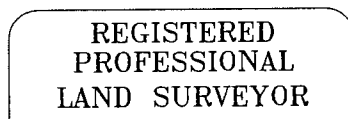
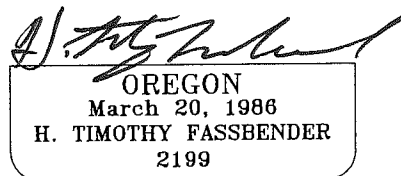
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:   
Registered Land Surveyor

Print Name: H. TIMOTHY FASSBENDER

Date: 7-22-16

Seal:



RENEWAL DATE: DEC. 31, 2017

## Annexation Description

For

Property located at 1505 River Road, Eugene, Or. 97404

Tax map no. 17-04-13-33 tax lot 400

A tract of land located in the Southwest one-quarter in Section 13 In Township 17 South, Range 4 West of the Willamette Meridian being more particularly described as follows;

Beginning at the Southeast corner of Lot 8 of Chapman Property, as platted and recorded in Book 11, page 20 Lane County Oregon Plat Records in Lane County, Oregon; thence North 88°38'00" West 200.03 feet along the south line of said Lot 8 also being the north right-of-way line of East Maynard Avenue to the TRUE POINT OF BEGINNING of the herein description; thence continuing along said north right-of-way line the following courses, North 88°38'00" West 37.09'; thence North 71°23'35" West 48.29 feet; thence North 82°31'17" West 50.78 feet; thence North 47°58'45" West 18.38 feet to the East right-of-way line of River Road; thence along said east right-of-way line of River Road, North 15°00'56" West 61.62 feet; thence leaving said east right-of-way line and run, South 87°02'56" East 167.67 feet; thence South 3°05'10" West 86.22 feet to the true point of beginning and there ending.

Containing 12,109 ± square feet.

Application #: C \* 2008 - 16  
For City Use Only

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

# PETITION

## Petition Signature Sheet Annexation by Individuals

RECEIVED

JUL 21 2016

LANE COUNTY  
ASSESSMENT & TAXATION

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

| Signature                                                                                          | Date Signed<br>m/d/y | Print Name                | Residence Address<br>(street, city, zip code) | Map and Tax Lot Number<br>(example: 17-04-03-00-00100) | ✓<br>Land<br>Owner | ✓<br>Reg<br>Voter | Acres<br>(qty) |
|----------------------------------------------------------------------------------------------------|----------------------|---------------------------|-----------------------------------------------|--------------------------------------------------------|--------------------|-------------------|----------------|
| <br>Jon R. Ruiz | 11/8/16              | Jon R. Ruiz, City Manager | n/a                                           | 17-04-13-33-00400                                      | ✓                  |                   | .28            |
|                                                                                                    |                      |                           |                                               |                                                        |                    |                   |                |
|                                                                                                    |                      |                           |                                               |                                                        |                    |                   |                |
|                                                                                                    |                      |                           |                                               |                                                        |                    |                   |                |
|                                                                                                    |                      |                           |                                               |                                                        |                    |                   |                |

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, Ellen May Galloway (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
X Ellen May Galloway (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.

Received

NOV 22 2016

  
Carole L. Galloway  
City of Eugene  
Lane County Department of Assessment and Taxation  
Planning Division

Date Certified

Carole L. Galloway

Lane County Clerk or Deputy Signature

7/19/16

Date Certified

## Census Information Sheet – CONFIDENTIAL

---

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

City of Eugene      Address: 1505 River Road, Eugene, OR 97401

### HOUSING TYPE

### TENURE

|                         |     |                 |                                     |
|-------------------------|-----|-----------------|-------------------------------------|
| Single Unit Structure   | ( ) | Owner-Occupied  | ( )                                 |
| Multiple Unit Structure | ( ) | Renter-Occupied | ( )                                 |
| Trailer or Mobile Home  | ( ) | Vacant          | <input checked="" type="checkbox"/> |
| Seasonal                | ( ) |                 |                                     |

### RESIDENTS

| Respondent | Last Name           | First Name | Sex | Age |
|------------|---------------------|------------|-----|-----|
|            | <u>no residents</u> |            |     |     |
| 2.         |                     |            |     |     |
| 3.         |                     |            |     |     |
| 4.         |                     |            |     |     |
| 5.         |                     |            |     |     |
| 6.         |                     |            |     |     |
| 7.         |                     |            |     |     |
| 8.         |                     |            |     |     |
| 9.         |                     |            |     |     |
| 10.        |                     |            |     |     |



If yes,  
location? SW is available in E Maynard and River Road

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

Future development will likely include on-site SW management systems.

**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. The property is located in the northeast corner of the intersection of River Road and E. Maynard.

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

\_\_\_\_\_ Yes

\_\_\_\_\_ No

☒ Unknown

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

\_\_\_\_\_ Yes

☒ No

\_\_\_\_\_ Unknown

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

### **Parks, Recreation, and Cultural Services**

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

River Road Parks and Recreation District

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

### **Public Safety**

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

**For River Road/Santa Clara area-**

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

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

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

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

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

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

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

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

EWEB

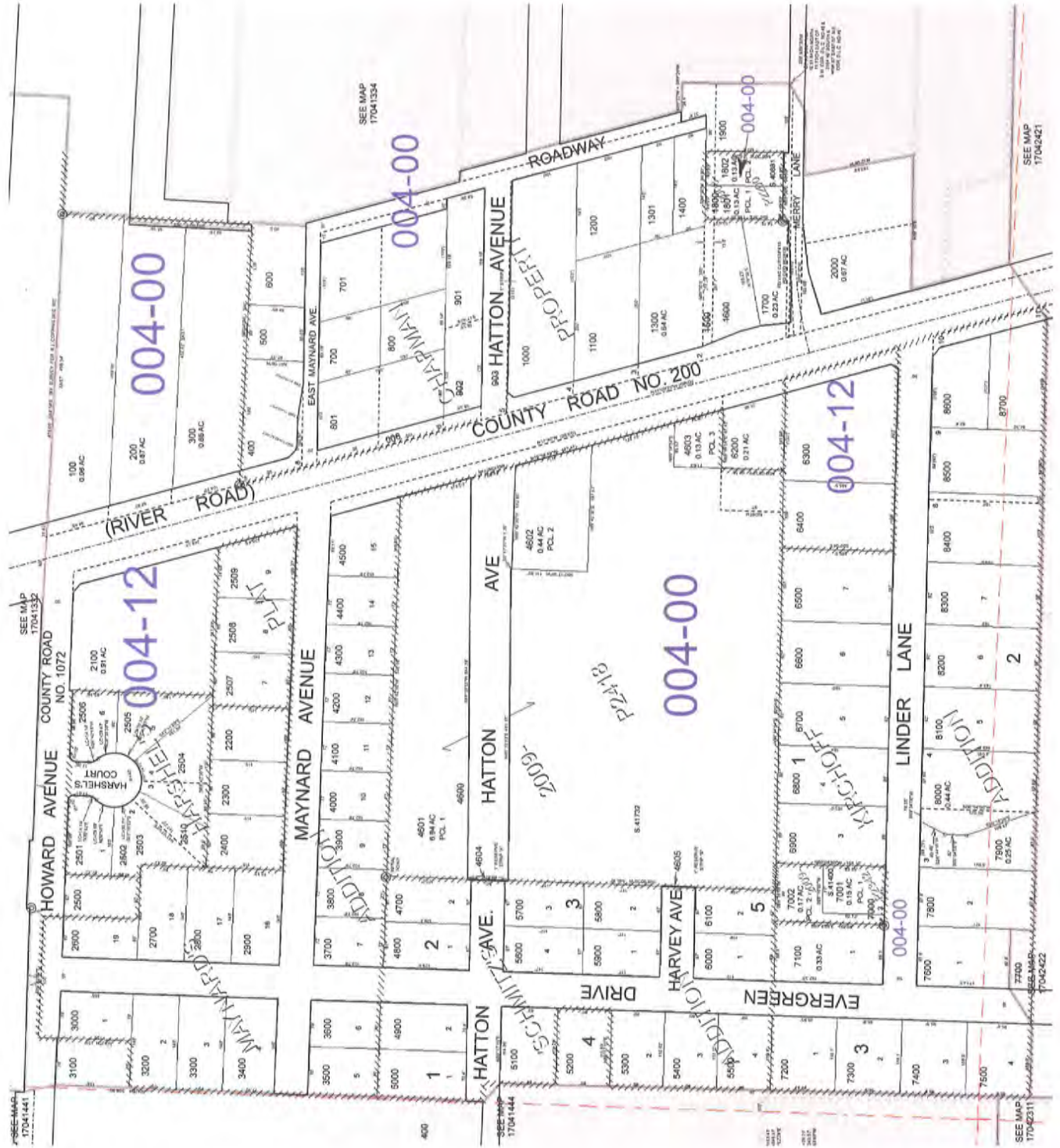
**Water Service** -- Please provide the size and location of the water main closest to your property. \_\_\_\_\_

Per EWEB, there is water service to this parcel. The closest water main is 11857, located in River Road.

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

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

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



# 5155.70

HALEY Patricia I

From: WESTERMAN Tim J  
 Sent: Thursday, November 17, 2016 11:25 AM  
 To: HALEY Patricia I  
 Subject: Planning annexation splits

*Revenue*

| Tran Code | Fund Org | Account Code | Pgm   | Project | Sub Class | Tran Code | Ack Desc                       | Sequence 1=master | Split % |
|-----------|----------|--------------|-------|---------|-----------|-----------|--------------------------------|-------------------|---------|
| 2665      | 131      | 9350         | 45641 | 54      | 000000    | 000       | PLNG/Annexation split #2 - 11% | 2                 | 0.11    |
| 2665      | 534      | 9350         | 45641 | 54      | 000000    | 000       | PLNG/Annexation split #3 - 10% | 3                 | 0.10    |
| 2665      | 535      | 9350         | 45641 | 54      | 000000    | 000       | PLNG/Annexation split #4 - 10% | 4                 | 0.10    |

3551.43  
 547.13  
 515.57  
 515.57  
5155.70

Tim Westerman  
 Finance & WPGD Section Manager  
 Eugene Planning & Development Department  
 541.682.5677

*Expense* 175,453.61662 # 5155.70



## 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 10<sup>th</sup> 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 |
|----------------|---------|--------|---------|
| 17-04-13-33    | 00400   | R-1/UL | 0.28    |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |

Property Address: 1505 River Road, Eugene, OR 97404

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

Public Service Districts:

| Name            |                                         |               |                    |
|-----------------|-----------------------------------------|---------------|--------------------|
| Parks:          | River Road Park and Recreation District |               |                    |
| Electric:       | EWEB                                    |               |                    |
| Water:          | EWEB                                    |               |                    |
| Sanitary Sewer: | City of Eugene                          |               |                    |
| Fire:           | City of Eugene                          |               |                    |
| Schools:        | Elementary: Howard                      | Middle: Kelly | High: North Eugene |
| Other:          |                                         |               |                    |

Received

NOV 22 2016

### 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](http://www.eugeneplanning.org)

City of Eugene  
Planning Division

### Written Statement (Submit 5 copies)



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

### **Site Plan Requirements**

*Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:*

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

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

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

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

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

PROPERTY OWNER OF TAX LOT: 17-04-13-33-00400

Name (print): Jon R. Ruiz, City Manager of the City of Eugene (property owner)

Address: 125 E. 8th Ave, 2nd Floor Email: ellen.e.meyi-galloway@ci.eugene.or.us

City/State/Zip: Eugene, OR 97401 Phone: 682-5532 Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

JON R. RUIZ, CITY MANAGER

11/18/2011

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): Tim Fassbender

Company/Organization: Public Works Department, City of Eugene

Address: 99 E. Broadway, Ste. 400

City/State/Zip: Eugene, OR 97401 Phone: 682-2704 Fax: \_\_\_\_\_

E-mail: tim.h.fassbender@ci.eugene.or.us

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

7-22-10

REPRESENTATIVE (If different from Surveyor):

Name (print): Ellen Meyi-Galloway

Company/Organization: Community Development Division, City of Eugene

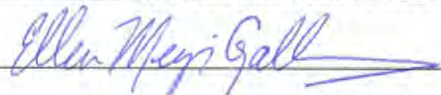
Address: 99 W. 10th Avenue

City/State/Zip: Eugene, OR 97401

Phone: 682-5532 Fax:

E-mail: ellen.e.meyi-galloway@ci.eugene.or.us

Signature:



Date:

11/1/16

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

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Adoption of a Resolution Authorizing the City Manager to Enter Into an Agreement Regarding a Grant From the Economic Development Administration to Support the Construction of a Fiber Optic Network in Downtown Eugene.

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Meeting Date: January 23, 2017  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2E  
Staff Contact: Anne Fifield  
Contact Telephone Number: 541-682-5451

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### ISSUE STATEMENT

The City of Eugene, the Eugene Water and Electric Board (EWEB), and the Lane Council of Governments (LCOG) have applied for a grant from the Economic Development Administration of the US Department of Commerce (EDA) to support the construction of a fiber optic network in downtown Eugene. It is a requirement of the grant that the co-applicants enter into a joint agreement providing for compliance with the grant conditions, and that the governing bodies of the participating entities adopt a resolution authorizing the chief executives of the bodies to sign the joint agreement.

### BACKGROUND

The City of Eugene has identified the development of a downtown fiber network as one of the City's primary strategic goals for economic prosperity. The City and its partners—EWEB and LCOG—worked on a successful pilot project to test the feasibility of implementing a downtown fiber network. The partners are now working together to implement the fiber network across downtown and to fully fund the construction of the network.

The total cost estimate to construct the downtown fiber network is \$4 million. City Council approved an ordinance amending the Downtown Urban Renewal Plan on June 13, 2016, making the downtown fiber project eligible for up to \$3 million in Urban Renewal funds. City Council authorized the submittal of a grant application to the EDA to fund up to 50% of the project's costs on September 28, 2016.

Being co-applicants with EWEB and LCOG provide added complexity to the grant application. One of those complexities is the requirement to have a joint agreement between all co-applicants specifying roles and responsibilities. Below is a high level breakdown of those roles and responsibilities.

- The City of Eugene will serve as the primary fiscal agent of the downtown fiber project, providing fiscal support for the monetary match, and for other costs as agreed to among

the parties, and will, with the assistance of EWEB and LCOG, provide all necessary information for reimbursement from the EDA of approved project expenses.

- EWEB owns and operates the electrical conduit wherein the fiber network will be installed. EWEB will own, during and after construction, the fiber optic network that is installed in the EWEB electrical system.
- LCOG owns and operates the Willamette Internet Exchange (WIX) and associated fiber optic cable connecting the WIX to the Internet outside the project area. LCOG will own, during and after construction, any additional facilities or material added to the WIX and to an expansion of the WIX, and any optical fibers installed to facilitate expansion of the WIX or the use of the WIX.

The governing bodies for both EWEB and LCOG have approved the execution of the joint agreement.

## **RELATED CITY POLICIES**

The downtown fiber network will address many goals for Eugene and downtown, including:

### *Envision Eugene Pillars*

- o Provide ample economic opportunities for all community members.
- o Promote compact urban development and efficient transportation options.

### *Regional Prosperity Economic Development Plan*

- o Provide basic business needs.
- o Strengthen key industries.

### *City Council Goal of Sustainable Development*

- o Increased downtown development.

### *Eugene Downtown Plan*

- o Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.

### *City of Eugene Community Broadband Strategic Plan*

- o Acquire world class broadband network capabilities in Eugene's downtown and along major corridors to accelerate high-tech business development.

## **COUNCIL OPTIONS**

The City Council may consider the following options:

1. Approve the Resolution authorizing the City Manager to execute the joint agreement.
2. Do not approve the Resolution.

## **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that City Council adopt the Resolution authorizing the City Manager to execute the joint agreement to meet EDA requirements for potential grant funding.

**SUGGESTED MOTION**

Move to adopt Resolution No. 5180, authorizing the City Manager to execute the joint agreement with Eugene Water and Electric Board and Lane Council of Governments.

**ATTACHMENTS**

- A. Resolution No. 5180
- B. Eugene Downtown Fiber Project Joint Agreement

**FOR MORE INFORMATION**

Staff Contact: Anne Fifield  
Telephone: 541-682-5451  
Staff E-Mail: [anne.e.fifield@ci.eugene.or.us](mailto:anne.e.fifield@ci.eugene.or.us)

**RESOLUTION NO. 5180**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT REGARDING A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION TO SUPPORT THE CONSTRUCTION OF A FIBER OPTIC NETWORK IN DOWNTOWN EUGENE.**

**The City Council of the City of Eugene finds that:**

**A.** The City of Eugene, the Eugene Water and Electric Board and the Lane Council of Governments are co-applicants for a grant from the Economic Development Administration of the U.S. Department of Commerce to facilitate the construction of a fiber optic system in downtown Eugene.

**B.** It is a requirement of the grant that co-applicants enter into a joint agreement providing for compliance with the grant conditions and delineating each co-applicant's responsibilities under the grant, and that the governing bodies of each co-applicant adopt a resolution authorizing its chief executive to sign the joint agreement.

**C.** The City Council is aware of the conditions of the grant and the terms of the joint agreement and is fully supportive of the project and the benefits that will be derived for downtown Eugene and the area as a whole.

**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.** The City Council accepts the joint agreement and authorizes the City Manager to execute the joint agreement in substantially the form presented to the Council.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council.

**The foregoing Resolution adopted the \_\_\_\_ day of January, 2017.**

---

**City Recorder**

Eugene Downtown Fiber Project Joint Agreement

Between and Among

The City of Eugene,  
The Eugene Water and Electric Board,  
The Lane Council of Governments

RECITALS

- A. ORS 190.010 provides that units of local government may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its officers, or agents have the authority to perform.
- B. The City of Eugene (hereinafter "CITY"), the Eugene Water and Electric Board (hereinafter "EWEB"), and the Lane Council of Governments (hereinafter "LCOG"), or "the Parties" collectively, are joint applicants for an economic development grant from the U.S. Department of Commerce, Economic Development Administration (EDA). The Parties wish to clarify roles and responsibilities for the downtown fiber project in order to facilitate receipt and use of grant funds.

AGREEMENT

1. This intergovernmental agreement represents the agreed upon terms for administration of an EDA grant and the supervision and management of the downtown fiber project for the completion of the Downtown Eugene Oregon Fiber Optic Network. This agreement is intended to supplement any existing agreements among any two of the parties concerning the project. In the event of any conflict or discrepancy between this agreement and any two party agreements, the specific provision of this agreement shall prevail. Each party to this agreement, and co-applicant for the EDA grant, is recognized as playing a unique and essential role in the completion of the downtown fiber project. This agreement draws upon and recognizes the mutual support and interest among the parties, and describes the interaction necessary to achieve the shared goals of a successful project intended to bring opportunities for the downtown area.

2. EWEB owns and operates the electrical conduit and electric service laterals wherein the microduct and fiber will be installed. EWEB will own, during and after construction, the electrical system, the microduct and the fiber optic cable that is installed in the EWEB electrical system, including any service laterals extending into buildings identified by the parties as being a part of the project. EWEB will own and maintain all EWEB installed microduct and fiber for the useful life of the microduct and fiber optic cable. EWEB shall make the installed fiber optic cable available to any person or business entity seeking to lease the fiber from EWEB, subject to availability. EWEB shall charge all entities leasing the fiber the applicable standard rate for use of the fiber, which rates shall be available for inspection or review by any entity.

3. LCOG owns and operates the Willamette Internet Exchange (WIX) and associated fiber optic cable connecting the WIX to the Internet outside the project area. LCOG will own, during and after construction, any additional facilities or material added to the WIX and to an expansion of the WIX, and any optical fibers installed to facilitate expansion of the WIX or the use of the WIX. LCOG's ownership and management of

these facilities and associated equipment will be maintained during the useful life of any material, equipment or facilities associated with the downtown fiber project. LCOG shall make the WIX and associated fiber connections available to any person or business entity seeking to lease space in the WIX, subject to availability. LCOG shall charge standard rates for the lease of space in the WIX, which rates shall be available for inspection or review by any entity.

4. The City of Eugene will serve as the primary fiscal agent of the downtown fiber project, providing fiscal support for the monetary match, and for other costs as agreed to among the parties, and will, with the assistance of EWEB and LCOG, provide all necessary information for reimbursement from the EDA of approved project expenses. When disbursements are received by the City, the City will promptly reimburse EWEB and LCOG for expenses submitted for payment, consistent with the direct agreements between the City and EWEB and the City and LCOG. The City will issue all required permits for work, when consistent with the City's existing regulations and requirements. The City will maintain all records required by the EDA and by state law.

5. All parties will abide by state procurement regulations, as adopted by each local jurisdiction. All parties will abide by federal and state prevailing wage laws, and shall require any contractors subject to the law to provide weekly payroll reports. The City of Eugene will be the project manager responsible for collecting any such weekly payroll reports and complying with applicable state and federal laws with regard to registering the project with the state and maintaining all prevailing wage reports and otherwise observing all prevailing wage requirements.

6. The parties specifically agree to the following division of responsibilities:

a. the City of Eugene shall be responsible for filing all EDA project reports.

b. the City of Eugene shall receive and distribute grant funds and file EDA financial reports.

c. EWEB shall be responsible for bidding, awarding and managing the procurement contracts for the acquisition of construction materials, specifically the microduct and the fiber, and for any contracts associated with installation of the microduct or fiber within the electrical system. Except where using outside contractors would create a cost savings, or where it would facilitate timely completion of the project, EWEB is expected to use EWEB personnel to install all microduct and all fiber installation involving work within the electrical vaults.

d. LCOG shall be responsible for bidding, awarding and managing the procurement contracts for the acquisition of any materials for the expansion of the WIX. LCOG shall be responsible for bidding, awarding, and managing any construction contracts, including installation of fiber, for work outside the electrical system. Given the variety of work and the possibility that the work may be more involved than a single contractor could handle, LCOG may, as long as it acts consistent with applicable procurement rules, use a qualification for types of work procurement solicitation, and select more than one qualified contractor, as long as all contractors selected meet the specified minimum qualifications.

e. The City of Eugene will be responsible for providing and documenting the EDA match requirement.

7. The parties have reviewed and understand the EDA grant application forms and award documents and the applicable statutes and regulations as those are referenced in the award documents, as those documents have been presented to them, and the parties agree to individually submit the EDA required application materials, including this agreement, to the EDA.

8. This Agreement shall remain in effect during the useful life of any material or equipment or facilities built, constructed or installed in accordance with the terms of the EDA grant. If any material, equipment or facilities must be replaced during such time as it would have otherwise been within the calculated original life of the replaced material, equipment or facilities, this agreement shall apply to the replacement equipment, material or facilities in the same manner that it would apply to the original material, equipment or facility. Given that the expected useful life of fiber optic cable, at twenty (20) years, is the longest expected useful life of any element of the EDA grant, the term of this agreement shall be twenty (20) years. The US Department of Commerce, EDA, shall remain an interested party and beneficiary of the parties' individual maintenance responsibilities during the term of this agreement. Certain material and facilities covered by this Agreement are intended to be leased to private parties to facilitate the use of the materials, and any such lease of, and any pledge of an interest in, any material or equipment or facilities developed pursuant to the downtown project shall be consistent with the long term maintenance and ownership obligations set forth in this Agreement.

9. The parties agree that any change to this Agreement must be in writing, signed by all the parties and must be submitted to the EDA.

10. The parties agree to provide the EDA with certified resolutions, providing that the authorized representative of each party is authorized to sign this agreement on behalf of the party adopting the resolution.

Signed:

The City of Eugene

\_\_\_\_\_  
Jon Ruiz, Eugene City Manager

\_\_\_\_\_  
Date

Eugene Water and Electric Board (EWEB)

\_\_\_\_\_  
Frank Lawson, EWEB General Manager

\_\_\_\_\_  
Date

Lane Council of Governments (LCOG)

\_\_\_\_\_  
Brendalee s Wilson, LCOG Executive Director

\_\_\_\_\_  
Date

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: An Ordinance Allowing a New Recreational Marijuana Facility to Locate Less Than 1000 feet from Looking Glass New Roads School

---

Meeting Date: January 23, 2017  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
Staff Contact: Mike McKerrow  
Contact Telephone Number: 541-682-5288

---

## ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance to provide an exception per state statute regarding the minimum distance between a marijuana dispensary and Looking Glass New Roads School.

## BACKGROUND

GlassRoots, LLC, a retail glass shop established six years ago titled Eugene Glass Menagerie and located at 980 W. 5<sup>th</sup> Avenue, was recently informed by the State of Oregon at the end of their recreational marijuana application process that a school was located closer than 1000 feet from the existing retail glass shop and their application would not be approved. The school, Looking Glass New Roads School, is located at 945 W. 7<sup>th</sup> Avenue.

While the straight line measurement from the closest property line of Looking Glass to the closest building corner of GlassRoots is approximately 540 feet, the distance a pedestrian would travel from door to door is approximately 1200 feet.

Earlier this year, the Legislature adopted Senate Bill 1511 which allows cities to adopt an ordinance permitting a recreational marijuana business to be located less than 1000 feet but no closer than 500 feet from a school if the City Council determines that “a physical or geographic barrier” separates the business from the school.

GlassRoots, LLC, has requested that the City Council consider adoption of such an ordinance prior to February 1<sup>st</sup>, 2017, when their application would expire. Adopting the ordinance would allow the establishment of recreational marijuana sales at their existing retail glass location.

The public hearing on this ordinance was held on January 17, 2017. The Agenda Item Summary for the public hearing included versions 1 and 2 of the ordinance. Ordinance version 1 had been posted for public review, however, prior to the public hearing, it was determined that, for OLCC’s purposes, the distance between Looking Glass and GlassRoots should be measured differently.

Ordinance version 2 included the corrected distance measurement and is the ordinance being considered at this meeting.

#### **RELATED CITY POLICIES**

Per the City's land use code, GlassRoots, LLC, is a permitted use at its current location in the C-2 Community Commercial zone. (The only City land use code standard relating to minimum separation requirements are needing at least 200 feet between freestanding signs in some commercial and industrial zones.)

#### **COUNCIL OPTIONS**

Council may adopt the proposed ordinance, or decline to adopt the proposed ordinance.

#### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends adoption of the proposed ordinance.

#### **SUGGESTED MOTION**

Move to adopt Council Bill 5163, an ordinance allowing a new recreational marijuana facility to locate less than 1,000 feet from Looking Glass New Roads School (Attachment A).

#### **ATTACHMENTS**

- A. Proposed Ordinance
- B. Map of Two Locations

#### **FOR MORE INFORMATION**

Staff Contact: Mike McKerrow  
Telephone: 541-682-5288  
Staff E-Mail: [mike.j.mckerrow@ci.eugene.or.us](mailto:mike.j.mckerrow@ci.eugene.or.us)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ALLOWING THE LICENSING OF A RECREATIONAL MARIJUANA RETAIL FACILITY TO LOCATE LESS THAN 1000 FEET FROM LOOKING GLASS NEW ROADS SCHOOL AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**The City Council of the City of Eugene finds as follows:**

**A.** ORS 475B.110(2)(d) provides that a recreational marijuana retail store registered with the Oregon Liquor Control Commission (OLCC) pursuant to ORS 475B.110 may not be located less than 1,000 feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school teaching children as described in ORS 339.030(1)(a).

**B.** GlassRoots. LLC, located at 980 W 5<sup>th</sup> Avenue, Eugene, Oregon, is a retail glass shop and has been working toward transitioning to a recreational marijuana retail store. GlassRoots submitted an application to OLCC in February of 2016 for a recreational marijuana retail license. Toward the end of the application process, OLCC notified GlassRoots that an alternative school was located within 1000 feet of the establishment. All application issues must be resolved by February 1, 2017, or the application will be denied and the application fee lost.

**C.** Looking Glass New Roads School (Looking Glass), located at 945 W 7<sup>th</sup> Avenue, Eugene, Oregon, assists homeless youth with basic needs such as food, clothing and showers. In addition, Looking Glass provides street outreach services, case management services (transitional living plan, assistance finding housing, etc.), an education program, behavioral health services (mental health and substance abuse treatment, dual diagnosis treatment), and employment guidance (e.g. résumé preparation, job searching, etc.).

**D.** The 2016 Legislature adopted SB 1511. Section 29b of that legislation provides that a city or county may adopt an ordinance that allows a recreational marijuana retailer to be located less than 1000 feet for a school provided that (1) the retailer has a license from OLCC and is located more than 500 feet from the school, and (2) the city or county determines that a physical or geographic barrier exists separating the retail store from the school.

**E.** GlassRoots is located east of Blair Blvd., south of W 5<sup>th</sup> Avenue, at the intersection of Blair Blvd. and W 5<sup>th</sup> Avenue. Looking Glass is located west of Blair Blvd., north of W 7<sup>th</sup> Avenue, near the intersection of Blair Blvd. and W 7<sup>th</sup> Avenue. The distance of pedestrian travel from the door of Looking Glass to the door of GlassRoots is approximately 1200 feet (per GEODart). The straight line measurement from door to door is approximately 700 feet, and the straight line measurement from the closest property line of Looking Glass to the closest building corner of GlassRoots is approximately 540 feet. The two facilities are located on opposite sides of Blair Blvd. and of W 6<sup>th</sup> Avenue. West 6<sup>th</sup> Avenue is a four lane "major" arterial, with average daily traffic of 30,000. Geographically, there are two fenced properties along the pedestrian route between GlassRoots and Looking Glass limiting direct access between the two facilities. In addition, the two facilities are not within line of sight of each other, in part due to trees and

**ATTACHMENT A**

structures blocking that view. In light of these facts, especially the busy arterial road separating the Looking Glass from GlassRoots, there are physical or geographic barriers that will limit children from traversing between the two establishments.

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The findings set forth above are adopted in support of this Ordinance.

**Section 2.** A physical or geographic barrier capable of limiting children from traversing directly between GlassRoots and Looking Glass exists as described in the above findings.

**Section 3.** Upon OLCC's issuance of a license to GlassRoots as a recreational marijuana retail facility, GlassRoots may operate as a recreational marijuana retail facility at 980 W 5<sup>th</sup> Avenue, Eugene, Oregon.

**Section 4.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately. An immediate effective date is necessary due to the February 1, 2017 deadline for Council adoption of an Ordinance allowing GlassRoots to operate as a recreational marijuana retail store.

**Passed by the City Council this**

\_\_\_\_\_ day of January, 2017

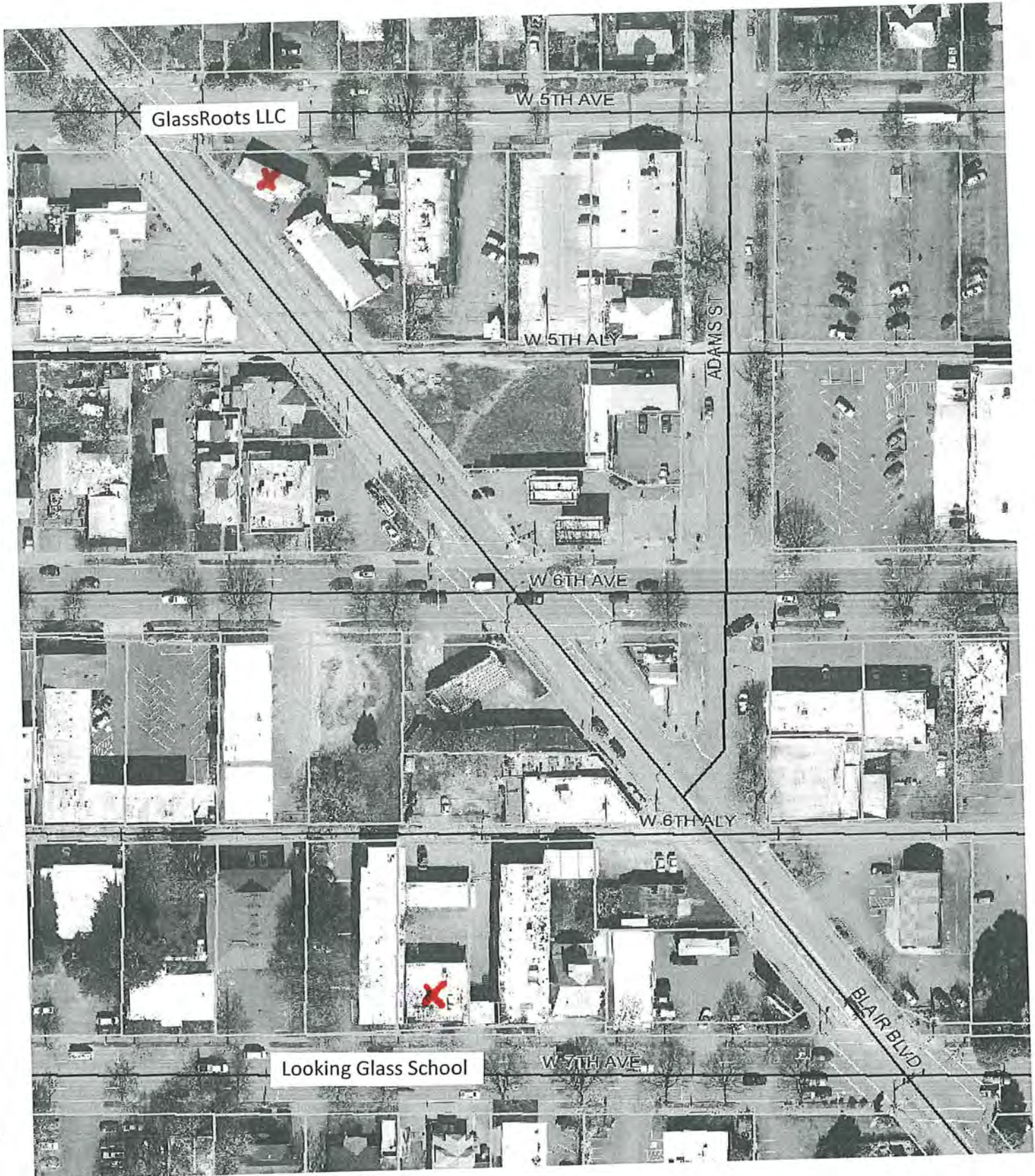
**Approved by the Mayor this**

\_\_\_\_\_ day of January, 2017

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

EXHIBIT B



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: Adoption of Resolution Annexing Land to the City of Eugene  
(Property Identified as Assessor's Map 18-03-09-20, Tax Lot 500)  
(Furtick; A 16-10)

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Meeting Date: January 23, 2017  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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## ISSUE STATEMENT

This item is a request to annex approximately 1.65 acres (72,075 square feet) of vacant land located north of the intersection of East 30<sup>th</sup> Avenue and Spring Boulevard. The property is located within the Urban Growth Boundary and is contiguous to the City limits. No public rights-of-way are proposed for annexation as part of this request. A vicinity map is provided as Attachment A.

The property is zoned AG Agricultural with /UL Urbanizable Lands Overlay. The Metro Plan and the Laurel Hill Plan designate the subject property for low density residential use. Annexation will allow for future development consistent with the property's designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

## BACKGROUND

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

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

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided consistent with Eugene Code requirements. As of

this date, one neighboring property owner, Patrick Holleran, submitted testimony regarding the proposed annexation (see Attachment D) expressing concerns about potential impacts that future development may have on his property and the surrounding area. He expresses concern about the map included with the public notice showing Central Boulevard connecting to 30<sup>th</sup> Avenue and Spring Boulevard, noting that it is unpaved and provides no through connection. He also raises concern about the provision of necessary utilities such as wastewater service, water, power and access for emergency response. Specifically, he states that he has been approached by the owners' representatives about obtaining a utility easement through his property and has not agreed to an easement, which is potentially problematic and likely to have a considerable impact on the land and other property owners in the area if the easement is not granted. As a result of these concerns he requests that council defer action until a public hearing can be held.

Staff requested additional information from the City's Public Works Department and the applicant to assist in responding to Mr. Holleran's testimony (see Attachment E). Public Works staff confirms that key urban services can be provided to the subject property in an orderly, efficient and timely manner within the adjacent city owned area of land consistent with EC 9.7825(3). This adjacent right-of-way is currently unpaved and any future street or access improvements would be reviewed for conformance with city standards. Public Works staff also confirms that the lack of an easement across Mr. Holleran's property is not problematic and does not preclude the annexation or development of the Furtick property, as there are other feasible alternatives to provide services. The applicant's representative supplied supplemental information (see Attachment F) that indicates the applicant will no longer seek any utility service access through Mr. Holleran's property, and submitted a revised map showing all utility line connections located within City right-of-way from Central Boulevard to the subject site. Referral comments from other affected agencies including Lane County Public Works and EWEB also confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria.

Based on this information confirming the minimum level of key urban services can be provided consistent with the annexation approval criteria, a public hearing is not recommended in this instance. Additionally, future development of the subject property will be required to meet applicable Eugene Code standards for public improvements, including streets and utilities, and any land division proposal (partition or subdivision) for the subject property will provide for opportunity for public review and comment through a land use application process.

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 10<sup>th</sup> Avenue.

## **RELATED CITY POLICIES**

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

## **COUNCIL OPTIONS**

City Council may consider the following options:

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

## **CITY MANAGER'S RECOMMENDATION**

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

## **SUGGESTED MOTION**

Move to adopt Resolution No. 5183 which approves the proposed annexation request consistent with the applicable approval criteria.

## **ATTACHMENTS**

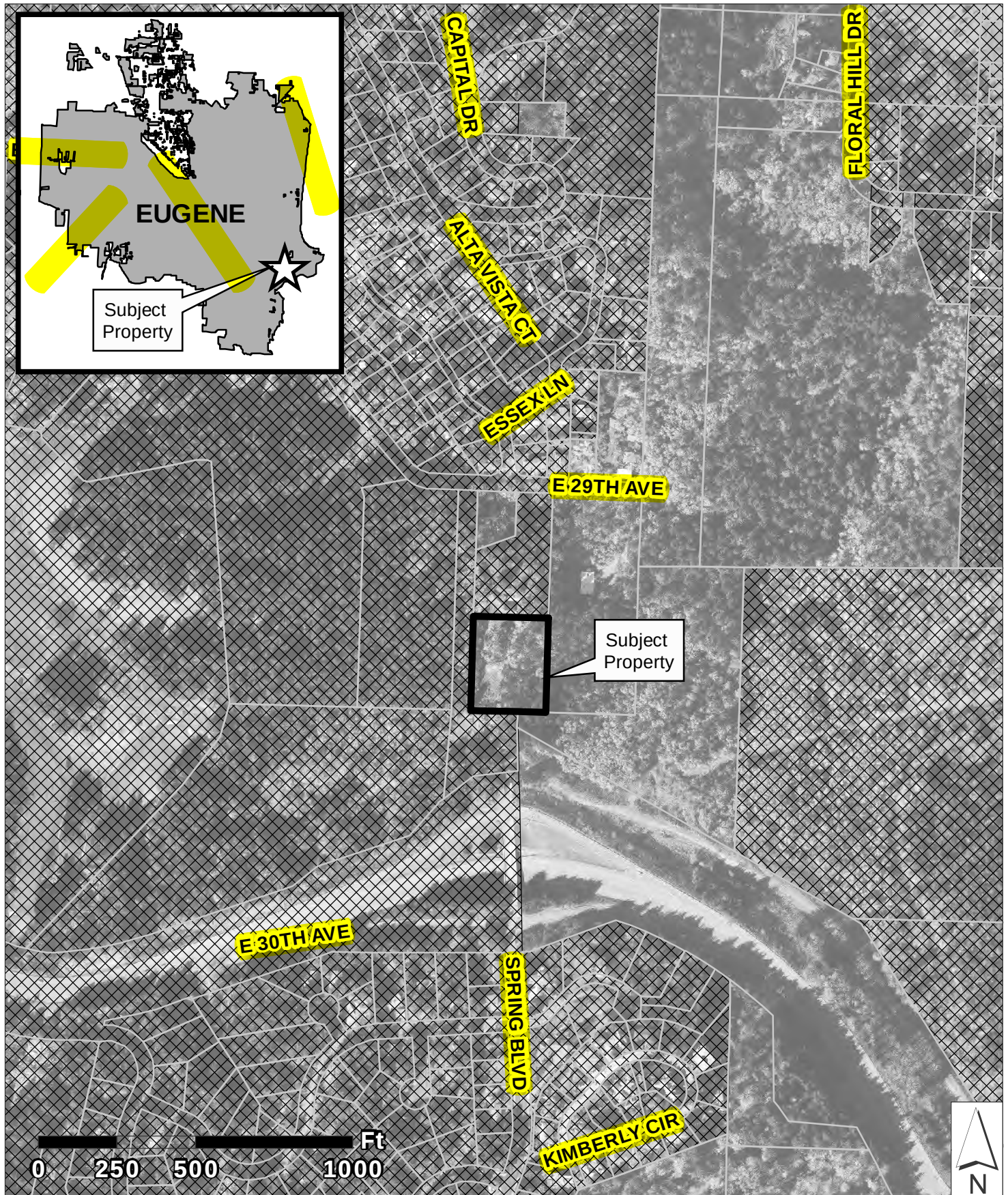
- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Map of Annexation Request
  - Exhibit B: Legal Description
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Public testimony from Patrick Holleran
- E. Public Works response to testimony
- F. Applicant supplemental information

## **FOR MORE INFORMATION**

Staff Contact: Nicholas R. Gioello  
Telephone: 541/682-5453  
Staff E-Mail: [Nick.r.gioello@ci.eugene.or.us](mailto:Nick.r.gioello@ci.eugene.or.us)

# Furtick, Don (A 16-10)

ATTACHMENT A



## Legend

Subject Property City Limits Taxlots

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

January 2017



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-03-09-20, TAX LOT  
500).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Donald R. Furtick on October 13, 2016, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 18-03-09-20, Tax Lot 500.

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

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

**D.** On December 22, 2016, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of property within 500 feet of the subject property, and the Laurel Hill Valley Citizens. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on January 23, 2017.

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

**NOW, THEREFORE,**

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

**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 18-03-09-20, Tax Lot 500, depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

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

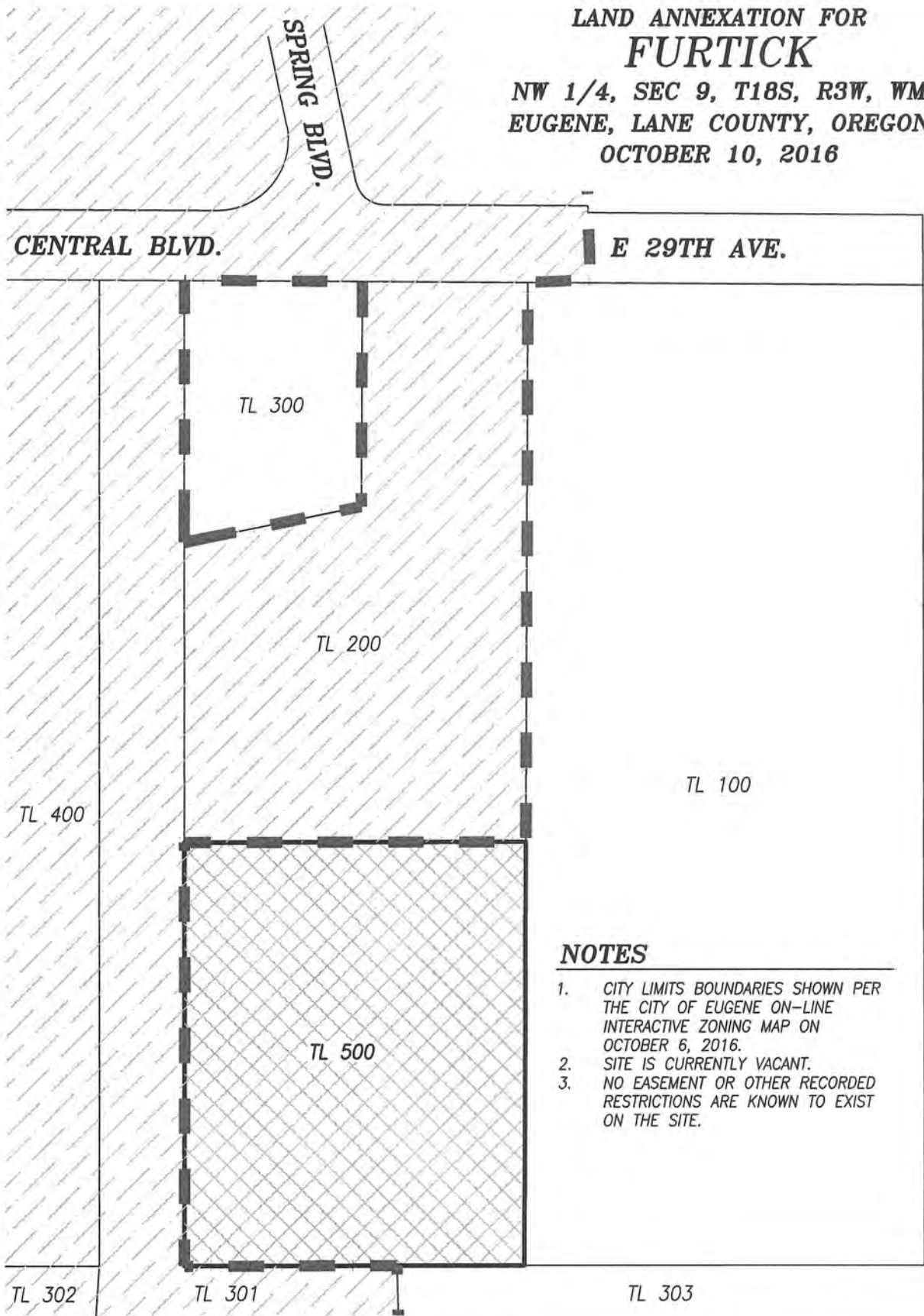
**The foregoing Resolution adopted the 23<sup>rd</sup> day of January, 2017.**

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**City Recorder**

Exhibit A

LAND ANNEXATION FOR  
**FURTICK**  
NW 1/4, SEC 9, T18S, R3W, WM  
EUGENE, LANE COUNTY, OREGON  
OCTOBER 10, 2016



**NOTES**

- 1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON OCTOBER 6, 2016.
- 2. SITE IS CURRENTLY VACANT.
- 3. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



**VICINITY MAP**

NOT TO SCALE

**LEGEND**

- CITY LIMITS
- LANDS TO BE ANNEXED



SCALE: 1"=100'

OCT 13 2016

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ASSESSOR'S MAP(S) TAX MAP 18-03-09-20, TL 500

SCANNED  
EXTRA COPY

## Exhibit B

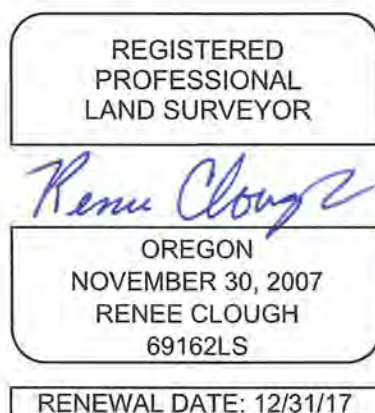
October 11, 2016

**LEGAL DESCRIPTION****ANNEXATION APPLICATION****TAX MAP 18-03-09-2, TAX LOT 500**

Branch Engineering Inc. Project No. 16-298:01

BEING all those lands conveyed to Donald R. Furtick and Sylvia Furtick, Co-Trustees of the Donald R. Furtick and Sylvia Furtick Living Trust UTD 10/8/13 by that Warranty Deed recorded on October 3, 2016 as Reception Number 2016-048695 in the Lane County Oregon Official Records; said lands being described as follows:

COMMENCING at the northeast corner of Lot 6, Block 22 of Chula Vista Park, as platted and recorded in the Lane County Oregon Plat Records; THENCE along the east boundary of said Lot 6 South 00°06'30" West, 397.12 feet to the **POINT of BEGINNING**; THENCE continuing along the east boundary of said Lot 6 South 00°06'30" West, 300.00 feet to southeast corner of said Lot 6; THENCE along the south line of said Lot 6 South 89°57'30" West, 240.00 feet; THENCE North 00°06'30" East, 300.00 feet; THENCE North 89°57'30" East, 240.00 feet, **RETURNING to the POINT of BEGINNING.**





## Exhibit C

**Planning Director's Findings and Recommendation:  
Annexation Request for Furtick, Don  
(City File A 16-10)**

|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| <b>Application Submitted:</b> October 13, 2016                                                                           |
| <b>Applicant:</b> Don Furtick                                                                                            |
| <b>Location:</b> East 30 <sup>th</sup> Avenue and Spring Boulevard                                                       |
| <b>Subject Property:</b> Tax Lot 500 of Assessor's Map 18-03-09-20                                                       |
| <b>Zoning:</b> AG with Agricultural Zone and /UL Urbanizable Lands Overlay                                               |
| <b>Representative:</b> Renee Clough, Branch Engineering, 310 5 <sup>th</sup> Street, Springfield, OR 97477; 541-746-0637 |
| <b>Lead City Staff:</b> Nicholas Gioello, City of Eugene Planning Division, 541-682-5453                                 |

**EVALUATION:**

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

|                                                                                                                                                                                                                                                                           |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EC 9.7825(1) The land proposed to be annexed is within the City’s urban growth boundary and is:</b><br><b>(a) Contiguous to the city limits; or</b><br><b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b> |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Complies</b>                                                                                                                                                                                                                                                           |                                    | <b>Findings:</b> The annexation area is within the City’s urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input checked="" type="checkbox"/> <b>YES</b>                                                                                                                                                                                                                            | <input type="checkbox"/> <b>NO</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>                                                                                                                              |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Complies</b>                                                                                                                                                                                                                                                           |                                    | <b>Findings:</b> 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> ):<br><br><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><br><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i><br><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> |
| <input checked="" type="checkbox"/> <b>YES</b>                                                                                                                                                                                                                            | <input type="checkbox"/> <b>NO</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                |                             | <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority (page II-C-5).</i></p> <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>As addressed below under subsection (3), and consistent with these policies, a minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner. This annexation request is proposed by the property owner and is subject to the City's normal process for consideration of voluntary annexations.</p> <p>The <u>Metro Plan</u> designates the subject property for low density residential use, and as such, future rezoning will be required to bring the property's zoning into conformance with the designation for low density residential use (from AG Agricultural to R-1 Low-Density Residential). The <u>Laurel Hill Plan</u> and the <u>South Hills Study</u> are the adopted refinement plans for the subject property, however neither plan includes policies that would serve as approval criteria for the proposed annexation.</p> |
| <b>EC 9.7825(3)</b>                            |                             | <b>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.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Complies</b>                                |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <input checked="checked" type="checkbox"/> YES | <input type="checkbox"/> NO | <p><b>Findings:</b> 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><br/>There is an 8-inch line within Central Boulevard available to serve the subject property; the distance from the subject property to the public wastewater line is approximately 450 feet. The public system can be extended by the property owner/developer to serve the subject property.</p> <p><u>Stormwater</u><br/>Stormwater drainage facilities are not immediately available to the subject property but can be provided at the time of development consistent with the City's stormwater regulations.</p> <p><u>Transportation</u><br/>This property has frontage on existing un-improved right-of-way, identified as City owned Tax Lot 301, Assessor's map 18-03-09-20; this right-of-way is expected to be the future extension of Spring Boulevard. Consistency with public improvement and street standards will be evaluated and ensured at the time of development. A Lane County Facility Permit may also be required for any future connection to Spring Boulevard,</p>                                                                                                |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>which is under the County's jurisdiction at this location.</p> <p><u>Solid Waste</u><br/>Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u><br/>EWEB Water staff and Electric staff state no objection to the proposed annexation. Water and electric services can be extended in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u><br/>Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by the City of Eugene Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u><br/>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. The site is also conveniently located near the Ribbon Trail, Hendricks Park and other publicly owned open space along the south hills ridgeline.</p> <p><u>Planning and Development Services</u><br/>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><br/>A variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u><br/>The subject property is within the Eugene School District boundary and served by Edison Elementary School, Roosevelt Middle School, and South Eugene High School.</p> |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**CONCLUSION:**

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

**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. City review is required before development can occur on this lot. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- For information regarding EWEB requirements at the time of development, please contact Bill Johnson, EWEB Water, at 541-685-7377; Jon Thomas, EWEB Electric, at 541-685-7472; and Lori Price EWEB Right-of-Way, at 541-685-7366.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

November 29, 2016



**WRITTEN STATEMENT  
ANNEXATION**

**TM 18-03-09-2, TL 500**

Branch Engineering Inc. Project No. 16-298:01

This application proposes an annexation for Tax Map 18-03-09-2, Tax Lot 500. The property is located inside the Metro Plan boundary and is zoned AG Agriculture, with a /UL Urbanizable Land Overlay Zone. The subject site is currently adjacent to City of Eugene incorporated land (Tax Map 18-03-09-2 Tax Lots 200 and 301). The purpose of the annexation is to allow construction of a new home should the property owner decide to do so in the future. The following describes how the proposed annexation conforms to the Eugene Code:

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

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

*The property to be annexed is within the urban growth boundary and contiguous to the city limits (Tax Map 18-03-09-2 Tax Lots 200 and 301).*

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

*The property is within the Metro Plan, the South Hills Study and the Laurel Hill Plan. The Laurel Hill Plan does not have any policies applicable to annexation. Both the Metro Plan and the South Hills Study require key urban facilities and services to be available. (Metro Plan: Growth Management Goals, Findings and Policies 8 and 15; South Hills Study: Urban Service Area Recommendation 2)*

  - *Electrical service is provided by EWEB. Overhead wires along the north side of Central Blvd are available for connection via the city owned Tax Lot 301.*
  - *Water service is provided by EWEB. A 10" water main is available for connection in the city owned Tax Lot 301.*
  - *The City of Eugene currently has an 8" wastewater main in Central Blvd available for connection via the city owned Tax Lot 301.*

- *City of Eugene Fire & EMS Department is already providing service to the site.*
- *Access to 30<sup>th</sup> Avenue is available through an extension of Spring Boulevard in city owned Tax Lot 301. This access route will be to 30<sup>th</sup> Avenue only for two reasons: first, the Laurel Hill Plan Transportation Policy 1 disallows a connection between 30<sup>th</sup> Avenue and the Glenwood Interchange and second, a segment of the tax lot near Central Boulevard is approximately a 28% slope. City design standards have a maximum street slope of 15% with sections up to 20% for no more than 200 feet. To accomplish these grades through a section of 28% existing slope would require more earthwork than supported by the South Hills Study. It should be noted that Tax Lot 301 is street right-of-way because the city's deed (Reel 2047R, Instrument 9514751) for Tax Lot 301 states that:*

*City, by acceptance of this grant, hereby declares that it has full knowledge that the subject real property conveyed by this grant was acquired with road funds of Lane County and hereby accepts the legal obligations and restrictions of use of the property for public road purposes as provided for under Oregon law and this grant.*

- *The city does not have any storm sewer facilities in the area. Therefore, any future development on the site will need to treat stormwater on-site, then detain and release in a manner that mimic current drainage patterns.*

*Other policies in the Metro Plan and South Hills Study address annexation in the context of defining the allowable UGB limits. Since the site is located inside the UGB it is reasonable to expect that these policies have been met and do not need to be specifically addressed here.*

- (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.*

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

DEC 13 2016

## Summary of Urban Service Provision

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

Property Owner(s) Name:

Don Furtick

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation

(For example: Map 17-03-19-31, Tax Lot 100)

Map 18-03-09-20, Tax Lot 500

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

The property(ies) in this annexation request:

X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8", Central Blvd.

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

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

A service line can be extended by the property owner from Central Blvd southerly through the City-owned TL 301. No date is known at this time.

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

Is the site currently served by an approved stormwater system?

No

If yes,  
location? \_\_\_\_\_

If no, how will stormwater be handled after development? -  
On-site treatment and detention, release to mimic existing drainage patterns.

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

30th Ave to Spring Blvd

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

\_\_\_\_\_ Yes                      X No                      \_\_\_\_\_ Unknown

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

X Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Unknown

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

### **Parks, Recreation, and Cultural Services**

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

Ribbon Trail and Laurelwood Golf Course

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

### **Public Safety**

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

**For River Road/Santa Clara area-**

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

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

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

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

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

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

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

**Electric Service** -- Which electric company will serve this site?  
EWEB \_\_\_\_\_.

**Water Service** -- Please provide the size and location of the water main closest to your property. 10", TL 301 to west.

\_\_\_\_\_.

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

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

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

## Certification of Description

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

Signature:

*Renee Clough*

Registered Land Surveyor

Print Name:

Renee Clough, PLS, PE, AICP

Date:

10/6/16

Seal:

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Renee Clough*

OREGON  
NOVEMBER 30, 2007  
RENEE CLOUGH  
69162LS

RENEWAL DATE: 12/31/17

1001 12 3000

## 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: TM 18-03-09-20, TL 500 Address: none

Legal Description:

All those lands conveyed by that Warranty Deed recorded on October 3, 2006 as Reception Number 2016-048695 in the Lane County Oregon Official Records.

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

DATED this 7<sup>th</sup> day of October, 2016.



Donald R. Furtick, Co-Trustee

Donald R. Furtick and Sylvia Furtick  
Living Trust 10/8/13

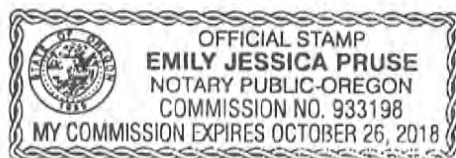
STATE OF OREGON )

County of )

)ss

On this 7<sup>th</sup> day of October, 2016, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Donald R. Furtick, co-Trustee, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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



Notary Public for Oregon

My Commission Expires October 26, 2016

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<br>m/d/y | Print Name                                                 | Residence Address<br>(street, city, zip code) | Map and Tax Lot Number<br>(example: 17-04-03-00-00100) | ✓<br>Land<br>Owner | ✓<br>Reg.<br>Voter | Acres<br>(qty) |
|-------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------|--------------------|--------------------|----------------|
|  | 10/10/16             | Donald R. Furtick<br><i>Donald R. Furtick Living Trust</i> |                                               | 18-03-09-20-00500                                      | X                  |                    | 1.65           |
|                                                                                     |                      |                                                            |                                               |                                                        |                    |                    |                |
|                                                                                     |                      |                                                            |                                               |                                                        |                    |                    |                |
|                                                                                     |                      |                                                            |                                               |                                                        |                    |                    |                |
|                                                                                     |                      |                                                            |                                               |                                                        |                    |                    |                |
|                                                                                     |                      |                                                            |                                               |                                                        |                    |                    |                |

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

### CERTIFICATION OF PROPERTY OWNERS

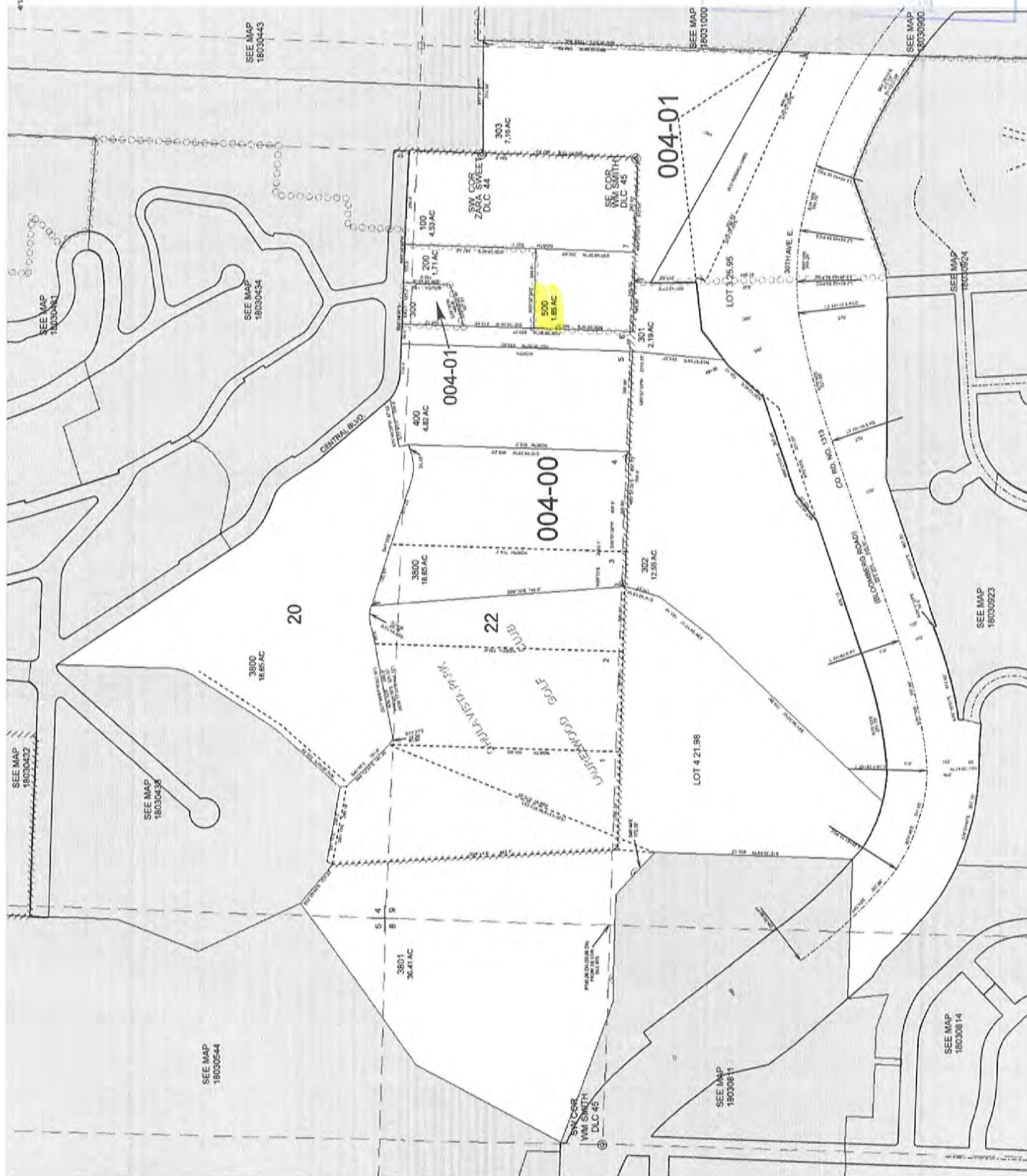
The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is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

### CERTIFICATION OF ELECTORS

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

  
Lane County Department of Assessment and Taxation  
Oct 10, 2016  
Date Certified

Cynthia Kurnish  
Lane County Clerk or Deputy Signature  
10/7/16  
Date Certified





# LANE COUNTY

## Property Account Summary As Of 10/10/2016 Status: Active

Account No.: 0661783 Alternate Property Number: 1803092000500  
Account Type: Real Property  
TCA: 00401  
Situs Address: ADDRESS UNKNOWN  
OR  
Legal: Township 18 Range 03 Section 09 Quarter 20 TL 00500

### Parties:

| Role     | Name & Address                                                                        |
|----------|---------------------------------------------------------------------------------------|
| Owner    | DONALD R & SYLIVA FURTICK LIVING TRUST<br>500 LONE MAN CREEK DR<br>WIMBERLEY TX 78676 |
| Taxpayer | DONALD R & SYLIVA FURTICK LIVING TRUST<br>500 LONE MAN CREEK DR<br>WIMBERLEY TX 78676 |
| Trustee  | FURTICK SYLVIA<br>500 LONE MAN CREEK DR<br>WIMBERLEY TX 78676                         |
| Trustee  | FURTICK DONALD R<br>500 LONE MAN CREEK DR<br>WIMBERLEY TX 78676                       |

### Property Values:

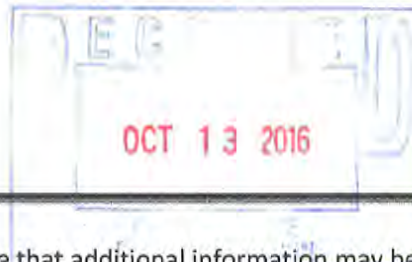
| Value Name | 2016      | 2015      | 2014      | 2013      | 2012      |
|------------|-----------|-----------|-----------|-----------|-----------|
| MKTTL      | \$149,011 | \$146,226 | \$140,656 | \$135,085 | \$144,219 |
| AVR        | \$64,340  | \$62,466  | \$60,647  | \$58,881  | \$57,166  |
| TVR        | \$64,340  | \$62,466  | \$60,647  | \$58,881  | \$57,166  |

### Property Characteristics:

| Tax Year | Characteristic        | Value                    |
|----------|-----------------------|--------------------------|
| 2016     | Property Class        | 190 Potential dev vacant |
|          | Change Property Ratio | 1XX Residential          |
|          | Size                  | 1.65                     |
|          | Code Split            | N                        |
|          | Fire Patrol Acres     | 1.65                     |
|          | Neighborhood          | 411502                   |

### Exemptions:

(End of Report)



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 10<sup>th</sup> Avenue, Eugene.

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

| Assessor's Map | Tax Lot | Zoning | Acreage |
|----------------|---------|--------|---------|
| 18-03-09-2     | 500     | AG /UL | 1.65    |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |

**Property Address:** No address. Eugene, OR. North of E 30th Ave, east of Laurelwood Golf Course.

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

**Public Service Districts:**

| Name                   |                           |                          |                           |
|------------------------|---------------------------|--------------------------|---------------------------|
| <b>Parks:</b>          | City of Eugene            |                          |                           |
| <b>Electric:</b>       | EWEB                      |                          |                           |
| <b>Water:</b>          | EWEB                      |                          |                           |
| <b>Sanitary Sewer:</b> | City of Eugene            |                          |                           |
| <b>Fire:</b>           | Eugene Fire and EMS       |                          |                           |
| <b>Schools:</b>        | <b>Elementary:</b> Edison | <b>Middle:</b> Roosevelt | <b>High:</b> South Eugene |
| <b>Other:</b>          |                           |                          |                           |

### 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](http://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 14" sheet of paper. Site plans shall include the following information:*

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

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

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

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

By signing, the undersigned certifies that s/he 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: 500

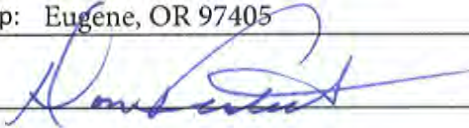
Name (print): Don Furtick

Address: 790 Lorane Highway

Email:

City/State/Zip: Eugene, OR 97405

Phone: 512-847-8118 Fax:

Signature: 

Date: 10/7/16

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

**SURVEYOR:**

Name (print): Renee Clough, PLS, PE, AICP

Company/Organization: Branch Engineering, Inc

Address: 310 Fifth Street

City/State/Zip: Springfield, OR 97477

Phone: 541-746-0637 Fax:

E-mail: ReneeC@branchengineering.com

Signature: 

Date: 10/7/16

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

Name (print):

---

Company/Organization:

---

Address:

---

City/State/Zip:

Phone:

Fax:

---

E-mail:

---

Signature:

Date:

---

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

## Attachment D

**GIOELLO Nick R**

---

**From:** Pat Holleran <holleran@shannontech.com>  
**Sent:** Tuesday, January 10, 2017 8:57 PM  
**To:** GIOELLO Nick R  
**Cc:** ZELENKA Alan  
**Subject:** Annexation Issues

Mr. Gioello:

I am writing in regard to the "Notice of Consideration of Annexation Request" regarding the Furtick property which we received in the mail. My wife and I are the owners of the land adjacent to and north of the property in question.

First, the map which was included in the mailer is incorrect in one respect in that it shows the east-west section of Central Blvd. in front of our property connecting to the north-south section below and to the northwest of this area. The east-west section of Central/29th Ave. is an unpaved spur which connects to Spring Blvd. only and provides no other outlet. It is also important to note that the Furtick property is near 30th Avenue and Spring Blvd. but is not located on either street.

Second, there are some significant issues related to the development potential of the property in question. This property is completely surrounded by heavily used city-owned recreational land on the west and south, and by privately owned land on the east (The Obsidians) and the north (our property). The Furtick land is completely separated from the developed section of the neighborhood by our property.

This isolation creates some serious challenges in providing basic city services, such as power, water, sewer, Fire Dept. support, and transportation to this plot. The owner, through a representative, has solicited my wife and I on multiple occasions to provide a utility easement through our property. We have not yet allowed this easement, and may decide not to do so. However, without this easement accessing city services will be extraordinarily problematic and will likely have a considerable impact on the land and the property owners in the adjacent neighborhood. Whatever plans might exist to thus provide basic city services to the Furtick property have not been presented to or discussed with anyone in this area.

It is clear that, given the current situation, the annexation requirement that urban facilities and services can be provided in an orderly, efficient, and timely manner is not close to being met here. Given that situation, and the lack of information available to potentially affected property owners, including ourselves, the proper action at this time is for the council to defer a decision until a public hearing on the request can be held.

I would be happy to provide any further information which might be relevant to the consideration of this annexation request.

-Patrick Holleran  
2930 Central Blvd.  
Eugene, Oregon 97403

**GIOELLO Nick R**

---

**Subject:** RE: Annexation Issues

-----Original Message-----

From: FAVREAU Eric J

Sent: Wednesday, January 11, 2017 1:51 PM

To: GIOELLO Nick R <Nick.R.Gioello@ci.eugene.or.us>

Cc: GILLESPIE Scott N <Scott.N.Gillespie@ci.eugene.or.us>; SMITH Deanna N <Deanna.N.Smith@ci.eugene.or.us>

Subject: RE: Annexation Issues

Nick,

I'm hoping to help answer some of the questions that Mr. Holleran asked regarding the Furtick property annexation.

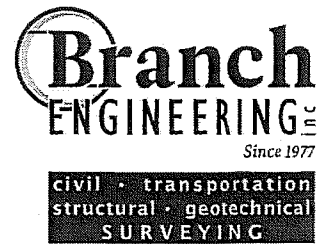
During the annexation phase of the project, the applicant does not need to show proposed utility alignments or grades. Regarding annexation, EC 9.7825(3) states that "The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner." Since the property to the west of the subject property is owned by the City of Eugene, the applicant may place key urban facilities within this right-of-way in accordance with City Standards, something that the applicant has shown as a feasible option. The City owned right of way provides a continuous corridor for utilities, transportation, Fire and existing recreational activity consistent with the Annexation approval criteria in EC 9.7825 (3). Although the applicant's preferred method would be to have a utility easement through Mr. and Mrs. Holleran's property, they have the right to deny the applicant's request. Lack of an easement across Mr. Holleran's property is not problematic and does not preclude the annexation or development of the Furtick property. All key urban services can be provided to the subject property in an orderly, efficient and timely manner within the City owned right of way consistent with EC 9.7825(3). The City of Eugene's Public Improvement Design Standards Manual requires that all wastewater mains be within public right-of-way or easements and that they maintain minimum slopes. The City of Eugene allows for private wastewater laterals to be pumped to the main line if grade is an issue.

Hope this helps. Feel free to contact me with any more questions.

Thanks,

Eric Favreau

Civil Engineer 1 | Direct: (541) 682-2869 City of Eugene | Public Works Engineering  
99 E Broadway, Ste. 400 | Eugene, OR 97401



January 13, 2017

Nick Gioello  
Planning & Development  
City of Eugene  
99 W 10<sup>th</sup> Ave  
Eugene OR 97401

**RE: PUBLIC COMMENT RESPONSE**  
**FURTICK ANNEXATION (A16-10)**  
Branch Engineering Inc. Project No. 16-298:01

Dear Nick,

This letter is to address the confusion Mr. Holleran expressed in his January 10<sup>th</sup> email to yourself and Councilor Zelenka.

His first point demonstrates a misunderstanding of the Vicinity Map shown on our mapping. Nowhere do we state that the Vicinity Map represents drivable surface existing on the ground as Mr. Holleran is asserting. Several years ago our office purchased digital copies of the Tax Maps from the County Assessor's Office. The Vicinity Map is a clip out of the digital tax map. The Tax Maps show ownership as reported to the Assessor's Office, not improvements. The city has reported to the Assessor's Office that they have street right-of-way ownership in the area to which Mr. Holleran is objecting.

His second point demonstrates confusion on two sub-points. The first sub-point is why the owner's representative approached him about swapping the existing access easement for a utility easement. The intent was an attempt at being neighborly by proposing an idea that could be seen as a positive for both parties. Mr. Holleran and his wife would no longer have the risk of a driveway being constructed in their side yard. The site would gain flexibility for utility connections. However, since Mr. Holleran has been difficult to contact we have chosen to proceed without the additional flexibility and leave the driveway easement intact. Mr. Holleran seems to be expressing confusion though about the fact that this in no way makes the site undevelopable.

The second sub-point is the ability of the city to provide utility connections to the site. The application material previously submitted demonstrates that this is possible; however, since Mr. Holleran expressed some difficulty visualizing the discussion, the mapping has been updated to provide a visual of the utility discussion.

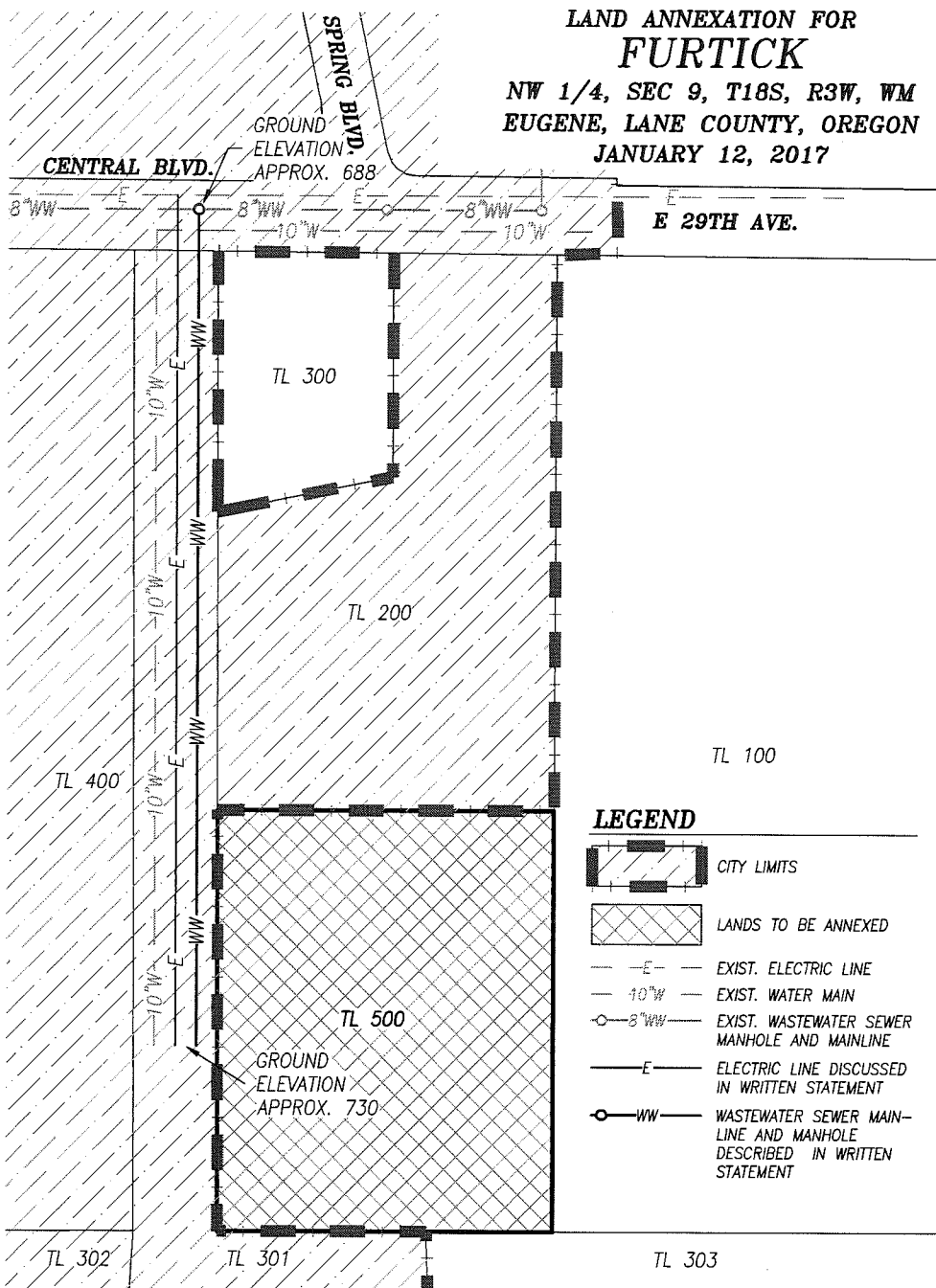
Please feel free to let me know if any additional points of confusion arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Clough". The signature is fluid and cursive, with the first name "Renee" and last name "Clough" clearly distinguishable.

Renee Clough, PLS, PE, AICP  
Principal  
*Branch Engineering Inc.*

LAND ANNEXATION FOR  
**FURTICK**  
NW 1/4, SEC 9, T18S, R3W, WM  
EUGENE, LANE COUNTY, OREGON  
JANUARY 12, 2017

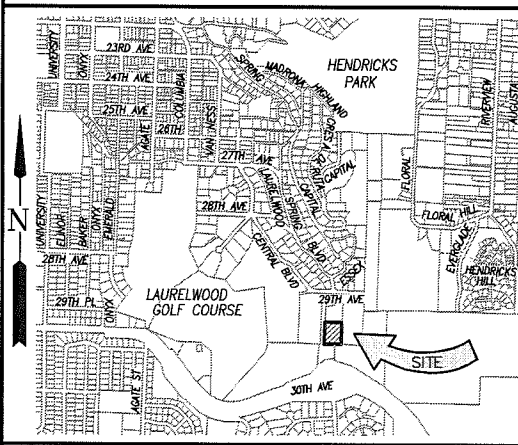


**LEGEND**

- CITY LIMITS
- LANDS TO BE ANNEXED
- EXIST. ELECTRIC LINE
- EXIST. WATER MAIN
- EXIST. WASTEWATER SEWER MANHOLE AND MAINLINE
- ELECTRIC LINE DISCUSSED IN WRITTEN STATEMENT
- WASTEWATER SEWER MAINLINE AND MANHOLE DESCRIBED IN WRITTEN STATEMENT

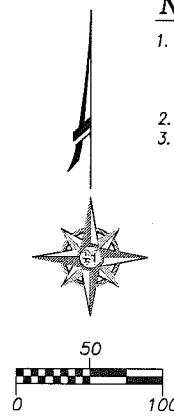
**NOTES**

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON OCTOBER 6, 2016.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



VICINITY MAP

NOT TO SCALE



SCALE: 1"=100'

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# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: An Ordinance Concerning the Rental Housing Code; Amending Sections 8.415, 8.425 and 8.430 of the Eugene Code, 1971, and Repealing the Sunset Date

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Meeting Date: January 23, 2017  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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## ISSUE STATEMENT

City Council is scheduled to take action on an ordinance that adds language to the Rental Housing code to address carbon monoxide alarms, electrical systems, appliances, and rats. The Ordinance removes the sunset clause and adds language requiring the City Manager review the Rental Housing Code program and report to City Council every three years. If no further action is taken the code's ordinance will sunset on March 1, 2017 and be repealed.

## BACKGROUND

The Eugene Rental Housing Code was adopted by the City Council in 2004 to set minimum habitability standards for rental housing. When the Rental Housing code was created, it included an initial sunset date of December 31, 2008. Since that time, the sunset date has been extended four times by the City Council. Currently, Eugene's Rental Housing code is scheduled to sunset on March 1, 2017 if no action is taken.

At the December 7, 2016 work session City Council directed the City Manager to prepare an ordinance to remove the Rental Housing Code sunset date and amend the provisions to incorporate recommendations from the Housing Policy Board.

A public hearing was held January 17, 2017 on the proposed ordinance. Twenty seven people testified at the hearing. The majority of testimony was related to the fee, retention of a sunset clause and the need for outreach. Seven people testified that the sunset clause should remain. Sixteen people testified in support of the proposed ordinance and the need for more outreach efforts.

Councilors requested additional information regarding the City's outreach plan, shortened timelines during severe weather, and the cost of administering the program. Staff will provide this information prior to Council action.

## RELATED CITY POLICIES

### *City Council Goals*

- Safe Community: A community where all people are safe, valued and welcome.

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

#### *Envision Eugene Pillars*

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

#### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that City Council adopt the proposed ordinance.

#### **SUGGESTED MOTION**

Move to adopt Council Bill 5162, an Ordinance amending the Rental Housing Code.

#### **ATTACHMENTS**

A. An Ordinance Removing the Sunset Date and Amending Sections 8.415, 8.425 and 8.430

#### **FOR MORE INFORMATION**

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

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING THE RENTAL HOUSING CODE;  
AMENDING SECTIONS 8.415, 8.425 AND 8.430 OF THE EUGENE  
CODE, 1971, AND REPEALING THE SUNSET DATE.**

**The City Council of the City of Eugene finds as follows:**

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

**B.** Since its initial adoption in 2004, the Rental Housing Code sunset date has been extended and its provisions amended. The most recent amendment was adopted by Ordinance No. 20494 on June 11, 2012. The most recent extension was adopted by Ordinance No. 20568 on September 26, 2016, extending the sunset date to March 1, 2017.

**C.** The Council has determined that the Rental Housing Code sunset date should be removed and that revisions recommended by the Housing Policy Board be incorporated into the Rental Housing Code.

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 8.415 of the Eugene Code, 1971, is amended by adding the definitions of “Carbon Monoxide Alarm” and “Carbon Monoxide Source” and by repealing the definition of “Plumbing code” to provide as follows:

**8.415      Rental Housing – Definitions.** For purposes of sections 8.400 through 8.440 of this code, the following words and phrases mean:

***Carbon Monoxide Alarm. A device that:***

- a. Detects carbon monoxide;***
- b. Produces a distinctive audible alert when carbon monoxide is detected;***
- c. Conforms to State Fire Marshal rules;***
- d. Is listed by Underwriters Laboratories or any other nationally recognized testing laboratory or an equivalent organization; and***
- e. Operates as a distinct unit or as two or more single station units wired to operate in conjunction with each other.***

***Carbon Monoxide Source.*** A heater, fireplace, appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit carbon monoxide as a by-product of combustion, or an attached garage with an opening that communicates directly with a living space.

***Essential Services.*** Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior doors, latches for windows and any cooking appliance or refrigerator supplied or required to be supplied by the landlord; and any other service or habitability obligation imposed by the rental agreement or ORS 90.320, the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the dwelling unit unfit for occupancy.

~~[Plumbing code. The current edition of the State of Oregon Plumbing Specialty Code or Oregon Residential Specialty Code.]~~

**Section 2.** Section 8.425 of the Eugene Code, 1971, is amended by adding new subsections (7), (8), (9) and (10), and renumbering current subsection (7) to subsection (11) to provide as follows:

**8.425      Rental Housing – Standards.**

- (7) Carbon Monoxide Alarms.** Every dwelling unit that contains a carbon monoxide source shall be equipped with at least one approved and properly functioning carbon monoxide alarm installed and maintained in accordance with State Fire Marshal rules, applicable requirements of the state building code, and the Oregon Revised Statutes. A dwelling unit that is located within a structure that contains a carbon monoxide source and is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft is considered to contain a carbon monoxide source.
- (8) Electrical.**
  - (a)** Electrical systems, including electrical outlets, light fixtures and light switches, shall be in good working order.
  - (b)** Electrical systems shall conform to applicable law at the time of installation. Repairs must be permanent rather than temporary and shall be through generally accepted electrical methods.
- (9) Appliances.** All appliances that are furnished by the landlord, including, but not limited to, refrigerator, range, air conditioner,

*dishwasher, microwave, clothes washer and dryer, must be in good working order and shall be maintained by the landlord.*

**(10) Rats.** *Every dwelling unit must be maintained free of rats. At a minimum, the landlord must comply with the standards set forth in section 6.015 of this code.*

**(711) Interpretations.**

- (a) The city manager is empowered to render interpretations of sections 8.400 through 8.440 of this code.
- (b) Such interpretations shall be consistent with the purpose of this code.

**Section 3.** Subsections (2)(d) and (5) of Section 8.430 of the Eugene Code, 1971, are amended to provide as follows:

**8.430      Rental Housing – Enforcement.**

**(2) Complaint.**

- (d) Complaints shall be processed by the city manager. The city manager shall adopt rules pursuant to section 2.019 of this code that specify the procedure to be followed in processing complaints. Before initiating an investigation under subsection (3) of this section, the city manager shall:
  - 1. Confirm that the complainant has standing to file a complaint;
  - 2. Confirm that the subject of the complaint could be a violation of this code;
  - 3. ***Except for complaints regarding lack of essential services, [C]confirm that the owner or the owner's agent has had ten days since mailing of the written notice by the tenant to respond to the complaint;***
  - 4. ***For complaints involving lack of essential services, confirm that the owner or owner's agent has had 48 hours from the time the tenant provided written notice to respond to the complaint;*** and
  - [45.] Provide notice to the owner or the owner's agent of the complaint per written procedures.

**(5) Notices and Orders.**

- (a) For valid complaints, the city manager shall issue an order to the owner or the owner's agent. The notice and order shall include the following:
  - 1. Address and unit number if applicable;
  - 2. A statement that the city manager has found the premises to be in violation of section 8.425 of this code as alleged in the complaint;
  - 3. A description of the violation;

4. A deadline for completing repairs of ten days, unless the city manager determines that:
    - a. ***Repairs are needed to remedy the lack of essential services. Upon making this determination, the city manager shall fix a deadline for completing the repairs that is reasonable in the circumstances, but in no event shall the deadline for completion be more than 48 hours from issuance of the notice and order; or***
    - b. [t]The necessary repairs ***of non-essential services*** cannot be completed within the ten day period. If the city manager makes such a determination, the owner or owner's agent shall submit a compliance schedule acceptable to the city within ten days;
  5. A statement advising the owner or the owner's agent that if the required repairs are not completed by the deadline stated in the notice and order, the city manager may:
    - a. Issue an administrative civil penalty, or initiate a prosecution in municipal court, or both; and
    - b. Initiate action to recover all city costs associated with the processing of the complaint, investigation and the resolution of the issue.
  6. A statement that the owner or the owner's agent may appeal the notice and order as specified in section 8.435 of this code; and;
  7. The date after which a reinspection will be scheduled.
- (b) The city manager shall mail the order, and any amended or supplemental notice and order, to the tenant and to the owner or the owner's agent by first class mail. ***If the complaint involves lack of essential services, the city manager shall provide such notice and order by e-mail, phone, and/or personal delivery.***

**Section 4.** The sunset date of the Rental Housing Code (Sections 8.400 through 8.440, and 8.995 of the Eugene Code, 1971) is removed.

**Section 5.** The City Manager shall review the City's Rental Housing Code program and report to City Council every three years with the results of the review.

**Section 6.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein,

**ATTACHMENT A**

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**

\_\_\_\_\_ **day of January, 2017.**

**Approved by the Mayor this**

\_\_\_\_\_ **day of January, 2017.**

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**City Recorder**

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**Mayor**

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: A Resolution Opposing Transportation of Oil by Rail Through the City of Eugene

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Meeting Date: January 23, 2017  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 6  
Staff Contact: Ethan Nelson  
Contact Telephone Number: 541-682-5245

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### ISSUE STATEMENT

This is an action item to vote on a resolution declaring the City of Eugene's opposition to the transportation of oil by rail through the city of Eugene.

### BACKGROUND

The City of Eugene has the opportunity to join other West Coast cities in opposing the transportation of oil by rail through the city of Eugene. There has been a significant increase in the transportation of crude oil by rail through the Pacific Northwest to existing terminals and refineries on the West Coast. Most, if not all of this oil is transported through major population centers, as well as adjacent to vulnerable natural resources, such as rivers and lakes. Oil-by-rail transportation present potential risks to communities due to the possibility of oil explosions resulting from train derailments, increased air pollution, and known contributions to increased greenhouse gas emissions.

The factual findings of this resolution are modeled from the City of Portland's Resolution, which can be located here: <https://www.portlandoregon.gov/citycode/article/557466> . The action items are based on the resolution the Eugene City Council passed opposing coal by rail transport.

### COUNCIL OPTIONS

The City Council can adopt or not adopt the resolution.

### SUGGESTED MOTIONS

Move to adopt Resolution 5181, opposing the transportation of oil by rail through the city of Eugene.

### ATTACHMENT

A. Proposed Resolution

### FOR MORE INFORMATION

Staff Contact: Ethan Nelson  
Telephone: 541-682-5245  
Staff E-Mail: [ethan.a.nelson@ci.eugene.or.us](mailto:ethan.a.nelson@ci.eugene.or.us)

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OPPOSING TRANSPORTATION OF OIL BY RAIL  
THROUGH THE CITY OF EUGENE.****The City Council of the City of Eugene finds that:**

**A.** There has been a significant increase in the transportation of crude oil by rail through the Pacific Northwest to existing terminals and refineries on the west coast. Oil is transported by rail through Portland to an existing terminal in Columbia County and to refineries in California. According to the U.S. Department of Transportation (DOT), oil transportation by rail has increased 50 to 60 times above the levels that existed prior to 2010. Fifteen oil-by-rail terminals are proposed, under construction, or currently operating in Oregon and Washington.

**B.** Much of the oil being transported by rail is highly volatile oil from the Bakken oil fields in North Dakota. The oil is often being transported in tank cars, called DOT 111s, which were never intended to transport volatile crude oil. The U.S. DOT identifies the blast zone resulting from an oil train accident, fire and explosion involving Bakken oil as being 0.5 to 1 mile in all directions. Serious risks are caused by oil-by-rail projects including but not limited to delayed emergency vehicles, oil fires, oil spills, oil explosions resulting from train derailments, increased air pollution, increased water pollution, and contributions to climate disruption-induced injury and disease.

**C.** Since 2013, oil train accidents have caused 47 deaths, the evacuation of thousands of residents, and billions of dollars in property damage and environmental destruction. In June 2016, four train cars carrying crude oil derailed going through the Columbia River Gorge in the town of Mosier, Oregon. The train cars caught fire, prompting evacuation of residents, schools and businesses, and damage to the local water supply, sewer system and soil. In September 2016, 13 train cars derailed in Eugene, including one containing highly flammable liquefied petroleum gas (propane).

**D.** New rules adopted by the U.S. Department of Transportation (DOT) fail to ensure the safety of communities or the environment from catastrophic accidents, spill, explosions, and fires.

**E.** In the event of an accident, explosion and fire involving an oil train, local emergency responders would be ill-equipped to protect human health, property, or the environment. Emergency responders would likely focus on evacuation while allowing the oil fire to burn itself out.

**F.** The City Council seeks to address the immediate issue of new oil-by-rail proposals in a timely manner, as well as those oil trains already moving through Eugene.

**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.** The City Council opposes oil-by-rail transportation through and within the City of Eugene.

**Section 2.** The City Council supports the preparation of a programmatic, comprehensive, and area-wide Environmental Impact Statement to identify the cumulative effects that would result from existing and proposed oil-by-rail terminals, as well as the development and review of a comprehensive Health Impact Assessment prior to approval of any new oil transfer and storage permits by any state, regional or federal agency.

**Section 3.** The City Council directs the City Manager to send a letter to Senators Wyden and Merkley and Congressman DeFazio, requesting they develop legislation that requires railroad companies and/or oil companies to make public any development plans for increased rail traffic that accommodate oil transport and storage, to provide adequate notice to local communities of any plans for new or expanded rail facilities or any anticipated increases in rail traffic volume, and they submit an emergency environmental cleanup plan in case of accidental spills or train derailment. The City Manager is also directed to send the letter and resolution to Governor Kate Brown and the local state legislative delegation.

**Section 4.** The City Council supports economic growth that contributes to citizens' health, safety, and well-being, and that on balance, adheres to principles of sustainable development and overall reduction of carbon emissions.

**Section 5.** This Resolution is effective immediately upon its passage by the City Council.

**The foregoing Resolution adopted the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.**

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**City Recorder**