



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

January 23, 2023

7:30 p.m. CITY COUNCIL MEETING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of January 23, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Mike Clark
Greg Evans
Jennifer Yeh

Matt Keating, Vice President
Emily Semple
Alan Zelenka
Lyndsie Leech

7:30 p.m. CITY COUNCIL MEETING

1. CEREMONIAL MATTERS

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- January 4, 2023 State of the City
- January 9, 2023 Work Session
- January 11, 2023 Work Session

B. Approval of City Council Tentative Agenda

C. Adoption of a Resolution Approving A Low-Income Rental Housing Property Tax Exemption

4. PUBLIC FORUM

5. CONSENT CALENDAR 2

A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-24-31, Tax Lot 04500 Located at 800 River Road). (City File: A 22-6)

B. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-24-21, Tax Lot 06800 located at 90 Arbor Drive) (City File: A 22-9)

January 23, 2023, Meeting

- 6. ACTION: Approval of Resources for Housing Affordable to Low-Income Persons**
- 7. ACTION: An Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code.**

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

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

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

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: January 23, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

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

BACKGROUND

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

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: January 23, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work sessions on January 9 and 11, 2023, and State of the City on January 4, 2023.

ATTACHMENTS

- A. January 4, 2023 State of the City
- B. January 9, 2023 Work Session
- C. January 11, 2023 Work Session

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-5010
Staff E-Mail: smckinney@eugene-or.gov

MINUTES

**Eugene City Council
Hult Center for the Performing Arts
1 Eugene Center
Eugene, Oregon 97401**

**January 4, 2023
5:30 p.m.**

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

1. ENTERTAINMENT

Llorona performed *Paso Doble*.

2. LAND ACKNOWLEDGEMENT

Mayor Vinis read a statement acknowledging that the ceremony was being held on Kalapuya llihi, the traditional indigenous homeland of the Kalapuya people.

3. ADMINISTRATION OF OATHS OF OFFICE

City Recorder Katie LaSala administered the oaths of office to:

- Alan Zelenka, Ward 3
- Jennifer Yeh, Ward 4
- Mike Clark, Ward 5
- Greg Evans, Ward 6
- Lyndsie Leech, Ward 7

4. WELCOME AND INTRODUCTIONS

City Council President Greg Evans provided opening remarks.

5. COUNCIL REMARKS

A video presentation was shown titled 2023 State of the City Eugene City Council Remarks.

6. 2023 BOLD STEPS AWARD

Mayor Vinis announced Forrest Paint and Threadbare Printhouse as the 2022 Bold Steps Award winners, and recognized Yellow Emperor, OCCU, We Refill It, and Kesh Color Lab as finalists.

7. COMMUNITY SERVICE AWARDS

Mayor Vinis presented the 2022 Community Awards to Laurel Hill Center, Kris Galago, and Beyond Toxics.

8. VIDEO PRESENTATION

A video of the 2022 City of Eugene Highlights was shown.

9. STATE OF THE CITY ADDRESS

Mayor Vinis delivered her 2023 State of the City Address:

Welcome back! It is great to see you all in the Hult Center once again for this State of the City event. In so many ways this building embodies our resiliency, hope, and love of this community.

There's a famous quote from Gandhi, "Be the change that you wish to see in the world." I've been thinking about that phrase a lot lately. Coming together in this community space is a moment to rekindle our shared vision of the city we wish to be in the world.

We want to be a city where everyone has a place to live; a city with plentiful parks and open spaces that are safe and accessible to everyone; a place children can thrive; a city that is easy and safe to navigate by car, bus, bike or on foot; a city that offers ample family wage jobs and healthy businesses that meet our needs; a city that is rich with activities and amenities to expand our horizons; and a city whose landscape, buildings, and actions reduce our impact on global warming.

We've just shared a video highlighting the many accomplishments of the year. I want to take this moment to appreciate all of the people who bring their hearts, minds and energy to enable the City of Eugene – our government and leadership – to succeed. I am speaking of city employees who continue to carry heavier and more diverse responsibilities than ever before, of the unsung volunteer heroes who serve on our boards and commissions, my fellow elected officials, and our many community partners. And of course, I want to thank those who live and work in Eugene - who are not part of governing the city but make up the City itself and ultimately give it its strength, diversity, and true character. All of the working people who show up every day to make sure we have groceries, that our children are educated and parented, that housing, businesses and roads get built and repaired, stores open and products are made, services are offered and buses run on time. Thank you once again for all you contribute every day in Eugene and for the continuing privilege of serving as your mayor.

Tonight, I will talk with you a bit about the accomplishments of the last year and our goals for the year ahead. But I also want to highlight how those step-by-step accomplishments, that steady and sometimes slow progress, brings us closer to that big picture - to becoming the city that we want and need to be.

In 2022 the city conducted a Community Survey of households across the community. The results were not surprising. They reflect your continuing concerns about our city and the issues it faces: homelessness, housing, public safety and climate change still top the list of things you want the City's leadership to address.

These problems have been decades in the making. They reflect the impact of generations of neglect of housing and public health needs, and a long-term dependence on fossil fuels. This work is generational. We are the generation holding the bag. It is our job—the challenge of our era – to persevere in realizing our vision and not to pass the burden of these challenges on to our children and grandchildren.

Where are we this year in addressing those on-going public priorities of homelessness, housing, public safety and climate change? And how are those incremental steps taking us to that broader vision on which we all agree?

The Impacts of Homelessness. This is the top concern on everyone's list.

In 2022 parts of our city witnessed great progress. We defused an ongoing and unruly situation in West Eugene through commercial street parking regulation and consistent monitoring. People living at the temporary sites in Washington Jefferson Park and at 13th and Chambers were largely able to relocate to the new Safe Sleep sites.

The City now offers almost 700 shelter beds – including nine rest stops and four safe sleep sites. Each of these sites is unique; but they share a quiet, purposeful culture of safety and hope. And they work. For example, a man with a vision disability stayed with his partner at a Safe Sleep site for several months. During that time, he sorted out his finances and got the healthcare he needed. He and his partner sustained jobs and moved on to their own apartment. A mother, struggling with addiction, got into a treatment program, found and kept a job, and was able to visit her children once again thanks to having a place to sleep and people who supported her. These stories of success sustain us in our work.

Safe sleep sites and rest stops are successful models that we need to continue to support. I know that the scale of suffering and impact of homelessness on our community are profound. I also know that we cannot not solve homelessness for everyone. But we can solve it for some of the people we serve. It is incremental work at the most personal level. Now more than ever, this is a call to everyone to join constructively in responding to this crisis. We need to keep our successful programs in play and—importantly—to advocate for more support from the state and federal governments so we can continue to increase the number of people we help.

Advocacy for such support is my daily, weekly, monthly mission in my work with other mayors in Oregon, and across the country. As a leader in the Oregon Mayors Association, I will be a constant advocate for state support during the 2023 legislative session.

We continue to rely on and build on our partnership with the County, and the nonprofit providers who deliver the assistance to people in need. We are not alone in this challenge, but Eugene and our partners are innovative leaders in implementing solutions. Our city is a recognized leader at the state and federal level, and our work is a model for others.

That brings me to Housing: We remain concerned about displacement of renters from their homes when housing costs are high and too many people are under threat of homelessness.

We know – anecdotally and statistically – that renters are suffering in this market. We also understand that property owners face risks to their property if they have irresponsible tenants, or tenants who are unable to pay their rent. Our goal is not to

penalize property owners. Our goal is to help stabilize people in their housing in this very heated market.

We enter the new year mid-way through this deliberation. There is concern that increased regulatory requirements of landlords will reduce the number of rentals in our community – that regulation will create an insurmountable barrier. I take that seriously. At the same time, there is immediate and dire need for relief and protection for renters who are powerless in the face of economic forces. We must find a balance.

All councilors understand that the long-term solution to housing cost and availability is to build more housing. One of Council's first actions in 2022 was adoption of the Housing Implementation Pipeline - or HIP. The HIP outlines our goals to create more housing of all types, including more affordable homes as well as addressing the needs of renters. The HIP also outlines the toolbox of funding and incentives to promote housing development – both state and federal sources as well as local policies enacted by council.

Middle Housing dominated the first half of 2022 at council meetings and public forums. I have advocated for Middle Housing since taking office in 2017. I am proud of the council for voting unanimously on a package of zoning code changes that not only comply with State requirements but include incentives to encourage more affordable units to be built. It took incremental, thoughtful work by councilors, staff and members of the public to get to that vote, and it depended on extraordinary levels of public engagement. The City team won a state award for their multifaceted and deliberative outreach and information gathering.

This is a significant step and it is key to enabling us to meet the desperate need for housing in our community and also meet our climate goals.

The construction of middle housing within a short walk to major corridors aligns with Council's decision to study five major corridors for enhanced transit and improved biking and walking. This policy, coordinated with Lane Transit District, is intentionally incremental – each corridor is unique; in each step along the way, the city will engage the affected neighborhood as well as the whole community.

The consideration of EmX and other transit corridor improvements are components of our gradual and thoughtful progression toward the Eugene of the future – a city that enables more people to live close to transit and to reduce our dependence on gas-powered cars. We all have a voice and role to play to build that resilient city of our near future.

Public Safety is number three on the list of top concerns of our community.

We are experiencing more gun violence; more guns in the hands of people with mental health issues; and more violence and threatening behavior associated with drug dealing and drug use. Much of the worst of this behavior last year occurred in West Eugene and in our downtown.

While some of this drug use and violence happened within our homeless community, it is critical not to conflate homelessness and public safety. Our city programs are designed to provide shelter and services to those who want and need it; and to enable our police department to target their work toward criminal activity. In downtown in particular, there's a lot of terrible behavior that falls short of criminal but, nevertheless, is frightening and unacceptable.

In 2022, the city followed three tracks:

First, the police department continues to hire more officers and to direct the Special Crimes Unit to address the worst violent and drug related activity – and they continue to succeed in finding and arresting this higher level of criminal.

Second, the City has a constellation of alternative response teams – non-uniformed and unarmed. The most well-known, of course, is our contract with CAHOOTS to respond to mental health emergencies, but we have added other teams to meet needs across this city. We know we need more eyes on the street to hold people accountable for their behavior, and to be more responsive to our community's needs. In 2023, Council will hear recommendations for better targeting and coordinating of our alternative responses to uniformed officers.

Third, as you well remember, questions about police actions and accountability, and fairness and safety for people of color dominated the headlines in 2020. The public unrest led Council to appoint the Ad Hoc Committee on Police Policies, which presented its recommendations for reforms in 2021.

In 2022 and into 2023, Council is reviewing those recommendations related to our Civilian Oversight system of the Eugene Police Department. This system is a model that other cities seek to replicate. At the same time, it has been in place since 2008, and the Ad Hoc Committee's recommendations present an opportunity to consider possible adjustments.

I share this as a reminder that issues that dominated the headlines in 2020 resulted in specific policy decisions and directions by Council that city staff are now executing. We take the community's concerns seriously about the use of force, oversight and bias in policing. This illustrates again how change happens in our city through deliberative, incremental work.

Climate Change: Council's response to climate change was front and center in 2022 and will continue to be a priority this year.

As you may recall, the Climate Action Plan 2.0 identified Transportation and Buildings as two of three key contributors to greenhouse gas emissions. The Council has already adopted a range of transportation and land use policies to reduce the use of fossil fuels in transportation.

In 2022, our focus turned to the impact of buildings on climate. The work was framed by five motions put forward by our former colleague, Claire Syrett. Those motions

pointed in two directions: first, to guide or regulate the energy source for new construction; and second, to improve the resiliency and sustainability of existing buildings.

We are doing this work in stages, the first of which would prohibit the use of fossil fuels in new low-rise residential construction initiated after June 2023. This will come to a vote soon. In my mind this is straight-forward. Housing policy is climate policy. What and where we build is key in our response to climate change. This policy also aligns with our housing priorities to increase the supply of smaller, more compact housing which is more energy efficient.

Regarding existing buildings, Council has reviewed an extensive report about the costs and benefits of retrofitting residential, commercial and industrial buildings over time as technology and costs make those changes feasible.

We have received a lot of public comment about this work: Some strongly urge council to act quickly and decisively to reduce our consumption of fossil fuels. Others fear that the council's action will literally turn off the gas.

I will say just a few things about my perspective on this work. It is essential and urgent. We are seeking to anticipate, create, and respond to a systemic change in our energy system. We are not requiring behavioral or lifestyle change by the individual consumer. We are not "taking away" natural gas. We want to support future consumer choices that are part of the solution to climate change, rather than choices that deepen the problem. Today's choices, the status quo, got us to this point and continue to literally fuel global warming. As a City we must encourage new choices, gradually enough to build consensus and support, but also urgently enough to make a difference.

That thinking also applies to our business community. We are looking at the types of buildings and the heating and cooling systems they require. We are seeking to understand the difference between an office building and a grocery store in their energy consumption and the potential for lower fossil fuel use and emissions in construction and appliances. We aim to do this work deliberately – not reactively – in a way that furthers our climate goals and supports rather than disrupts existing and future businesses. The choice is not to do nothing or do everything all at once. It is to take incremental actions to make Eugene a city that is sustainable on this warming planet.

Moving forward

As I look to our plans and prospects in the coming year, I welcome the opportunity to reboot our sense of common purpose. All of our ongoing issues share common themes: they are fundamentally about equity – our need to create a community culture in which people have access to housing and opportunity, feel protected and safe, and benefit from both a built and natural landscape that is more resilient in the face of global warming.

In all of these endeavors we have consistently relied on our business community. We count on developers, builders and trades to construct the housing, fix the roads and

install the infrastructure we need. We have turned to businesses to pay for the services we need: a Construction Excise Tax to support housing, a Community Safety Payroll tax to support our public safety system; Rental Housing fees to support our housing navigator and other housing protections. We have looked to our business community to provide property for safe sleep sites, and funding to support the service providers.

In all of our strategic plans – Transportation, the Housing Implementation Pipeline, and the Climate Action Plan – we count on the business community to help carry the load.

And yet, we don't have a comprehensive plan in place to support and grow the businesses that we depend on. We don't have a current economic development plan for our city.

It is time.

In 2022, I convened monthly meetings of a Mayor's Business Advisory Council that informed my thinking about the range of issues before council. This year I will take the next step based on insights from that advisory council and concerns raised by the public. This year I will convene a Mayor's Blue Ribbon Business Council on Economic Development. The committee will have a six-month timeline to outline strategic priorities for a healthy local economy. A committee of this sort was last convened in 2004 by Mayor Torrey. Quite a few things have changed since then, but the need is the same.

We need a healthy business community for its own inherent value—our businesses fill ongoing needs and innovate new approaches, they provide our essential goods and services, they employ the majority of Eugeneans, and they provide opportunities for entrepreneurs large and small to make their way in the world and support their families. We also need a healthy business community to support our community commons - the parts of our City that benefit and serve us all.

We need the business community to partner with the City in designing that roadmap for success - to make Eugene a model for a growing, thriving, business friendly, customer friendly, worker friendly, and climate friendly business community. Doing this work together moves us closer to being the change, to becoming that City we want to be.

As I said before, this is generational work. This year marks the third year of the Mayor's Youth Advisory Council. This dynamic group of high school students has matured as an organization and their priorities reflect their perspective as teenagers growing up in this community. As they learn to contribute to our policy discussions, we need to listen and learn from them. Their perspective is not the same as today's adult leaders – and yet we are building the city they will lead in the future. They are the change – and they need to be our partners. You will hear more from them in 2023.

Every year I have been in office, I have closed my State of the City address anticipating the World Athletics Championships Oregon 22. That stellar event has now come and gone. It brought the world to Eugene and put our city in front of the largest global TV audience ever to watch this biennial track and field championship.

Our city team created a glorious free festival at the new Riverfront Park that for 10 days reminded us of the joy and exhilaration of coming together to share music, dance, food and athletics in a public space. We fulfilled the call of “being the change we wish to see in the world” where we celebrated all of the communities within our community.

In the day to day life of a city, change happens slowly. The State of the City is our annual moment to look back to review the positive steps we have taken. It is also a time to see those individual steps as incremental progress toward our vision of the city that we want to be. It’s my hope that reflecting together once again inspires and strengthens us to continue this good work. I’m ready and eager to take the next steps with you. Join me.

10. ENTERTAINMENT

Llorona performed *Place Among the Stars*.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)

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

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

January 9, 2023
5:30 p.m.

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

Mayor Vinis opened the January 9, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. WORK SESSION: Parks and Recreation Funding

City Manager, Sarah Medary introduced Public Works Director, Matt Rodrigues who was joined by Craig Carnagey, Parks and Open Space Director, Craig Smith, Recreation Director, and John Horvick with DHM Research to present the results of the City of Eugene Parks Levy Survey and discuss Parks and Recreation Funding.

Council Discussion:

- Councilor Zelenka – noted that cleanup and safety seem to be important issues for survey respondents; asked about strategies moving forward; asked about the election results for the 2018 levy.
- Councilor Semple – asked about the option to add to existing services; asked about potential cuts to services.
- Councilor Groves – asked how close we are to compression; asked if the City has explored passive safety measures; noted interest in future safety measures; asked about the meaning of unsanctioned camp cleanup.
- Councilor Clark – noted the importance of public perception of services and policy; noted that the public is interested in preventing illicit behavior and illegal camping.
- Councilor Keating – asked about survey respondent priorities regarding present and future needs; noted interest in increased lighting for parks; stated that if the levy is renewed at a higher rate the additional funds should go to increasing public safety; noted that the survey found stronger support for police and security patrols rather than additional park ambassadors.
- Councilor Evans – asked what park system enhancements would improve voter perception of how funds are being spent; asked how to improve communication with voters about parks and recreation; noted voters may not realize what improvements have been made with the last parks levy.
- Councilor Yeh – noted concerns about making this decision in the face a budget deficit and public perception.
- Mayor Vinis – spoke about the potential deterioration of programming and facilities; noted concerns about the cost and the community's concerns about public safety.
- Councilor Semple – asked what will happen to parks if no levy passes; noted that it would be useful for the public to know how budget cuts will affect parks; noted that the public may not be in favor of using levy funds to pay for more police presence in parks.

- Councilor Zelenka – asked staff to create a list of potential cuts in case a levy does not pass.
- Councilor Evans – asked about additional revenue sources; noted that there may be equity issues with changing the fee structure.
- Councilor Keating – asked if parks have looked at using tip jars as an additional revenue source.
- Councilor Leech – noted the homeowner support for Option C; stated that safety and cleanup are important concerns.
- Councilor Clark – noted the importance of educating the public; asked how much revenue the current levy is generating; asked about the timeframe for the proposed levy; asked if the city has a list of potentially salable lands.
- Councilor Yeh – noted that the public should be involved in decisions about potential budget cuts.
- Councilor Semple – asked when the library levy is up for renewal.
- Councilor Zelenka – noted previous strategies used for cutting the budget.
- Mayor Vinis – discussed the potential creation of an endowment.

Mayor Vinis adjourned the meeting at 6:53 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)
Webcast of meeting available [here](#).

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

January 11, 2023
12:00 p.m.

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

Mayor Vinis opened the January 11, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. **EXECUTIVE SESSION Pursuant to ORS 192.660(2)(e) real property transactions**
2. **WORK SESSION: An Ordinance Concerning Flood Hazard Areas and Amending Sections 9.0500; 9.6705, 9.6706, 9.6707, 9.6708 And 9.6709 of the Eugene Code, 1971, and Providing an Effective Date.**

Sarah Medary introduced Civil Engineer, Jack Blackham and Senior Planner, Jeff Gepper, who presented information on An Ordinance Concerning Flood Hazard Areas and Amending Sections 9.0500; 9.6705, 9.6706, 9.6707, 9.6708 And 9.6709 of the Eugene Code, 1971, and Providing an Effective Date.

Councilor Discussion:

- Councilor Groves – asked if the City is involved any work with the Army Corps of Engineers to evaluate dam stability on the upper Willamette river; noted would like more information dam stability and flood impacts on Eugene.
- Councilor Zelenka – asked staff why the new flood plain maps do not impact this code; stated he is unaware of any reports showing that the dams in the upper Willamette River are in any danger of failure.
- Councilor Clark – asked for modeling regarding earthquake and the impact of flooding on Eugene; noted that dams to the north of Eugene are not built to withstand a major earthquake.
- Councilor Keating – noted that Lane Council of Governments has recently reported that the Creswell Airport is the Federal Emergency Management Agency designated airport in the event of an emergency that disables the Eugene Airport.

Mayor Vinis adjourned the meeting at 1:12 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: January 23, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Brooke Freed
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

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

BACKGROUND

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

COUNCIL OPTIONS

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

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Brooke Freed
Telephone: 541-682-5010
Staff E-Mail: bfreed@eugene-or.gov



City Council Tentative Agenda

City Council meetings will continue to be held using hybrid and virtual meeting technology. Materials and information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

January 2023					
Date	Day	Time	Title	Length	Dept. Contact
25-Jan	Wednesday	12 pm	 Downtown Urban Renewal Follow-up: Downtown Priorities and Projects (Work Session)	45 mins	Amanda D’Souza
			 TBD (Work Session)	45 mins	Staff
Work Session Location: Public via Virtual Only					

February 2023					
Date	Day	Time	Title	Length	Dept. Contact
8-Feb	Wednesday	12 pm	 Advanced Terminal Study, Eugene Airport (Work Session)	45 mins	Cathryn Stephens, PW
			 TBD (Work Session)	45 mins	Staff
Work Session Location: Public via Virtual Only					
13-Feb	Monday	5:30 pm	 TBD (Work Session)	45 mins	Staff
			 TBD (Work Session)	45 mins	Staff
Work Session Location: Public via Virtual Only					
13-Feb	Monday	7:30 pm	 Committee Reports and Items of Interest  Public Forum  Skinner Butte Height Amendment (Action)		Dylan Huber-Heidorn, PDD
Location: Public via Virtual & Council Chambers, Room 114					
15-Feb	Wednesday	12 pm	 Urban Reserves (Work Session)	60 mins	Rebecca Gershow, PDD
Work Session Location: Public via Virtual Only					
21-Feb	Tuesday	5:30 pm	 Budget Committee Terms (Public Hearing)		Vicki Silvers, CS

			 Annexation Withdrawals (Public Hearing)		Althea Sullivan, PDD
			 Floodplain Development Code Amendments (Public Hearing)		Jack Blackham, PW
<i>Location: Public via Virtual & Council Chambers, Room 114</i>					
22-Feb	Wednesday	12 pm	 Civilian Oversight System (Work Session)	45 mins	Leia Pitcher, PA
			 TBD (Work Session)	45 mins	Staff
<i>Work Session Location: Public via Virtual Only</i>					
27-Feb	Monday	5:30 pm	 TBD (Work Session)	45 mins	Staff
			 TBD (Work Session)	45 mins	Staff
<i>Work Session Location: Public via Virtual Only</i>					
27-Feb	Monday	7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
<i>Location: Public via Virtual & Council Chambers, Room 114</i>					
28-Feb	Tuesday	Time TBA	 Joint Lane County and City of Eugene Public Hearing regarding Urban Reserves (Public Hearing)		Rebecca Gershow, PDD
Location: TBA					

March 2023					
Date	Day	Time	Title	Length	Dept. Contact
8-Mar	Wednesday	12 pm	 HB 3115 Overview and Next Steps (Work Session)	45 mins	Kathryn Brotherton, CS
			 TBD (Work Session)	45 mins	Staff
<i>Work Session Location: Public via Virtual Only</i>					
13-Mar	Monday	5:30 pm	 Floodplain Development Code Amendments (Work Session, Possible Action)	45 mins	Jack Blackham, PW
			 TBD (Work Session)	45 mins	Staff
<i>Work Session Location: Public via Virtual Only</i>					
13-Mar	Monday	7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		

			 2023-2029 Capital Improvement Program (Public Hearing, Action)		Kacia Edison, CS
			 Budget Committee Terms (Action)		Vicki Silvers, CS
Location: Public via Virtual & Council Chambers, Room 114					
15-Mar	Wednesday	12 pm	 ESF Governance (Work Session)	90 mins	Kristie Hammitt, CS
Work Session Location: Public via Virtual Only					

Council Break March 16 – April 9

UPCOMING PUBLIC HEARINGS			
Date/Time	Topic/Title	Description	Staff Contact
Feb 21, 5:30 pm	Budget Committee Terms	The City Council will hold a public hearing to consider An Ordinance Concerning Budget Committee terms; amending section 2.013 of the Eugene Code. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Vicki Silvers, CS VSilvers@eugene-or.gov 541-682-5082
Feb 21, 5:30 pm	Annexation Withdrawals	The City Council will hold a public hearing to consider An Ordinance Concerning the withdrawal of annexed properties from the following special districts: Junction City Water Control District; Lane Fire Authority; River Road Park & Recreation District; River Road Water District; Santa Clara Rural Fire Protection District; Santa Clara Water District; Willamalane Park and Recreation District; and Willakenzie Rural Fire Protection District. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Althea Sullivan, PDD ASullivan@eugene-or.gov 541-682-5485
Feb 21, 5:30 pm	Floodplain Development Code Amendments	The City Council will hold a public hearing to consider An Ordinance Concerning Flood Hazard Areas and Amending Sections 9.0500; 9.6705, 9.6706, 9.6707, 9.6708 and 9.6709 of the Eugene Code, 1971, and Providing an Effective Date. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Jack Blackham, PW JBlackham@eugene-or.gov 541-731-3873
Feb 28, TBA	Joint Lane County and City of Eugene Public Hearing regarding Urban Reserves	The Eugene City Council and Lane County Board of Commissioners will hold a public hearing to consider An Ordinance Establishing Urban Reserves for the City of Eugene; Amending the Eugene-Springfield Metropolitan General Plan; Amending the Envision Eugene Comprehensive Plan; and Amending the Public Facilities and Services Plan. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Rebecca Gershow, PDD RGershow@eugene-or.gov 541-682-8816

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Fossil Fuel Risk Bonds – TBD	Groves, Syrett	10/21/21
Gas Stations – TBD	Keating	4/15/22
Bethel Area Plan – TBD	Evans	7/22/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Adoption of a Resolution Approving a Low-Income Rental Housing Property Tax Exemption Renewal for Mainstream Apartments

Meeting Date: January 23, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3C
Staff Contact: Laura Hammond
Contact Telephone Number: 541-682-5502

ISSUE STATEMENT

City Council is asked to adopt a resolution to renew a 20-year Low-Income Rental Housing Property Tax Exemption (LIRHPTE) for Mainstream Apartments, an existing affordable housing development located at 433 W. 8th Avenue. Mainstream Housing Inc. is the applicant and the property owner of record. The development includes 9 low-income rental housing units and a community room common area.

BACKGROUND

Council adopted the LIRHPTE program in 1990. Since the adoption of the program, Council has approved tax exemptions for 37 affordable housing developments with more than 1,600 units. Council unanimously approved extending the LIRHPTE program for an additional ten years in 2020. The ordinance also enables recipients to apply for renewal of the 20-year LIRHPTE when a prior LIRHPTE period has expired. Council has approved LIRHPTE renewals for more than 400 units. Council reviews and takes action on each LIRHPTE request. Last year, City Council approved six LIRHPTE applications, for the provision and preservation of more than 200 units (with more than 400 bedrooms) of housing affordable to people with low incomes in Eugene.

Projects must meet 10 criteria including requirements for rents and incomes limited to households with incomes at or below 60% of area median income (AMI). If an application meets the substantive criteria at EC 2.939(3) as referenced in the Report and Recommendation (Attachment A), the City must grant the exemption by resolution (Attachment B). A decision to deny the exemption cannot be made by simple motion or inaction; Council would need to adopt a resolution (Attachment C) that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest.

Summary of requested tax exemption

The requested tax exemption is for Mainstream Apartments, an affordable housing development located at 433 W. 8th Avenue (see map in Attachment D). The development includes 9 low-income rental housing units (1 studio, 4 one-bedroom, and 4-two bedroom) and a studio unit that functions as a community room common area.

In January 2002, Council granted a LIRHPTE to Mainstream Housing, Inc. for the Mainstream Apartments development. The property has provided low-income rental housing for people

experiencing disabilities with limited incomes since construction was completed in 2002. Renewal of the LIRHPTE would allow the property to continue to offer low-income rental housing for the next 20 years.

The units currently have rents between \$329 and \$787 per unit for studio, one-bedroom, and two-bedroom units (affordable to individuals and families at or below 50% AMI). Without the tax exemption, Mainstream Housing, Inc. would have to increase rents by approximately \$127 per unit per month to cover the cost of property taxes, which would be a significant increase to low-income households. The units would not be able to achieve their proposed level of affordability without the continued property tax exemption.

The requested exemption meets the substantive criteria at EC 2.939(3) as shown in the Report and Recommendation provided in Attachment A. No public comments were received during the public comment period.

Housing Implementation Pipeline (HIP)

The requested exemption aligns with Affordable Housing preservation goals outlined in the HIP strategic plan. The HIP plan lists the LIRHPTE program as an important tool for supporting housing that serves the public good. The requested exemption furthers the HIP's short- and long-term goals of increasing and maintaining the number of Affordable Housing units available to the community.

PREVIOUS COUNCIL DIRECTION

[May 18, 2020 Public Hearing](#)

City Council held a public hearing on an Ordinance Concerning Low-Income Rental Housing Property Tax Exemptions and Amending Sections 2.939 and 2.940 of the Eugene Code, 1971.

[May 26, 2020 Meeting](#)

City Council moved to adopt an Ordinance Concerning Low-Income Rental Housing Property Tax Exemptions and Amending Sections 2.938, 2.939 and 2.940 of the Eugene Code, 1971. The Council also moved to adopt the Resolution Adopting Amended Standards and Guidelines for Processing Applications for Low-Income Rental Housing Property Tax Exemptions and Repealing Resolution No. 5028. (Motions passed 8:0)

COUNCIL OPTIONS

The City Council has two options:

1. Approve the tax exemption.
2. Deny the tax exemption.

CITY MANAGER'S RECOMMENDATION

Adopt the Resolution included in Attachment B approving renewal of a Low-Income Rental Housing Property Tax Exemption for Mainstream Apartments.

SUGGESTED MOTION

Move to adopt a resolution approving a low-income rental housing property tax exemption for property located on 8th Avenue in Eugene, Oregon (Assessor's Map 17-03-31-21 Tax Lot 16300) (Mainstream Housing Inc.).

ATTACHMENTS

- A. Report and Recommendation
- B. Draft Resolution Approving the Tax Exemption
- C. Draft Resolution Denying the Tax Exemption
- D. Map of the proposed site

FOR MORE INFORMATION

Staff Contact: Laura Hammond
Telephone: 541-682-5502
Staff E-Mail: lhammond@eugene-or.gov

**REPORT AND RECOMMENDATION
of the Community Development Manager
of the Planning and Development Department**

**Application of Mainstream Housing Incorporated
For Low-Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 433 W. 8th Avenue, Eugene, OR 97401
MAINSTREAM APARTMENTS**

The Community Development Manager of the Planning and Development Department of the City of Eugene finds that:

1. Mainstream Housing Incorporated (Mainstream or the applicant) has submitted an application for a property tax exemption for the real property known as the Mainstream Apartments located at 433 W. 8th Avenue, Eugene, Oregon, 97401 (Assessor's Map 17-03-31-21 Tax Lot 16300, Assessor's Property Account No. 0265197.). Mainstream, a public benefit non-profit corporation, is the record owner of the property. Mainstream has a business location of 895 Country Club Road, Suite 200A, Eugene, OR 97401. The applicant has submitted an application for an exemption from ad valorem taxes through the City's Low-Income Rental Housing Property Tax Exemption (LIRHPTE) program (Sections 2.937 to 2.940 of the Eugene Code, 1971) for 9 low-income rental housing units (1 studio, 4 one-bedroom, and 4-two bedroom) and a studio unit that functions as a community room common area.

2. The Mainstream Apartments development first received a Low-Income Rental Housing Property Tax Exemption (LIRHPTE) in 2002 for the property located at 433 W. 8th Avenue, Oregon, and identified as Assessor's Map 17-03-31-21 Tax Lot 16300. Tax Lot 16300 encompasses 9 residential dwelling units and a tenth unit used as a common area by the residents. The residential units have housed low-income households since 2002; the time the first exemption was granted. Under EC 2.940(5), in the final year of low-income housing tax exemptions, applications for subsequent low-income housing tax exemptions for the property may be submitted.

3. I have reviewed the application and find that the applicant has submitted all required materials and the application complies with the provisions of EC 2.939(3) and Sections 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5297. Specifically, I find:

- (a) The property, or portion thereof subject to the property tax exemption, will be occupied solely as a residence for low-income persons.
- (b) The applicant's application was filed prior to July 1, 2030.
- (c) The property is owned by a nonprofit corporation organized in a manner that meets the criteria for a public benefit corporation as described under ORS 65.001(38).
- (d) The property is owned by a nonprofit corporation that expends no more than ten percent of its annual income from residential rentals for purposes other than acquisition, maintenance or repair of residential rental property for low-income persons, or for the provision of on-site child care services for the

- residents of the rental property.
- (e) The applicant has complied with the policies set forth in Section 5 of the Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption adopted by council Resolution No. 5297 (Standards and Guidelines).
 - (f) The development is consistent with the City's Housing Dispersal Policy.
 - (g) The development does not cause the displacement of low-income persons.
 - (h) The development does not cause destruction of historic properties.
 - (i) The development is otherwise consistent with the Eugene Code and adopted city regulations and policies.
 - (j) The applicant has signed a Rent Regulatory Agreement as described in Section 5.1 of the Standards and Guidelines and said agreement will be in effect for the duration of the tax exemption period.
 - (k) The applicant has consented in writing that for the duration of the tax exemption period, the city may inspect the property for which the exemption is granted to insure that the premises are maintained in decent, safe and sanitary conditions for the occupants.

4. Comments have been solicited from interested City departments, 4J School District, and the affected neighborhood group. No public comments were received.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Envision Eugene Plan, and the criteria set forth in the City's adopted Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption, and I recommend that the application be approved.

Dated this 9 day of January, 2023.

Print: Will Dowdy

Sign:

Will Dowdy

Will Dowdy (Jan 9, 2023 16:07 PST)

Community Development Manager of the Planning and Development Department

RESOLUTION NO. _____

**A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING
PROPERTY TAX EXEMPTION FOR PROPERTY LOCATED ON W. 8TH
AVENUE IN EUGENE, OREGON (ASSESSOR'S MAP 17-03-31-21, TAX
LOT 16300; ASSESSOR'S PROPERTY ACCOUNT NO. 0265197)
(APPLICANT MAINSTREAM HOUSING INCORPORATED)**

The City Council of the City of Eugene finds that:

A. Mainstream Housing Incorporated (895 Country Club Road, Suite 200A, Eugene, Oregon, 97401) is the owner of real property located on W. 8th Avenue in Eugene, Oregon (Assessor's Map 17-03-31-21, Tax Lot 16300; Assessor's Property Account No. 0265197), more particularly described in Exhibit A attached to this Resolution (the Property).

B. The Mainstream Housing development first received a Low-Income Rental Housing Property Tax Exemption (LIRHPTE) for the Property in 2002. The residential units on the Property have housed low-income households since that time. Under EC 2.940(5), in the final year of a low-income housing tax exemption, an application for a subsequent low-income housing tax exemption for the Property may be submitted.

C. Mainstream Housing Incorporated (895 Country Club Road, Suite 200A, Eugene, Oregon, 97401) (the applicant) has submitted an application for an exemption from ad valorem taxes on the Property beginning July 1, 2023, under the City's Low-Income Rental Housing Property Tax Exemption Program (EC 2.937 to 2.940).

D. The tax exemption being sought for the Property includes one studio apartment, four one-bedroom units, four two-bedroom units, and one studio unit to be used as a community room for common use by residents, for a total of 9 low-income rental units, and one common area unit. The applicant is seeking the tax exemption for the entire Property.

E. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by Section 2.938 of the Eugene Code, 1971 (EC), and is in compliance with the policies set forth in Section 5 of the Standards and Guidelines adopted by Resolution No. 5297. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in EC 2.939(3), and the eligibility requirements at Section 2.10 of the Standards and Guidelines adopted by Resolution No. 5297.

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 upon the above findings, the City Council approves the application of Mainstream Housing Incorporated for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property identified as Assessor's Map 17-03-31-21, Tax Lot 16300; Assessor's Property Account No. 0265197; and more particularly described on Exhibit A attached to this Resolution, which includes one studio apartment, four one-bedroom units, four two-bedroom units, and one studio unit used as a community room for common use by residents, for a total of 9 low-income rental units, and one common area unit.

Section 2. The land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2023, and continuing for a continuous period of 20 years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1 Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by July 1, 2030, and no extensions or exceptions were granted; or

2.2 The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5297, or any conditions imposed in this Resolution.

The tax exemption shall be terminated immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event that the county assessor determines that a change of use to other than that allowed has occurred for the housing units, or portion thereof, or, if after the date of this approval, a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within 10 days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2023. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the _____ day of January, 2023.

City Recorder

RESOLUTION NO. _____**A RESOLUTION DENYING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR PROPERTY LOCATED ON W. 8TH AVENUE IN EUGENE, OREGON (ASSESSOR'S MAP 17-03-31-21, TAX LOT 16300; ASSESSOR'S PROPERTY ACCOUNT NO. 0265197) (APPLICANT MAINSTREAM HOUSING INCORPORATED)****The City Council of the City of Eugene finds that:**

A. Mainstream Housing Incorporated (895 Country Club Road, Suite 200A, Eugene, Oregon, 97401) is the owner of real property located on W. 8th Avenue in Eugene, Oregon (Assessor's Map 17-03-31-21, Tax Lot 16300; Assessor's Property Account No. 0265197), more particularly described in Exhibit A attached to this Resolution (the Property).

B. The Mainstream Housing development first received a Low-Income Rental Housing Property Tax Exemption (LIRHPTE) for the Property in 2002. The residential units on the Property have housed low-income households since that time. Under EC 2.940(5), in the final year of a low-income housing tax exemption, an application for a subsequent low-income housing tax exemption for the Property may be submitted.

C. Mainstream Housing Incorporated (895 Country Club Road, Suite 200A, Eugene, Oregon, 97401) (the applicant) has submitted an application for an exemption from ad valorem taxes on the Property beginning July 1, 2023, under the City's Low-Income Rental Housing Property Tax Exemption Program (EC 2.937 to 2.940).

D. The tax exemption being sought for the Property includes one studio apartment, four one-bedroom units, four two-bedroom units, and one studio unit to be used as a community room for common use by residents, for a total of 9 low-income rental units, and one common area unit. The applicant is seeking the tax exemption for the entire Property.

E. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by Section 2.938 of the Eugene Code, 1971 (EC), and is in compliance with the policies set forth in Section 5 of the Standards and Guidelines adopted by Resolution No. 5297. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in EC 2.939(3), and the eligibility requirements at Section 2.10 of the Standards and Guidelines adopted by Resolution No. 5297.

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. Notwithstanding the findings in the Community Development Manager's Report and Recommendation, the City Council denies the application of Mainstream Housing Incorporated for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the Property identified as Assessor's Map 17-03-31-21, Tax Lot 16300; Assessor's Property Account No. 0265197; and more particularly described on Exhibit A attached to this Resolution, which includes one studio apartment, four one-bedroom units, four two-bedroom units, and one studio unit used as a community room for common use by residents, for a total of 9 low-income rental units, and one common area unit because the applicant has failed to demonstrate satisfactory compliance with the criteria in Section 2.939(3) of the Eugene Code, 1971.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, along with a notice informing the applicant of the right to appeal in the manner set forth in ORS 34.010 to 34.100.

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

The foregoing Resolution adopted the _____ day of January, 2023.

City Recorder

Potential LIRHPTE: Mainstream Apartments



Legend

- Sites
- Streets
- Taxlots

0 25 50 100 Ft

12/19/2022

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



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: January 23, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

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

SUGGESTED MOTION

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

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Approval of a Resolution Annexing Land to the City of Eugene
(Assessor's Map 17-04-24-31, Tax Lot 04500 Located at 800 River Road).
(City File: A 22-6)

Meeting Date: January 23, 2023
Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

This item is a request to annex property located at 800 River Road. The property to be annexed is approximately .34 acres and is located at the northwest corner of the intersection of River Road and Park Avenue. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

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

BACKGROUND

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

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

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

January 23, 2023 Meeting – Item 5A

500 feet of the subject property and interested parties consistent with Eugene Code requirements. The City did not receive any testimony in response to the public notice.

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

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue, which is open from 12 pm to 4 pm Monday through Friday. To view materials at another time, please contact the listed staff representative to schedule an appointment. Copies may be also obtained at a reasonable cost.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

City Council may consider the following options:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

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

ATTACHMENTS

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

FOR MORE INFORMATION

Staff Contact: Althea Sullivan

Telephone: 541-682-5485

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



Vicinity Map

800 RIVER ROAD (A 22-6)

Attachment A



- Subject Property
- Eugene City Limits
- Taxlots



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

Created on 1/6/2023
by City of Eugene Planning Division

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RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-24-31, TAX LOT 04500 LOCATED AT 800
RIVER ROAD).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on April 20, 2022, by Devon Locke, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-31, Tax Lot 04500, to the City of Eugene.

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

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

D. On December 21, 2022, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the 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, 2023.

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

NOW, THEREFORE,

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

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-31, Tax Lot 04500, which is more particularly described in the attached Exhibit A, is annexed to the City of Eugene.

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

The foregoing Resolution adopted the ____ day of January, 2023.

City Recorder

Exhibit A

April 7, 2022

LEGAL DESCRIPTION**ANNEXATION APPLICATION****TM 17-04-24-31, TL 4500**

Branch Engineering Inc. Project No. 22-172

ALL THOSE LANDS conveyed in that Warranty Deed from JMH Rentals, LLC to Devon Riley Locke recorded on December 11, 2020 as Reception Number 2020-073093 in the Lane County Oregon Official Records, said lands being more particularly described as follows:

BEGINNING at the southwest corner of Lot 1 of PARK AVENUE ADDITION as platted and recorded in Book 9, Page 31 in the Lane County Oregon plat records; **THENCE** along the westerly boundaries of Lot 1 and 2 of said PARK AVENUE ADDITION North 107.00 feet, more or less, to the southwest corner of Land Partition Plat Number 98-P1094 as platted and recorded in the Lane County Oregon Partition Plat Records; **THENCE** along the southerly boundary of said Land Partition Plat North 88°18'44" East 159.33 feet, more or less, to the westerly margin of the River Road right-of-way, said point also lying 50.00 feet left of River Road Engineer's Station 43+90.73 as dedicated in that Warranty Deed from Koinonia Ministries to Lane County recorded on February 28, 1989 on Reel 1561R as Instrument Number 8909111, in the Lane County Oregon Official Records; **THENCE** continuing southerly along said westerly margin 69.05 feet, more or less, on a 2,241.83 foot radius curve to the right through a delta angle of 01°45'53" with a 69.05 foot chord bearing South 13°27'32" East to a point lying 50.00 feet left of River Road Engineer's Station 43+29.00 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said westerly margin South 32°42'27" West 14.11 feet, more or less, to a point lying 60.00 feet left of River Road Engineer's Station 43+18.81 as dedicated in said Instrument Number 8909111, said point also being on the northerly margin of the Park Avenue right-of-way, and 30.00 feet right of Park Avenue Engineer's Station 10+52.53 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 77°07'10" West 49.50 feet, more or less, to a point lying 30.00 feet right of Park Avenue Engineer's Station 11+02.03 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 76°44'16" West 92.05 feet, more or less, to a point lying 21.33 feet right of Park Avenue Engineer's Station 12+00.00 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 89°00'00" West 29.87 feet, more or less, **RETURNING** to the **POINT of BEGINNING**.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/23

LAND ANNEXATION FOR DEVON LOCKE

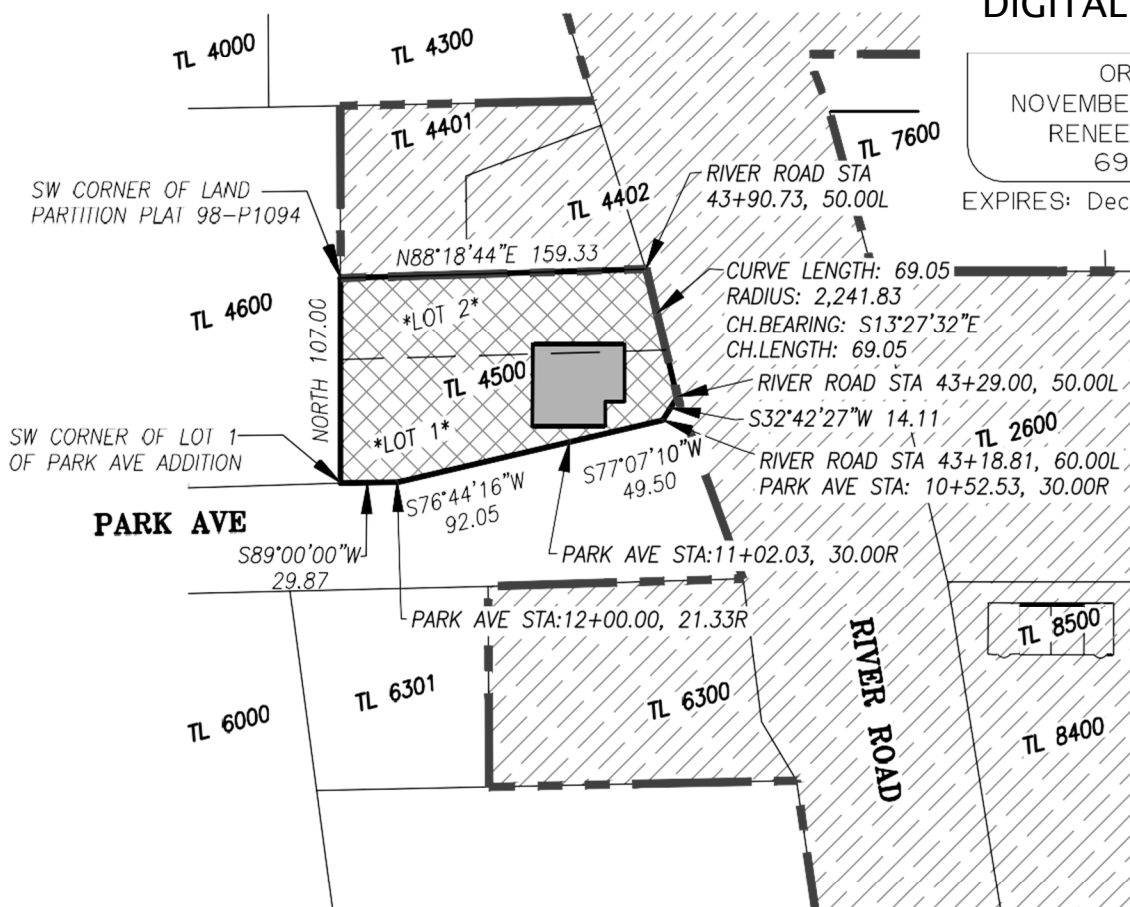
NE 1/4, SW 1/4, SEC. 24, T. 17S, R. 4W, W.M.
EUGENE, LANE COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

EXPIRES: December 30, 2023

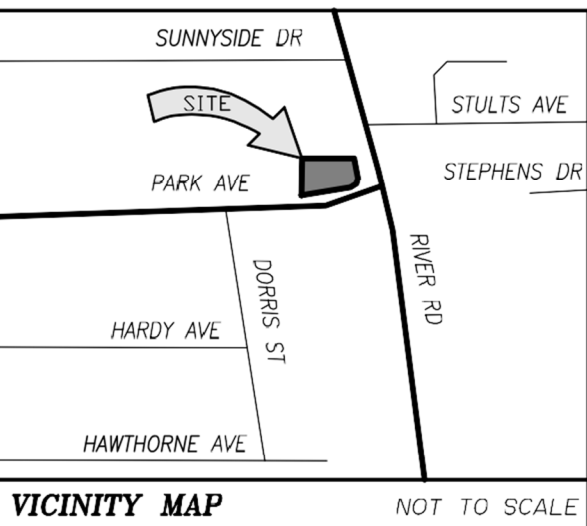


LEGEND

- CITY LIMITS
- LANDS TO BE ANNEXED
- EXISTING STRUCTURE
- *LOT X* DENOTES LOT WITHIN PARK AVENUE ADDITION

NOTES

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON JUNE 5, 2020.
2. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



SCALE: 1"=100'



800 RIVER ROAD

SHEET 1 OF 1

ANNEXATION MAP

APRIL 20, 2022

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

Project No: 22-172



**Planning Director's Findings and Recommendation:
Annexation Request for 800 RIVER ROAD
(City File: A 22-6)**

Exhibit C

Application Submitted: April 20, 2022
Applicant: Devon Locke
Property Included in Annexation Request: Tax Lot 04500 of Assessor's Map 17-04-24-31
Zoning: R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
Location: 800 River Road
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, and also designates the area for low density residential use. At the time the annexation application was filed, the site was zoned R-2 Medium-Density Residential, but the property has since been re-zoned R-1 Low-Density Residential which is consistent with both the <u>Metro Plan</u> and <u>RR/SC UFP</u>. The zone change was approved on December 22, 2022 and became effective January 5, 2023. The property is now zoned R-1 Low-Density Residential with a /UL overlay. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies ☒ YES ☐ NO		Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:

Wastewater

The subject property is already served by the public wastewater system (see sewer connection record 30276).

Stormwater

At the time of further development of the property, treatment of stormwater will be evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

The property has frontage on Park Avenue and River Road, both of which are public streets. In the event further development occurs, additional evaluation of access to the public street system will take place.

Solid Waste

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

Water and Electric

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

Public Safety

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

Parks and Recreation

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

Planning and Development Services

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

Communications

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

		<p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of River Road Elementary School, Kelly Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p>
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CONCLUSION:

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

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of R-1 Low-Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



ANNEXATION

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-21-31	4500	R-2 Med Density Res.	0.34

Property Address: 800 River Road

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

Public Service Districts:

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

Filing Fee

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

Written Statement *(Submit 5 copies)*

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

Site Plan Requirements

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

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

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

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

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

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

PROPERTY OWNER OF TAX LOT: 4500

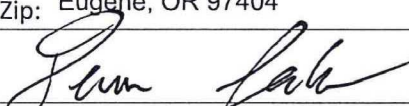
Name (print): Devon Locke

Address: 800 River Road

Email: devlocke2@gmail.com

City/State/Zip: Eugene, OR 97404

Phone: 541-525-6536 Fax: _____

Signature: 

Date: 4/4/2022

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 P.L.S., P.E., AICP

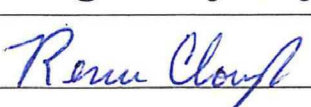
Company/Organization: Branch Engineering

Address: 310 5th Street

City/State/Zip: Springfield, OR 97477

Phone: 541-746-0637 Fax: _____

E-mail: reneec@branchengineering.com

Signature: 

Date: 4/12/22

REPRESENTATIVE (If different from Surveyor):

Name (print): Andrew Strout, EIT

Company/Organization: Branch Engineering

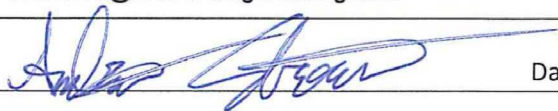
Address: 310 5th Street

City/State/Zip: Springfield, OR 97477

Phone: 541-746-0637 Fax:

E-mail: andrews@branchengineering.com

Signature:



Date:

4/12/22

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



April 20, 2022

WRITTEN STATEMENT

ANNEXATION

TM 17-04-21-31, TL 4500

Branch Engineering Inc. Project No. 22-172

This application proposes an annexation for Tax Map 17-04-21-31, Tax Lot 4500. The property is located inside the City of Eugene Urban Growth Boundary and is zoned R-2 Medium-Density Residential with an Urbanizable Land Overlay. The purpose of the annexation is to increase options for future use of the property.

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 is contiguous to the city limits on the north, south and eastern sides.

- (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 and the River Road/Santa Clara Urban Facilities Plan (RR/SC UFP). The property is currently zoned R-2/Medium-Density Residential with an Urbanizable Land Overlay. Both the Metro Plan and the RR/SC UFP designate the property for medium density residential use. The /UL overlay zoning will be automatically removed upon annexation approval.

The subject property is located within the River Road/Hilliard Subarea. None of the River Road – Santa Clara Urban Facilities Plan Policies listed in EC 9.9610(6)(a-c) are directly applicable to the annexation. The “Public Facilities and Services Element” policies of the RR/SC UFP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.

As further detailed in subsection (3), the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

Several other policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section:

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 11-C-4).*

Policy 10: Annexation to a city through normal processes shall continue to be the highest priority (page 11-C-5).

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 11-C-5).

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

- Y Electrical service is provided by EWEB. Overhead wires are available for connection along Park Ave.*
- Y Water service is provided by EWEB. A 10-inch water main is available for connection along River Road.*
- Y A 4" wastewater main exists along River Road and is available for connection along the East side of the property.*
- Y Stormwater lines are available along River Road and Park Ave.*
- Y The River Road Water District currently provides fire service to the area.*
- Y The property has frontage and takes access along Park Ave to the south, and has frontage on River Road to the east.*

-
- Y *The property is within the Eugene School District 4J and is within the district boundaries of River Road Elementary, Kelly Middle School and North Eugene High School.*
 - Y *Garbage collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.*
 - Y *Police protection can be extended to this site upon annexation consistent with service provision throughout the City.*
 - Y *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.*
 - Y *A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.*
 - Y *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.*
 - Y *A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.*

If yes,
location? Park Ave and River Rd

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

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. River Rd borders the site to the East, and Park Ave to the South.

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

_____ Yes x No _____ Unknown

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

_____ Yes x No _____ Unknown

Parks, Recreation, and Cultural Services

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

Rasor Park is 0.3 miles to the east of the property, Rosetta Place Park is .2 miles to the northwest,
and Maurie Jacobs Park is 1 mile to the southeast.

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

Public Safety

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

For River Road/Santa Clara area-

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

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

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

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

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

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

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

Electric Service – Which electric company will serve this site?

EWEB _____.

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

A 10" main is located on River Rd.

_____.

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.

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

RECEIVED

MAY 24 2022

Lane County
Assessment & Taxation

PETITION

Petition Signature Sheet
Annexation by Individuals

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
<u>Devon Locke</u>	<u>4/4/22</u>	<u>Devon Locke</u>	<u>800 River Rd, Eugene OR 97404</u>	<u>17-04-24-31-04504</u>	☒	☒	<u>0.34</u>
<u>Ally Wimberly</u>	<u>4/4/22</u>	<u>Ally Wimberly</u>	<u>800 River Rd Eugene OR 97404</u>	<u>17-04-24-31-04504</u>	☒	☒	<u>0.34</u>
<u>Barrett Kocher</u>	<u>4/5/22</u>	<u>Barrett J. Kocher</u>	<u>800 River Rd Eugene OR 97404</u>	<u>17-04-24-31-04504</u>	☒	☒	<u>0.34</u>

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

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 3 (qty). This petition reflects that 3 (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 4. I hereby certify that this petition includes 3 valid signatures representing 75 (%) of the total active registered voters that are registered in the proposed annexation.

Devon Locke
Lane County Department of Assessment and Taxation
5/24/2022 8/23/22
Date Certified

Devon Locke
Lane County Clerk or Deputy Signature
5/24/22
Date Certified

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** Digitally signed by Renee Clough
Date: 2022.04.12 14:29:12 -07'00'

Registered Land Surveyor

Print Name: Renee Clough, P.L.S.

Date: _____

Seal:

DIGITALLY SIGNED

LAND ANNEXATION FOR DEVON LOCKE

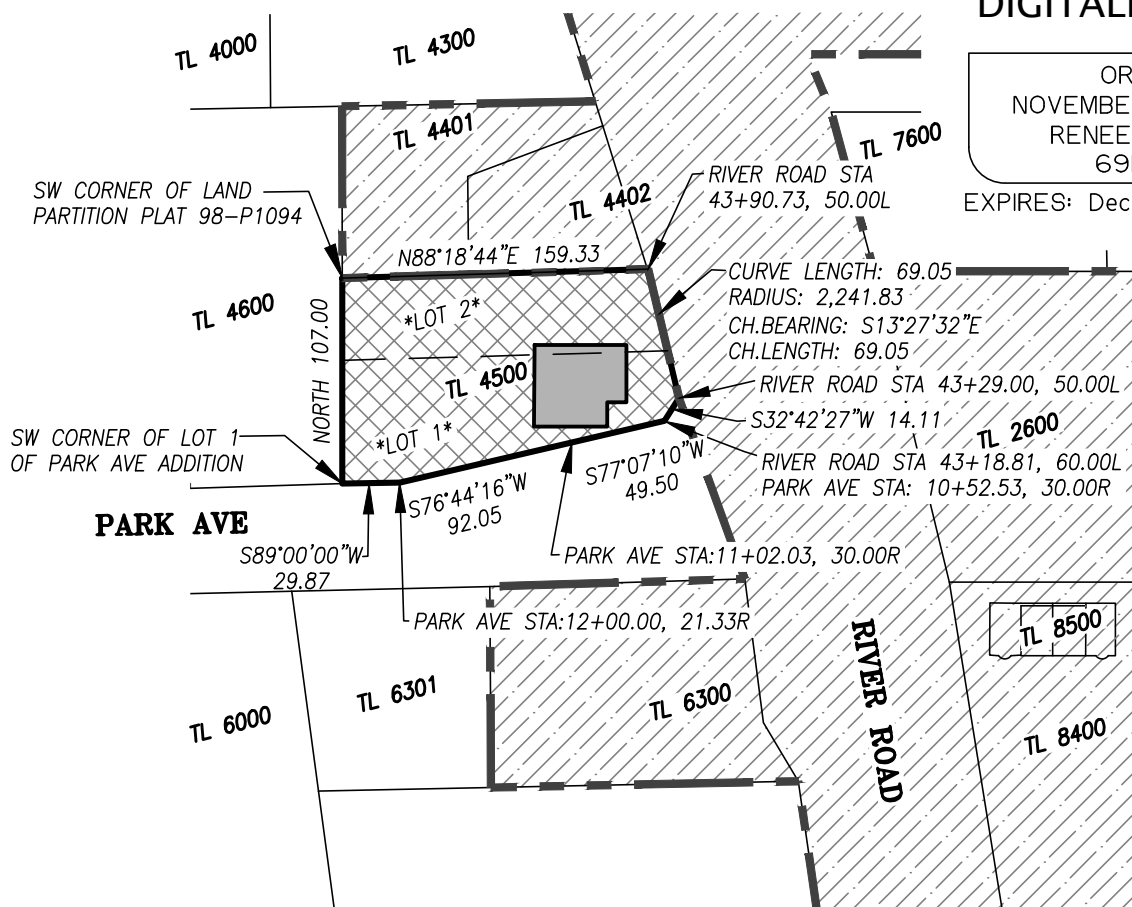
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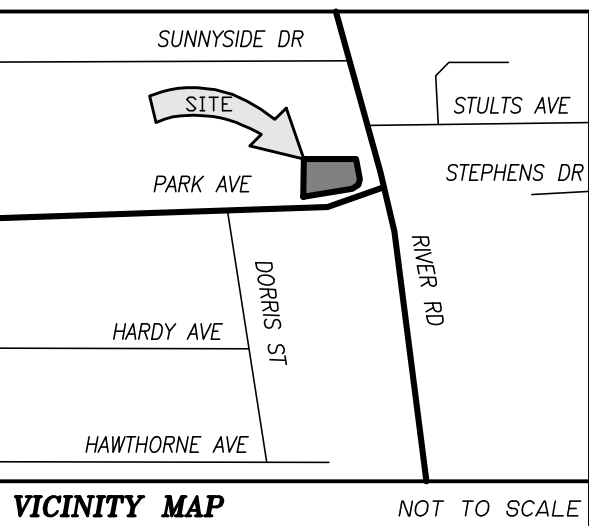


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2. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



SCALE: 1"=100'



800 RIVER ROAD

SHEET 1 OF 1

ANNEXATION MAP

APRIL 20, 2022

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

Project No: 22-172

April 7, 2022

LEGAL DESCRIPTION

ANNEXATION APPLICATION

TM 17-04-24-31, TL 4500

Branch Engineering Inc. Project No. 22-172

ALL THOSE LANDS conveyed in that Warranty Deed from JMH Rentals, LLC to Devon Riley Locke recorded on December 11, 2020 as Reception Number 2020-073093 in the Lane County Oregon Official Records, said lands being more particularly described as follows:

BEGINNING at the southwest corner of Lot 1 of PARK AVENUE ADDITION as platted and recorded in Book 9, Page 31 in the Lane County Oregon plat records; **THENCE** along the westerly boundaries of Lot 1 and 2 of said PARK AVENUE ADDITION North 107.00 feet, more or less, to the southwest corner of Land Partition Plat Number 98-P1094 as platted and recorded in the Lane County Oregon Partition Plat Records; **THENCE** along the southerly boundary of said Land Partition Plat North 88°18'44" East 159.33 feet, more or less, to the westerly margin of the River Road right-of-way, said point also lying 50.00 feet left of River Road Engineer's Station 43+90.73 as dedicated in that Warranty Deed from Koinonia Ministries to Lane County recorded on February 28, 1989 on Reel 1561R as Instrument Number 8909111, in the Lane County Oregon Official Records; **THENCE** continuing southerly along said westerly margin 69.05 feet, more or less, on a 2,241.83 foot radius curve to the right through a delta angle of 01°45'53" with a 69.05 foot chord bearing South 13°27'32" East to a point lying 50.00 feet left of River Road Engineer's Station 43+29.00 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said westerly margin South 32°42'27" West 14.11 feet, more or less, to a point lying 60.00 feet left of River Road Engineer's Station 43+18.81 as dedicated in said Instrument Number 8909111, said point also being on the northerly margin of the Park Avenue right-of-way, and 30.00 feet right of Park Avenue Engineer's Station 10+52.53 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 77°07'10" West 49.50 feet, more or less, to a point lying 30.00 feet right of Park Avenue Engineer's Station 11+02.03 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 76°44'16" West 92.05 feet, more or less, to a point lying 21.33 feet right of Park Avenue Engineer's Station 12+00.00 as dedicated in said Instrument Number 8909111; **THENCE** continuing along said northerly margin South 89°00'00" West 29.87 feet, more or less, **RETURNING** to the **POINT of BEGINNING**.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/23



City of Eugene Planning

PLANNING RECEIPT

DATE 8/23/2022

Method of Payment

- ☐ Cash
☐ Check
☒ Visa/MC

Customer Information

Name Devon Locke
 Address 800 River Rd
 Eugene, OR 97404
 Project Annexation File: A 22-6

Amount Received

\$5,155.70

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

Subtotal App Fees \$ 4,730.00
 Subtotal Other Fees \$ -
 Subtotal Appeal Fees \$ -

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

Total \$ 5,155.70

Staff Receiving Application
JDC

Building Permit Services ♦ 99 West 10th Avenue ♦ Eugene, Oregon ♦ 97401 ♦ 541-682-5377

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Approval of a Resolution Annexing Land to the City of Eugene
(Assessor's Map 17-04-24-21, Tax Lot 06800 Located at 90 Arbor Drive)
(City File: A 22-9)

Meeting Date: January 23, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5B
Staff Contact: Jeff Gepper
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

This item is a request to annex property located on the south side of Arbor Drive, east of River Road and west of Loretta Way. The property to be annexed is approximately 0.35 acres. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

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

BACKGROUND

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

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

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

January 23, 2023 Meeting – Item 5B

Community Organization) consistent with Eugene Code requirements. The City did not receive any testimony in response to the public notice.

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

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue, which is open from 12 pm to 4 pm Monday through Friday. To view materials at another time, please contact the listed staff representative to schedule an appointment. Copies may be also obtained at a reasonable cost.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

City Council may consider the following options:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

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

ATTACHMENTS

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

FOR MORE INFORMATION

Staff Contact: Jeff Gepper

Telephone: 541-682-5282

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



90 Arbor Drive Annexation (City File: A 22-9) Vicinity Map

Attachment A



 Subject Property (Area to be annexed)

 Eugene City Limits

 Taxlots



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

Created on 11/8/2022
by City of Eugene Planning Division

0 15 30 60 Ft



RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-24-21, TAX LOT 06800 LOCATED AT 90
ARBOR DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on September 23, 2022, by Oblio Stroyman and Cass Averill, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-21 Tax Lot 06800, to the City of Eugene.

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

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

D. On December 22, 2022, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the 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, 2023.

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

NOW, THEREFORE,

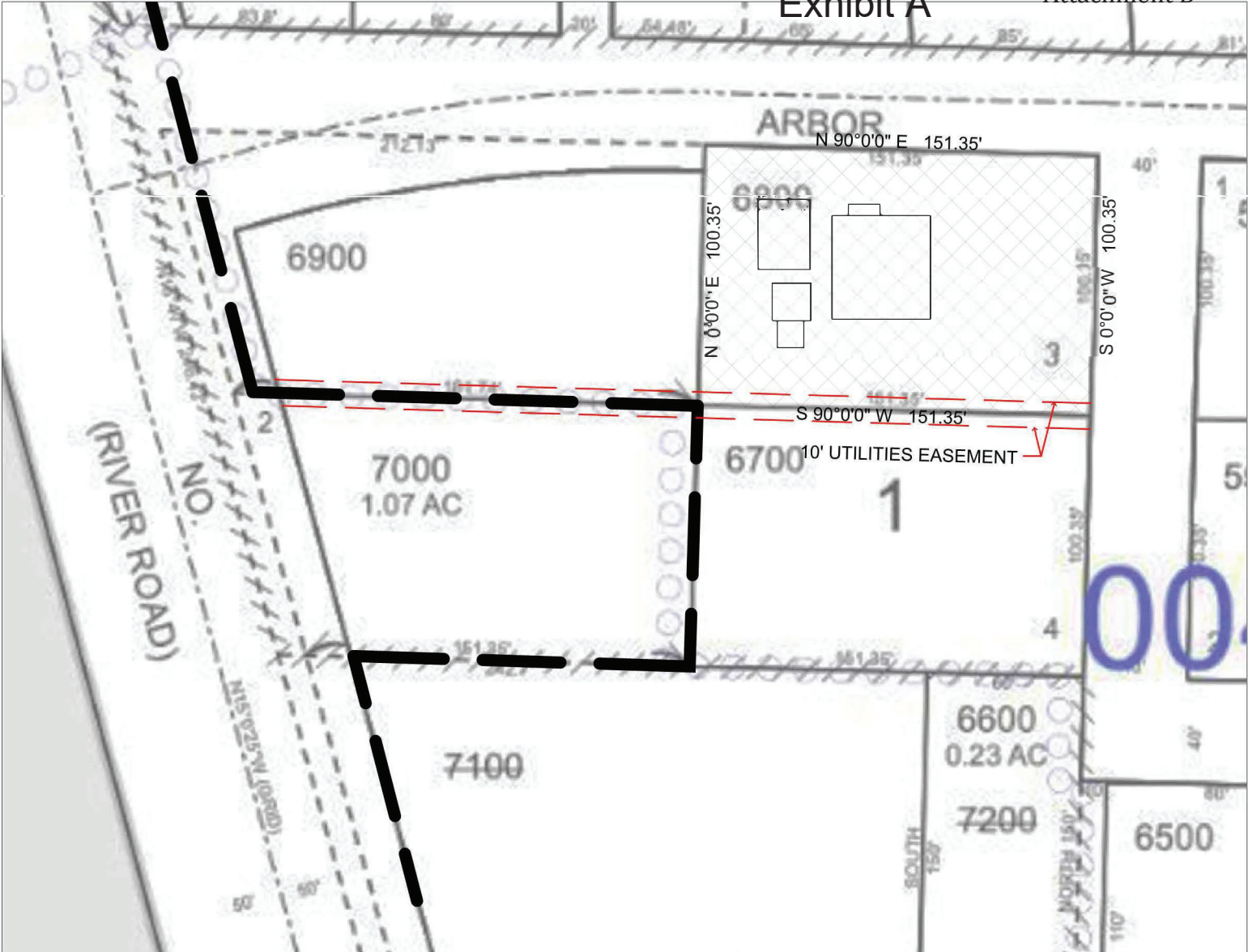
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-21, Tax Lot 06800, which is more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

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

The foregoing Resolution adopted the ____ day of January, 2023.

City Recorder



MAP: 17 04 24 21 Tax Lot 6800



LAND TO BE ANNEXED
(NEWMANS TRACT Lot 3 Block 1)



CITY LIMITS



EXISTING BUILDINGS

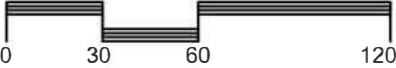


SCHIRMER CONSULTING, LLC
Landscape Architecture + Land Use Planning
PO Box 10424
Eugene, Oregon 97440
Phone: 541.234.5108

ANNEXATION MAP
Stroyman/Averill Annexation

90 Arbor Drive, Eugene, Oregon 97404
C6 Agenda Page 64
Date: September 23, 2022
Revised: October 26, 2022

Scale: 1" = 60' - 0"



January 23, 2023 Meeting - Item 5B

**Legal Description of Affected Territory to be Annexed
(Tax Lot #6800)**

Lot 3, Block 1, NEWMAN'S TRACT, as platted and recorded in Vol. 12, Page 5, Lane County Oregon Plat Records, in Lane County, Oregon.

Exhibit B
Page 2 of 2

W. B. Dillard
12 5
W. B. Dillard
Boris Byler

SCALE 1" = 100'

NEWMAN'S TRACT

A SUBDIVISION IN BENJAMIN DAVIS D.L.C. NO. 45, T17 S, R4 WWM
LANE COUNTY, OREGON

DESCRIPTION

BEGINNING AT A POINT ON THE EAST LINE OF COUNTY ROAD NO. 200 ALSO KNOWN AS THE OLD PACIFIC HIGHWAY, 149.63 FEET NORTH 17° WEST OF THE NORTHWEST CORNER OF THE PLAT OF OAKLEIGH AS THE SAME IS PLATTED AND RECORDED IN BOOK 9, PAGE 32 OF THE LANE COUNTY PLAT RECORDS AND RUNNING THENCE WEST 10.48 FEET; THENCE NORTH 16° 50' WEST 14.49 FEET; THENCE EAST 112.06 FEET; THENCE SOUTH 18° 27' EAST 40.12 FEET; THENCE SOUTH 26° 39' EAST 18.8 FEET; THENCE WEST 855.66 FEET; THENCE NORTH 18.0 FEET; THENCE WEST 30.70 FEET TO THE POINT OF BEGINNING.

SURVEYORS AFFIDAVIT

I, ADRIAN W. VALER, BEING DULY SWORN ON OATH, SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED ON THE GROUND WITH PROPER MONUMENTS THE LAND REPRESENTED BY THE PLAT OF NEWMAN TRACT AS SHOWN HEREBY AND HAVE PLACED A 2" BY 3" GALVANIZED IRON PIPE 6" BELOW THE GROUND SURFACE FOR THE INITIAL POINT AT A DISTANCE OF 2037.32 FEET NORTH 17° WEST OF A POINT 4822.43 FEET EAST OF THE SOUTH WEST CORNER OF THE BENJAMIN DAVIS D.L.C. NO. 45 IN T17 S, R4 W WWM.

W. B. Dillard
SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF November 1945
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES June 19 1949

W. B. Dillard
REGISTERED PROFESSIONAL
SURVEYOR
1945
JANUARY 17, 1946
JANUARY 17, 1946

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, J. DELMAR NEWMAN AND LORETTA NEWMAN, HUSBAND AND WIFE AND JOHN H. NEWMAN AND ADELINE NEWMAN, HUSBAND AND WIFE, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND DO HEREBY LAY OUT AND ESTABLISH THE STREETS AS SHOWN ON THE PLAT OF NEWMAN'S TRACT AND DEDICATE THE SAME TO THE PUBLIC TO BE USED AS SUCH FOREVER.

WITNESS OUR HANDS AND SEALS:
THIS 7th DAY OF DECEMBER, 1945

J. Delmar Newman
J. DELMAR NEWMAN
Loretta Newman
LORETTA NEWMAN
John H. Newman
JOHN H. NEWMAN
Adeline Newman
ADELINE NEWMAN

ACKNOWLEDGEMENT

STATE OF OREGON } ss
COUNTY OF LANE }
ON the 7th DAY OF December, 1945, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE SAID STATE AND COUNTY, THE ABOVE MENTIONED PARTIES, J. DELMAR NEWMAN, LORETTA NEWMAN, JOHN H. NEWMAN, ADELINE NEWMAN, WHO ARE PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED. IN WITNESS I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 7th DAY OF December, 1945.

Martha Knight
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES March 9 1949

EUGENE

PLANNING COMMISSION
President
Secretary

LANE COUNTY

County Judge
Commissioner
Assessor
Surveyor

FILED FOR RECORD
RECORDED

Endorsements
e.



**Planning Director's Findings and Recommendation:
Annexation Request for 90 Arbor Drive
(City File: A 22-9)**

Exhibit C

Application Submitted: September 23, 2022
Applicant: Oblio Stroyman and Cass Averill
Property Included in Annexation Request: Tax Lot 06800 of Assessor's Map 17-04-24-21
Zoning: R-1 Low-Density Residential with /UL Urbanizable Land Overlay Zone
Location: 90 Arbor Drive
Lead City Staff: Jeff Gepper, Senior Planner, City of Eugene Planning Division, 541-682-5282

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property, which also designates the area for low density residential use, consistent with the subject property’s existing R-1 Low-Density Residential zoning. The /UL overlay will be automatically removed from the property upon approval of the annexation.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is within the River Road/Hilliard subarea, which also identifies the property as low density residential, but does not contain specific policies applicable to the subject request. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies ☒ YES ☐ NO		Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:

		<p><u>Wastewater</u> Public wastewater is available via an 8-inch line which is located in Arbor Drive. A specific plan for service to the site will be reviewed at the time of future development.</p> <p><u>Stormwater</u> At the time of future development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.</p> <p><u>Transportation</u> The property is located on Arbor Drive, which is a public street that connects to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u> Water and electric services are currently provided to the property. Future or additional water and electric services extended to the subject property must be in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p>
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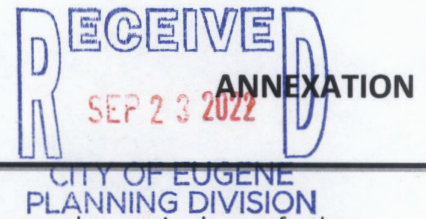
		<p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of River Road Elementary School, Kelly Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p>
--	--	---

CONCLUSION:

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

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of R-1 Low-Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17 04 24 21	6800	R-1/UL	.35 acres

Property Address: 90 Arbor Drive, Eugene, OR 97404

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

Public Service Districts:

Name			
Parks:	River Road Parks and Recreation		
Electric:	EWEB (Eugene Water and Electric Board)		
Water:	EWEB (Eugene Water and Electric Board)		
Sanitary Sewer:	City of Eugene		
Fire:	River Road Water District		
Schools:	Elementary: River Road	Middle: Kelly	High: North Eugene
Other:			

Filing Fee

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

Written Statement (Submit 5 copies)

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

Planning & Development
Planning Division

99 W. 10th Avenue, Eugene, OR 97401

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

Updated: December 2016

Page 1 of 4

Site Plan Requirements

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

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

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

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

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

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

PROPERTY OWNER OF TAX LOT: 6800

Name (print): Oblio Z. Stroyman

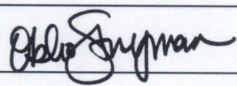
Address: 90 Arbor Drive

Email: _____

City/State/Zip: Eugene, OR 97404

Phone: _____

Fax: _____

→ Signature: 

Date: 9.13.22

PROPERTY OWNER OF TAX LOT: 6800

Name (print): Cass K. Averill

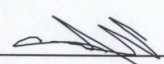
Address: 90 Arbor Drive

Email: _____

City/State/Zip: Eugene, OR 97404

Phone: _____

Fax: _____

→ Signature: 

Date: 9.13.22

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print): Kent Baker

Company/Organization: Roberts Surveying, Inc.

Address: 2811 Lydick Way

City/State/Zip: Eugene, OR 97401

Phone: 541.345.1112 Fax: _____

E-mail: kent@robertssurvey.com

Signature: _____

Date: _____

REPRESENTATIVE (If different from Surveyor):

Name (print): Carol Schirmer

Company/Organization: Schirmer Consulting, LLC

Address: PO Box 10424

City/State/Zip: Eugene, OR 97440

Phone: 541.234.5108 Fax:

E-mail: schirmer@schirmerconsulting.com

Signature:



Date: 9.30.22

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

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

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print):

Kent Baker

Company/Organization:

Roberts Surveying, Inc.

Address:

2811 Lydick Way

City/State/Zip: Eugene, OR 97401

Phone: 541.345.1112 Fax:

E-mail:

kent@robertssurvey.com

Signature: 

Date:

9/21/22

Planning & Development

Planning Division

99 W. 10TH Avenue, Eugene, OR 97401

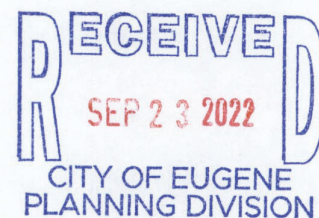
Phone: 541.682.5377 or E-mail: eugeneplanning@ci.eugene.or.us

Updated: December 2016

Page 3 of 4

September 23, 2022

**Oblio Stroyman
Cass Averill
Annexation Application
Map 17 04 24 21 Tax Lot 06800**



WRITTEN STATEMENT

In accordance with EC 9.7800, Annexation Application Procedures and Criteria, the applicants, Oblio Stroyman and Cass Averill, are requesting that the City of Eugene review this annexation request and determine that the proposal complies with criteria contained in EC 9.7825 and that the requested annexation can be approved.

I. Description of Proposal

A. Overview

Oblio Stroyman and Cass Averill (applicants) request annexation approval to increase opportunities for future use of the property. The property is located inside the City of Eugene Urban Growth Boundary and is zoned Residential (R-1) with an Urbanizable Land Overlay (UL).

B. Subject Site

The property is comprised of one tax lot and is located in the River Road Community Organization area. The property is bordered by primarily single family homes and a church.



II. Annexation – Approval Criteria

Annexation Approval Criteria are found in Section 9.7825 of the Eugene Code. Applicable sections of the Code are in plain text, followed by proposed findings of facts in *italics*.

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

The property to be annexed is within the city's urban growth boundary and is contiguous to the city limits. The property at 1105 River Road (Map 17 04 24 21 06700) is annexed and is contiguous with the subject property. See attached Subdivision that created these lots Newmans Tract).

- (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 and the River Road-Santa Clara Urban Facilities Plan. The property is currently zoned R-1 (Low Density Residential) with a UL overlay (Urbanizable Land). The Metro Plan and the River Road-Santa Clara Urban Facilities Plan designate the property for low density residential. The /UL overlay will automatically be removed upon annexation approval.

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

C. Growth Management

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

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

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

Response: Annexation into the corporate limits of the City of Eugene is codified in the Eugene Code (EC) 9.7800-9.7835. Processes and procedures regarding application, annexation, approval criteria, effective date and notice, and withdrawal from special districts are, by submittal and processing of this Annexation Application, being followed.

- Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services.

Response: The subject site is inside the Eugene jurisdiction of the metro area's Urban Growth Boundary. By this Annexation Application land within the UGB (the subject site) is being annexed and as required by applicable approval criteria, will be provided with the minimum level of urban facilities and services.

- Policy 17. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.

Response: EWEB currently provides service to property adjacent to the subject site and would therefore provide service to the annexed property.

APPLICABLE REFINEMENT PLAN: The applicable refinement plan is River Road-Santa Clara Urban Facilities Plan.

None of the policies in the River Road-Santa Clara Urban Facilities Plan are directly applicable to the annexation of the property.

The property is not located in any of the subareas of the River Road-Santa Clara Urban Facilities Plan and as such there are no policies that are specific to this application.

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

Response: The proximity of key urban facilities and services to the site show that services can be provided on an orderly, efficient, and timely manner. These services are as follows:

Wastewater

An 8" public gravity wastewater service is available and adjacent to the site in Arbor Drive.

Stormwater

Stormwater is handled on site.

Any development plans will be required to meet current City of Eugene Stormwater Management criteria and will be evaluated by staff for compliance. Post development stormwater flows will not exceed predevelopment stormwater flows.

Water and Electric Service

Water and electric service is currently provided to the subject site by EWEB. There is a 4" water main adjacent to the site in both Arbor Drive and Loretta Way. There is electric service to the site as evidenced by the existing home.

Transportation

The property has frontage on both Arbor Drive and Loreeta Way and takes access from Arbor Drive. Arbor Drive connects to River Road, a major transportation corridor, a short distance to the west of the property.

Transit – Lane Transit District has regular bus service on River Road traveling both north and south.

There are bike paths on both River Road and the nearby Willamette River multi-use path.

Solid Waste Management

Solid waste collection is provided by private firms, whose franchise territory granted by the City of Eugene includes the site.

Fire and Emergency Medical Services

Emergency medical and fire are currently provided on a regional basis by Eugene, Springfield and Lane Rural Fire/Rescue to central Lane County. After annexation, this service will continue to be provided by the current provider.

Police Protection

City of Eugene will provide police protection to this site upon annexation.

Parks and Recreation

Per the City of Eugene 2017 'Parks, Open Space & Rec Map". the following parks are located within one mile of the subject property: Emerald Park, Rosetta Place, access to the entire Willamette River bike/ped path system, and Razor Park.

Land Use Controls

The subject property is inside the Eugene portion of the Metro Plan Urban Growth Boundary. The city of Eugene provides land use controls for the site.

Communication Facilities

A variety of telecommunications providers offer communication services throughout the Eugene/Springfield Area.

Public Schools on a District-Wide Basis

The property is within the Eugene 4J School District and is within the district boundaries of River Road Elementary School, Kelly Middle School and North Eugene High School.

Given the above regarding public and private facility availability, this criterion is met.

III. Attachments

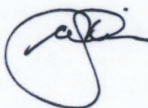
The following attachments are included with this application.

1. Site Plan
2. Petition Signature Sheet
3. Consent for Annexation
4. Legal Description of Affected Territory to be Annexed
5. Certification of Description
6. Summary of Urban Service Provision
7. County Assessor's Cadastral Map
8. Census Information Sheet

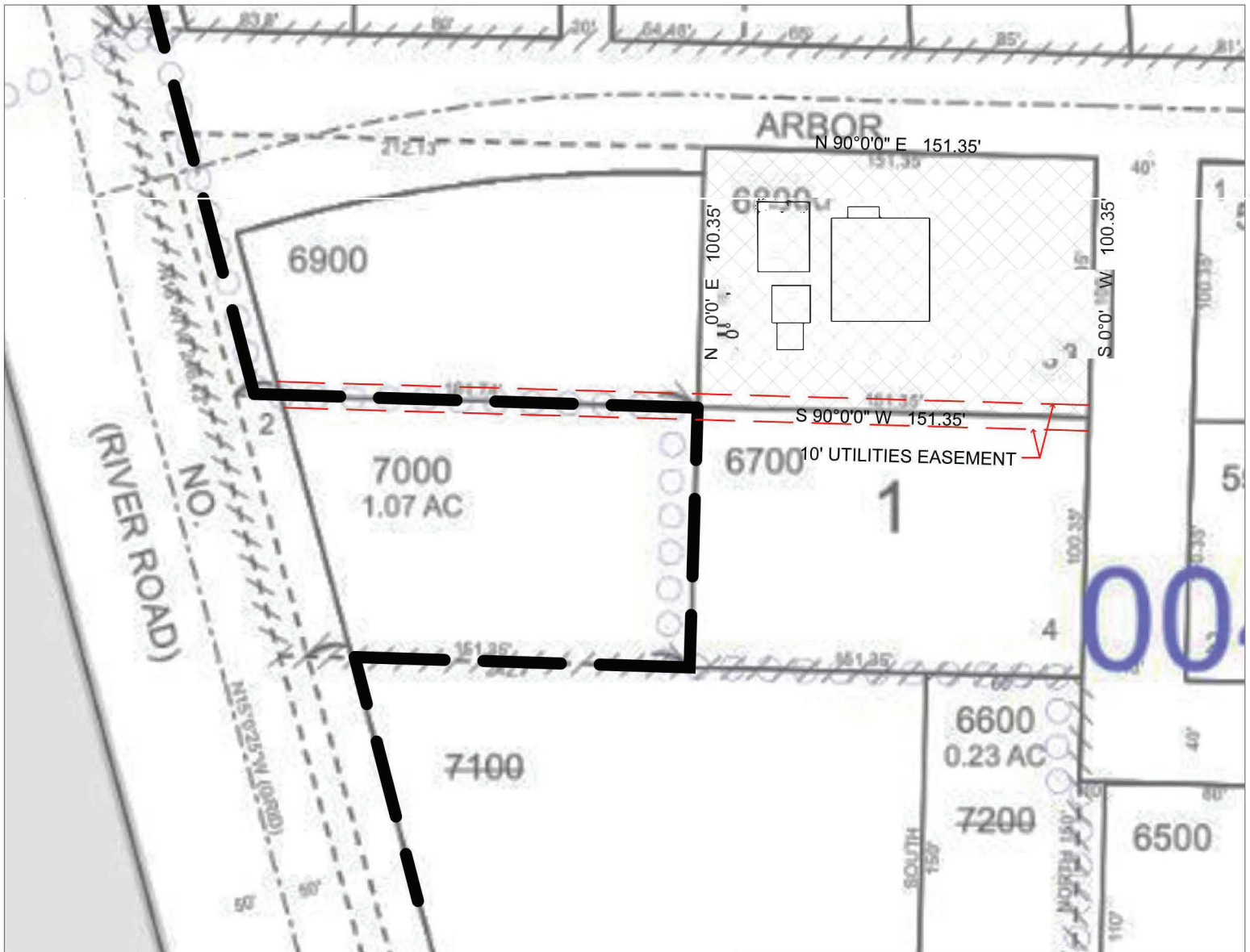
IV. Conclusion

Based on the available information and supporting materials the annexation request is consistent with all applicable approval criteria.

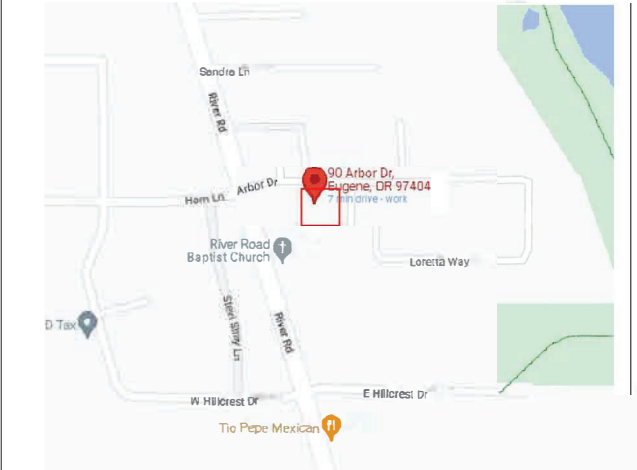
Sincerely,
Schirmer Consulting, LLC



Carol Schirmer
Principal



VICINITY MAP



nts

MAP: 17 04 24 21 Tax Lot 6800



LAND TO BE ANNEXED
(NEWMANS TRACT Lot 3 Block 1)



CITY LIMITS



EXISTING BUILDINGS

ANNEXATION MAP

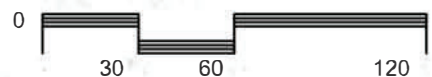
Stroyman/Averill Annexation

90 Arbor Drive, Eugene, OR 97402

Date: September 23, 2022
Revised: October 26, 2022

Scale: 1" = 60' - 0"

© 2022, SCHIRMER CONSULTING, LLC



DESCRIPTION

BEGINNING AT A POINT ON THE EAST LINE OF COUNTY ROAD NO. 209
 CORNER OF THE NORTHWEST CORNER OF THE PLAT OF OAKLEIGH AT THE
 WEST OF THE NORTHWEST CORNER OF THE PLAT OF OAKLEIGH AT THE
 SAME IS PLATTED AND RECORDED IN BOOK 5, PAGE 32 OF THE LANE
 COUNTY PLAT RECORDS AND RUNNING THENCE WEST 1045 FEET;
 THENCE SOUTH 17° 51' 30" EAST 401.26 FEET; THENCE SOUTH 17° 51' 30"
 THENCE WEST 895.88 FEET; THENCE NORTH 18° 00' FEET; THENCE WEST
 30.70 FEET TO THE POINT OF BEGINNING.

SURVEYORS AFFIDAVIT

I, ADRIAN W. WALKER, BEING DULY SWORN ON OATH, SAY THAT I HAVE
 CORRECTLY SURVEYED AND MARKED ON THE GROUND WITH IRON
 PIPES THE LOTS AND ALLEYS OF THE NEWMAN'S TRACT AS SHOWN
 HEREON AND HAVE PLACED 2" BY 30" GALVANIZED IRON
 PIPE 6" BELOW THE GROUND SURFACE FOR THE INITIAL POINT AT A
 DISTANCE OF 2037.32 FEET NORTH 17° 51' 30" WEST OF A POINT 4822.43
 FEET SOUTH 17° 51' 30" EAST OF THE CORNER OF THE BENJAMIN DAVIS D.L.C. NO.
 45 IN T. 5 S. R. 4 W. 1/4.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22ND DAY OF NOVEMBER 1945
 ADRIAN W. WALKER, NOTARY PUBLIC FOR OREGON
 MY COMMISSION EXPIRES JULY 1, 1947



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, J. EDGAR NEWMAN AND LORETTA
 NEWMAN, HUSBAND AND WIFE, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND DO
 HEREBY LAY OUT AND ESTABLISH THE STREETS AS SHOWN ON THE PLAT OF
 THE NEWMAN'S TRACT AND DEDICATE THE SAME TO THE PUBLIC TO BE USED AS
 SUCH FOREVER.

WITNESS OUR HANDS AND SEALS:
 THIS 17TH DAY OF DECEMBER, 1945

J. Edgar Newman
 Loretta Newman
 Adeline Newman

ACKNOWLEDGEMENT

STATE OF OREGON, ss
 I, J. C. LUTHER, CLERK OF SHERIFF, 1945, PERSONALLY APPEARED BEFORE ME,
 A NOTARY PUBLIC, IN AND FOR THE SAID STATE AND COUNTY, THE ABOVE MENTIONED
 PARTIES, J. EDGAR NEWMAN, LORETTA NEWMAN, JOHN H. NEWMAN, ADELINE NEWMAN, WHO
 ARE HUSBAND AND WIFE, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND
 EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED
 THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED.
 IN WITNESS I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 17TH
 DAY OF DECEMBER, 1945

My Commission Expires November 2, 1947
 J. C. Luther, Clerk of Sheriff, Notary Public for Oregon

M. A. O'Rand

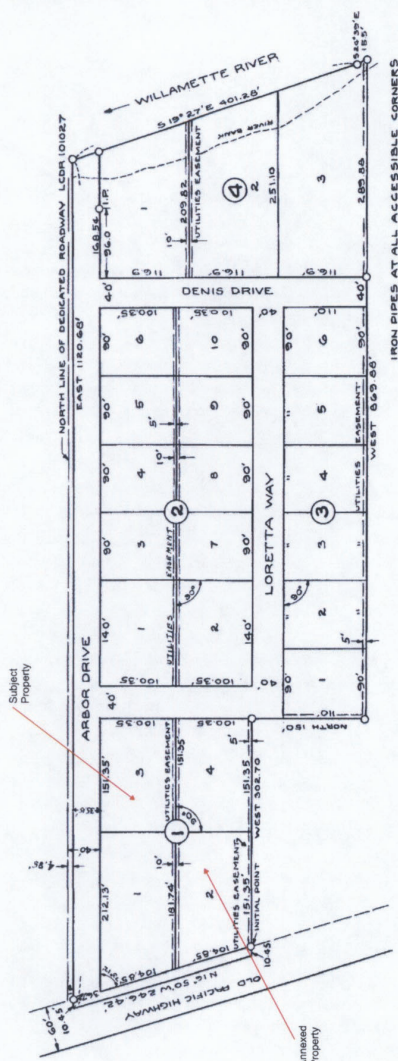
12 5

M. B. O'Rand
O'Rand Style

NEWMAN'S TRACT

A SUBDIVISION IN BENJAMIN DAVIS D.L.C. NO. 45, T17 S, R4 W 1/4
 LANE COUNTY, OREGON

SCALE 1" = 100'



LANE COUNTY

CLERK OF COUNTY JUDGE
 CLERK OF COUNTY JUDGE
 CLERK OF COUNTY JUDGE
 CLERK OF COUNTY JUDGE
 CLERK OF COUNTY JUDGE

EUGENE
 PLANNING COMMISSION
 PRESIDENT
 SECRETARY

FILED FOR RECORD
 RECORDER

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

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

PETITION

Petition Signature Sheet Annexation by Individuals

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
	9/13/22	Oblio Z. Stroyman	90 Arbor Drive Eugene, OR 97404	17-04-24-21-06800	x	x	.35
	9/13/22	Cass K. Averill	90 Arbor Drive Eugene, OR 97404	17-04-24-21-06800	x	x	.35
3.							
4.							
5.							

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

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

X  (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

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



Lane County Department of Assessment and Taxation

9/21/22

Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.



Lane County Clerk or Deputy Signature

9/21/22

Date Certified

Consent to Annexation

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

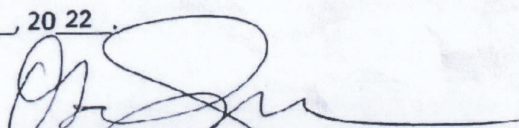
Map and Tax Lot: 17 04 24 21 06800 Address: 90 Arbor Drive, Eugene, OR 97404

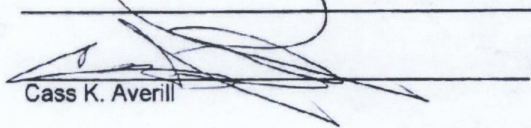
Legal Description:

Lot 3, Block 1, NEWMAN'S TRACT, as platted and recorded in Vol. 12, Page 5, Lane County Oregon Plat Records, in Lane County, Oregon.

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

DATED this 21st day of September, 20 22.


Oblio Z. Stroyman


Cass K. Averill

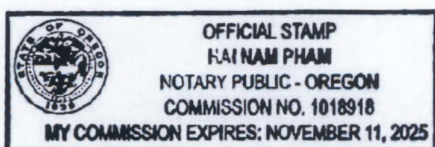
STATE OF OREGON)

County of Lane)ss
)

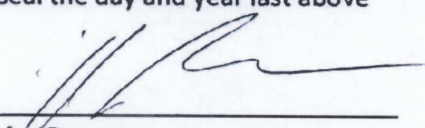
On this 21st day of September, 20 22, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named,

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 11/11/2025

**Legal Description of Affected Territory to be Annexed
(Tax Lot #6800)**

Lot 3, Block 1, NEWMAN'S TRACT, as platted and recorded in Vol. 12, Page 5, Lane County Oregon Plat Records, in Lane County, Oregon.

Certification of Description

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

Signature: _____

Registered Land Surveyor

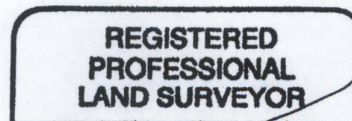
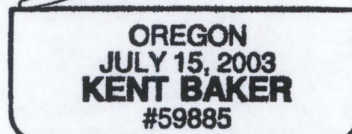
Print Name: _____

Kent Baker

Date: _____

9/16/22

Seal:



RENEWS: 12-31-2023

If yes,
location? _____

If no, how will stormwater be handled after development? -
On site retention _____

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. Arbor Drive

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

_____ Yes x No _____ Unknown

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

_____ Yes x No _____ Unknown

Parks, Recreation, and Cultural Services

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

West Bank Park, Rosetta Park. Rasor Park, Emerald Park. All are within 1 mile of the property.

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

Public Safety

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

For River Road/Santa Clara area-

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

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

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

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

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

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

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

Electric Service – Which electric company will serve this site?

 EWEB .

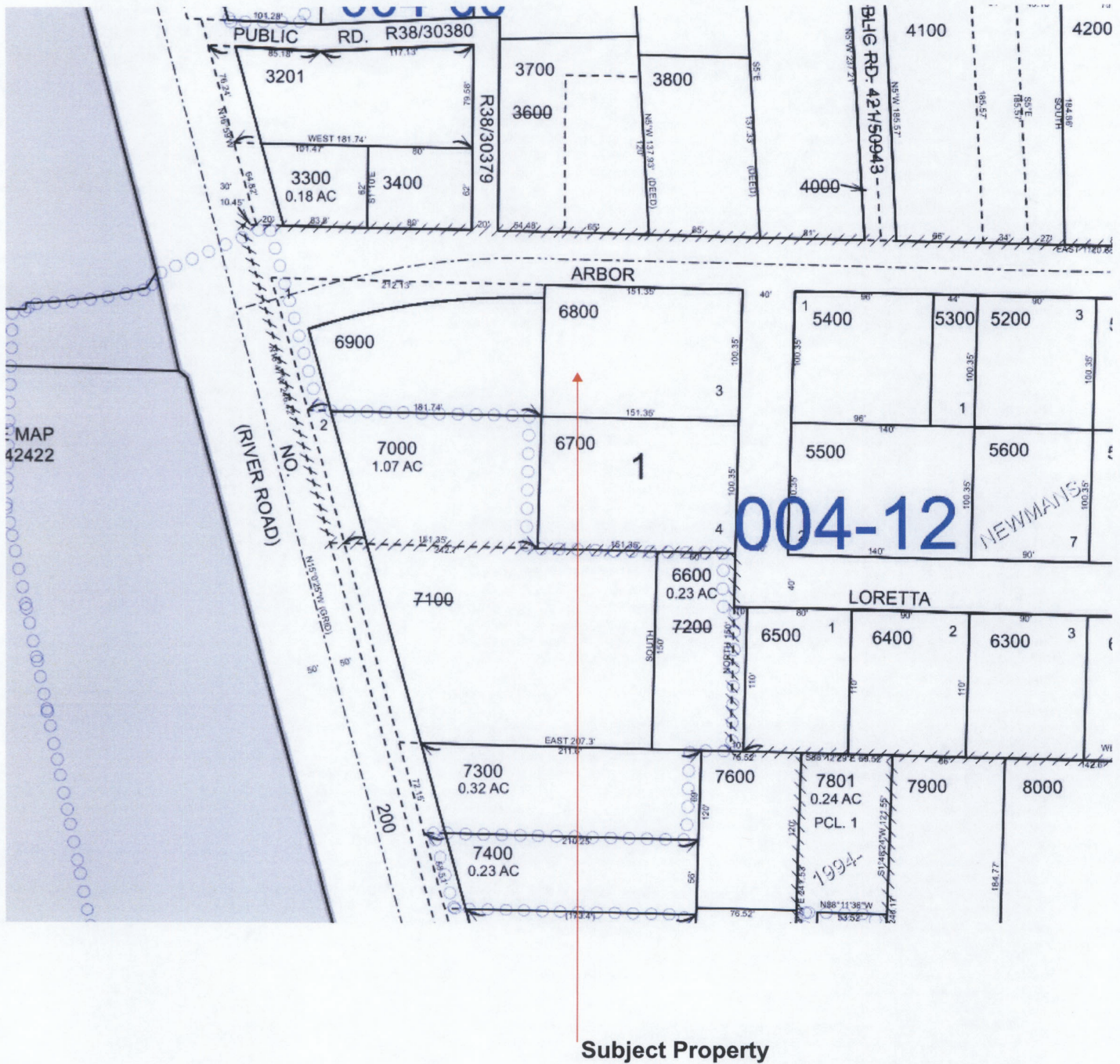
Water Service -- Please provide the size and location of the water main closest to your property. EWEB .

 4" main line in both Arbor Drive and Loretta Way.

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

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

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



COUNTY ASSESSOR'S CADASTRAL MAP



City of Eugene Planning

PLANNING RECEIPT

DATE 9/23/2022

Method of Payment

- ☐ Cash
☐ Check
☒ Visa/MC

Customer Information

Name Oblio Z. Stroyman
 Address 90 Arbor Dr
 Eugene, OR 97404
 Project Annexation

Amount Received

\$5,155.70

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

Total	\$	5,155.70
--------------	-----------	-----------------

Staff Receiving Application
 JDC

Building Permit Services • 99 West 10th Avenue • Eugene, Oregon • 97401 • 541-682-5377

CITY OF EUGENE P I C
100 W 10TH AVE STE 400
EUGENE, OR 97401
(541) 682-5677
HEADER 61

Bank ID: 1383
Merchant ID: 1277
Term ID: 002

Phone Order

XXXXXXXXXXXX2845
VISA Entry Method: Manual

Total: \$ 5,155.70

09/23/22 13:52:17
Inv #: 000003 Appr Code: 040613
Apprvd: Online Batch#: 266001
AVS Code: NO MATCH N
CVV2 Code: MATCH M
Retrieval Ref.#: 50100002

Customer Copy

FOOTER 41
ENCRYPTED TRANSACTION

=====

CITY OF EUGENE
BUILDING & PERMIT SERVICE
99 WEST 10TH AVE 682-5086
REG-RECEIPT:1-0002283 Sep 23 2022
CASHIER: ADP

=====

Annexation Fee	\$4,730.00
90 Arbor Dr, Eugene, OR 97404	
Admin Fee-Auto Calc	\$425.70

TOTAL DUE:	\$5,155.70

RECEIVED FROM:
OBLIO STROYMAN

Credit:	\$5,155.70

Total tendered:	\$5,155.70

Change due:	\$0.00

=====

www.eugene-or.gov/bldgpermittracking

=====

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

=====

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Resources for Housing Affordable to Low-Income Persons

Meeting Date: January 23, 2023
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Ellen Meyi-Galloway
Contact Telephone Number: 541-682-5532

ISSUE STATEMENT

City Council is asked to award a City-owned property on 13th Avenue (the former Naval Reserve site) and approve the use of Federal HOME Investment Partnerships Program (HOME) funds for a development proposal submitted in response to the Eugene-Springfield HOME Consortium's 2022 Affordable Housing Request for Proposals (RFP). Homes for Good Housing Agency (Homes for Good), submitted a proposal for 80 units of affordable rental housing and an Early Learning Center on the property.

BACKGROUND

The Affordable Housing RFP process is guided by the priority needs and strategies identified in the Eugene-Springfield 2020 Consolidated Plan, the One-Year Action Plans, and the Eugene-Springfield HOME Intergovernmental Agreement.

The Consolidated Plan identified priority needs for five populations including low-income renters, low-income homeowners, people experiencing homelessness, people with special needs, and people who are unemployed/underemployed. The Consolidated Plan established a 5-year goal to increase the affordable housing supply by 400 units using federal HOME funds. Since plan adoption in April 2020, 6 projects have been awarded HOME funds resulting in 279 units that are either complete, under construction, or in the pipeline to be constructed by 2025. Since 2020, 60 units in projects that were awarded HOME funds in Eugene and Springfield were not able to move forward and 51 units were delayed because they could not complete their financing. This was due to rising construction costs and other difficult market conditions, rising interest rates for private financing, competition for limited tax credit financing at the state level, and more.

HOME Program

One way the City expands affordable housing opportunities for low-income persons is through the HOME Program, a federal program administered by the U.S. Department of Housing and Urban Development (HUD). In 1992, the cities of Eugene and Springfield formed the Eugene-Springfield HOME Consortium in order to increase the amount of HOME funds received and to enable funding of HOME activities in Springfield. Eugene receives the HOME funds from HUD on behalf of the

HOME Consortium and is responsible for the oversight and administration of HOME funds in the entire Consortium area.

HOME funds are offered as a development subsidy through the Affordable Housing RFP process. The HOME Consortium Governing Board makes final decisions on the use of HOME funds for development projects based on the input from the Board's Evaluation Committee and the recommendations of the Eugene and Springfield City Councils. The Governing Board is composed of the Eugene and Springfield Mayors, one Springfield City Councilor, and one Eugene City Councilor. City of Eugene is represented by Mayor Vinis and Councilor Semple.

RFP Process

Through the 2022 Affordable Housing RFP, \$3,300,751 were made available for projects in Eugene and Springfield that addressed the needs of very-low income persons and special needs populations, with \$1,176,575 available for Eugene and \$2,124,176 available for Springfield. In addition, the City of Eugene-owned property located at 13th Avenue near Chambers Street in the Jefferson Westside neighborhood (the site of the former Naval Reserve), which is identified as a landbank site in the Housing Implementation Pipeline (HIP), was made available for affordable housing development through the RFP. See a map of the property in Attachment A. Two development proposals were received through the RFP, one for the 13th Avenue property in Eugene and one for a proposed site in Springfield.

The development proposals are reviewed and scored by an Evaluation Committee. Eugene City Council reviews the Eugene proposal, and makes decisions for any city-specific resources awarded to the proposal, such as land. If the City Council recommends approval of the project proposal recommended by the Evaluation Committee, final HOME funding decisions will be considered by the Eugene-Springfield HOME Consortium Governing Board at a public meeting to be held February 14, 2023.

Summary of the Proposal

Homes for Good, the public housing authority, requested \$3,000,000 in HOME funds, \$401,000 in Systems Development Charge (SDC) assistance, and the City-owned property on 13th Avenue to build Naval Reserve Apartments and Early Learning Center. The proposal includes construction of 80 affordable units (15 one-bedroom, 49 two-bedroom, and 16 three-bedroom) in two 4-story buildings, common area and one on-site manager unit. The early learning center would be open for use by the residents and non-residents, and Homes for Good would partner with local early learning partners to provide the childcare services.

The residences would serve households earning no more than 50% of area median income (AMI). Resident services would be provided on site focusing on meeting basic needs, improving financial stability, and building community. Homes for Good plans for all units to have long term rental assistance known as project-based vouchers (PBVs) so that households would pay only 30% of their income for rent and utilities. See Attachment B for images and additional information about the proposal.

Evaluation Committee Scoring

In the evaluation process, the Evaluation Committee scores and ranks the proposals for consideration of the applicable City Council and the Governing Board. The proposals were reviewed according to the following criteria: 1) project concept and design, 2) site feasibility, 3) targeted population and services, 4) cost benefit, 5) financial feasibility, and 6) organizational experience and performance. The evaluation includes a cost comparison analysis that compares development proposal financing with recent past projects. The comparison has many factors, including acquisition costs, development soft costs, hard construction costs, total development cost, cost per unit, cost per square foot, cost per bedroom and more. When compared to several similar recent developments (all one-building developments) costs have gone up significantly due to inflation of labor and materials in the overall construction market.

Evaluation Committee members included: Eugene Councilor Emily Semple; Springfield Councilor Kori Rodley; Isabelle Matthews, who represents the Springfield Community Development Advisory Committee; Amy Wilson with Catholic Community Services representing low-income populations; and Dan Straub, President of Tokatee Capital Management LLC, a real estate investment and development company. The Evaluation Committee also includes representatives from the neighborhood where the proposed projects are located. Ted Coopman participated on the Evaluation Committee to represent the Jefferson Westside Neighborhood.

No public comments were received at the public hearing and there were no written comments received. The Evaluation Committee gave high scores and support to the Homes for Good proposal for the 13th Avenue property.

Funding for the Proposal

The project cannot proceed without the funds requested in the proposal plus additional funds. To complete the financing, Homes for Good will apply for State resources in the Spring of 2023. The State will announce funding awards in late Summer of 2023. There are some construction expenses for which no source has yet been identified, called a “funding gap”, in both the residential and commercial portions of the development proposal.

For the residential portion of the development, Homes for Good requested \$3,000,000 in HOME funds, and \$401,000 in SDC assistance. The Affordable Housing RFP is for \$1,176,575 in Eugene. Up to \$735,000 in City Fee Assistance program for Affordable Housing is available to go towards the proposal’s \$907,000 in City fees (building permit fees and SDCs). Homes for Good will apply for SDC Exemptions through an RFP that will be available in the Spring of 2023. See the table below for the proposed sources to support the residential portion of the development.

Proposed Sources to support Naval Reserve Apartments

Source	HFG Request (\$)	Total Potential Source (\$)	Gap (Residential)
2022 HOME RFP	3,000,000	1,176,575	
City Fee Assistance	401,000	735,000	

TOTAL	3,401,000	1,911,575	1,489,425
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Potential sources to fill the remaining gap include Federal Home Loan Bank, private contributions, 2023 RFP Affordable Housing Trust Funds if awarded by Council, 2023 RFP HOME funds if recommended by Council and awarded by the HOME Governing Board, SDC exemptions if awarded in 2023 RFP, and other sources.

Homes for Good has identified State resources (\$4M) to support the commercial portion of the development proposal (the early learning center) and continues to look for additional sources to fill the funding gap (approximately \$1.6M). The State resources require an application process and the timing has not yet been determined (could be released in late Spring 2023). Potential sources to fill the funding gap include Head Start funds, Early Childhood Cares funds, a private loan, and other state and local resources.

Homes for Good is a development partner with significant experience in securing resources to create development projects. They have a plan in place to apply for various sources in the next several months including State resources. The property and HOME funds would not be transferred to Homes for Good until all financing is complete and the project is ready to start construction. The developer is confident in their development timeline, which estimates all financing will be complete by June 2024. If Homes for Good cannot secure all resources by that time, the City-owned property and HOME resources would be made available again through the 2024 Affordable Housing RFP.

Homes for Good will need to secure financing as a condition of the award and HUD regulations. After all financing is secured, the City would enter into a land transfer agreement with the developer for the property and would execute a HOME loan agreement to provide HOME funds for the development.

HIP

The Naval Reserve Apartments development will contribute to the Housing Implementation Pipeline (HIP) goals. The HIP is the 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-thinking approach to housing across the full spectrum from people experiencing homelessness to overall housing supply. Specifically, the project would provide 80 units of Affordable Housing towards the 5-year goal of 500 units, on land contributed by the City. As shown in Appendix D, the HIP also identified the City's 13th Avenue former Naval Reserve property for affordable housing development.

PREVIOUS COUNCIL DIRECTION

[April 27, 2020, Work Session](#)

City Council adopted the Consolidated Plan that includes the 5-year goal of creating 400 affordable units with HOME funds that was approved by the HOME Consortium Governing Board. Move to adopt Resolution No. 5294, a Resolution Approving the Eugene-Springfield 2020 Consolidated Plan. (*Motion passed.*)

January 24, 2022, Work Session

City Council approved the Housing Implementation Pipeline, which identified the City's 13th Avenue former Naval Reserve property for affordable housing development.

Move to approve the Housing Implementation Pipeline. (*Motion passed.*)

December 12, 2022, Council Meeting

City Council adopted the Supplemental Budget including reappropriating American Rescue Plan Act dollars for City Fee Assistance that will benefit the 13th Avenue site and HOME project proposal. The funding was originally approved with the December 2021 Supplemental Budget.

Move to adopt a Resolution adopting a Supplemental Budget; making appropriations for the City of Eugene for the fiscal year beginning July 1, 2022 and ending June 30, 2023. (*Motion passed.*)

COUNCIL OPTIONS

City Council has three options:

1. Award Homes for Good the former Naval Reserve property (identified on Attachment A to this AIS) for development of the Naval Reserve Apartments and Early Learning Center, provided Homes for Good secures project financing no later than June 1, 2024. In addition, recommend awarding Homes for Good \$1,176,575 of HOME funds for the proposal.
2. Award Homes for Good the former Naval Reserve property and/or recommend the use of HOME funding for the proposed project with specific modifications as determined by the City Council.
3. Neither award the former Naval Reserve property to Homes for Good nor recommend HOME funding for the proposed project.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Council select option 1.

SUGGESTED MOTIONS

Move to award Homes for Good the former Naval Reserve property (identified on Attachment A to this AIS) for development of the Naval Reserve Apartments and Early Learning Center, provided Homes for Good secures project financing no later than June 1, 2024. Further, move to recommend awarding \$1,176,575 of HOME funds for the proposal, provided Homes for Good secures project financing no later than June 1, 2024.

ATTACHMENTS

- A. Map of the proposed development site
- B. Summary of Naval Reserve Apartments and Early Learning Center proposal

FOR MORE INFORMATION

Staff Contact: Ellen Meyi-Galloway, Affordable Housing Production Manager

Telephone: 541-682-5532

Staff E-Mail: EMeyi-Galloway@eugene-or.gov



Naval Reserve Apartments & Early Learning Center

Homes for Good Housing Agency

13th Avenue (former Naval Reserve site)

- New construction proposal
- 81 units/ 163 bedrooms: 15 one-bedroom, 50 two-bedroom, 16 three-bedroom
- 80 units serving very low-income households earning no more than 50% AMI, and one on-site manager unit
- All 80 units would include project based rent assistance vouchers to help residents pay no more than 30% of their incomes for housing.
- Two 4-story building with common area including play structures, open space play areas, covered and uncovered gathering areas, 114 parking spaces, secure bike storage, community room with kitchen, laundry facilities, offices, and rooftop solar arrays
- 12,000 sf Early Learning Center on-site for residents and non-residents, meeting critical childcare need



- \$1,911,575 in City funds:
 - HOME funds \$1,176,575
 - City Fee Assistance \$735,000
- City provided property
- Total development cost: \$44,326,181 (\$38 million for residential only)
- Cost per unit: \$554,077
- Cost per square foot: \$452
- Residential funding gap: \$1.5M, commercial funding gap: \$1.6M
- Other proposed funding sources: State Local Innovation Fast Track (LIFT) and 4% Low-Income Housing Tax Credits, City SDC exemptions, Private bank loan, EWEB incentives, energy/solar credits, developer loan
- Developer expects to complete financing by June 2024



SITE AERIAL - LOOKING SOUTHEAST

Homes for Good Naval Site Development

SHT #: SD1
11/16/2022



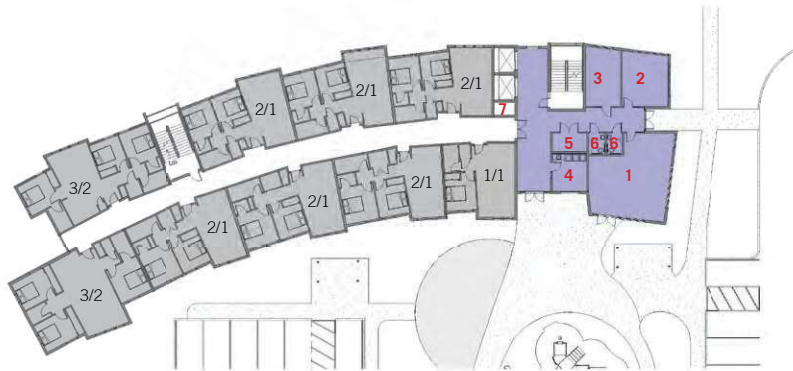
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PIVOT **GROUND FLOOR PROGRAM**
Homes for Good Naval Site Development



SHT #: A101
11/16/2022

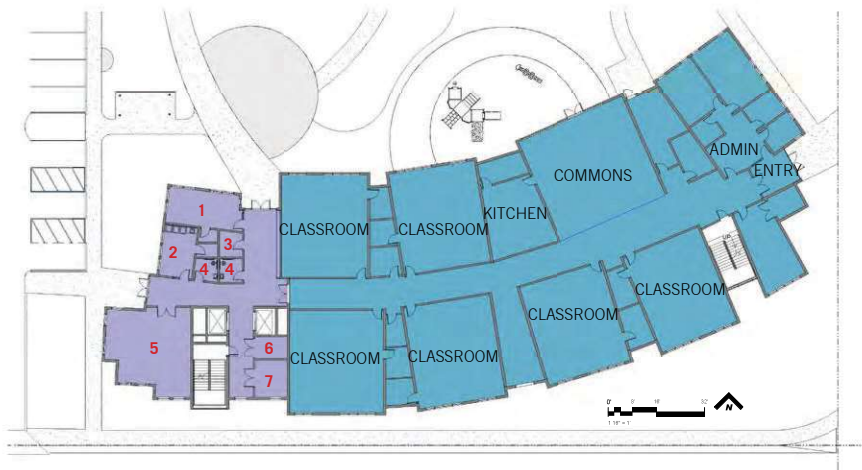


NORTH BUILDING

- GROUND FLOOR RESIDENTIAL
- COMMON SPACES
- EARLY LEARNING CENTER

NORTH BUILDING PROGRAM

- 1. COMMUNITY ROOM & KITCHEN
- 2. ADMIN OFFICE
- 3. BICYCLE STORAGE
- 4. SOCIAL LAUNDRY ROOM
- 5. ELECTRICAL/MECHANICAL
- 6. SINGLE-USER RESTROOM
- 7. TRASH/JANITOR



SOUTH BUILDING

SOUTH BUILDING PROGRAM

- 1. ADMIN REPAIR SHOP & STORAGE
- 2. SOCIAL LAUNDRY ROOM
- 3. ELECTRICAL/MECHANICAL
- 4. SINGLE-USER RESTROOM
- 5. COMMUNITY ROOM
- 6. TRASH AND JANITOR ROOM
- 7. BICYCLE STORAGE

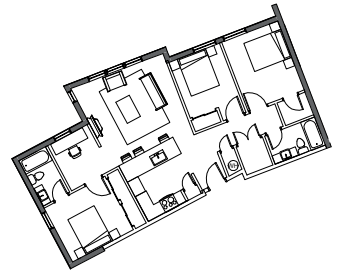
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NORTH BUILDING



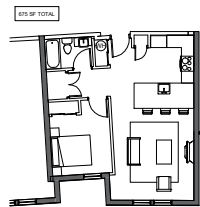
SOUTH BUILDING



TYPICAL 3 BEDROOM



TYPICAL 2 BEDROOM



TYPICAL 1 BEDROOM



TYPICAL UPPER FLOOR PLANS

Homes for Good Naval Site Development



SHT #: A103

11/16/2022

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VIEW FROM 13TH LOOKING WEST

Homes for Good Naval Site Development

SHT #: SD2

11/16/2022

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VIEW FROM 13TH LOOKING EAST

Homes for Good Naval Site Development

SHT #: SD3

11/16/2022

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ARCHITECTURE

VIEW FROM COURTYARD

Homes for Good Naval Site Development

SHT #: SD4
11/16/2022



PIVOT

FROM COURTYARD LOOKING NORTH

Homes for Good Naval Site Development

SHT #: SD5

11/16/2022



PIVOT
ARCHITECTURE

VIEW FROM 14TH

Homes for Good Naval Site Development

SHT #: SD6

11/16/2022

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code.

Meeting Date: January 23, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Lydia Bishop
Contact Telephone Number: 541-682-5482

ISSUE STATEMENT

This is an opportunity for the Eugene City Council to take action on an ordinance to regulate the impact of commercial and industrial noise specific to vibrations and low frequency sounds. A public hearing on this ordinance was held on November 21, 2022.

BACKGROUND

Code compliance staff and City Council have received complaints regarding noise described as vibrations and low frequency sounds for a few years. This noise was reported to begin early in the day, as early as 3:45 a.m. Staff responded to the complaints and performed multiple sound readings in various areas. However, Eugene Code 6.750 (Environmental Noise Disturbance-Specific Prohibitions) addresses industrial/commercial noise nuisances by regulating A-weighted decibels (Dba). The subject of the complaints is a vibration, or low frequency sound, that does not violate the Eugene Code's Dba regulations. With no code authority, no enforcement action could take place. Staff, and the City Council continued to receive complaints.

The type of noise that is the subject of the complaints can be regulated in octave band frequency. The State of Oregon used to regulate this type of disturbance but ceased enforcement due to lack of resources. At the May 23, 2022 work session on Chronic Toxic Polluters, former City Councilor Syrett directed the City Manager to schedule a public hearing on an ordinance to regulate vibrations. The proposed ordinance would adopt portions of the State of Oregon Department of Environmental Quality Noise Control Regulations for Industry and Commerce (OAR 340-035-0035). The State code was written to address vibrations and low frequency sounds by changing the type and location of measurements. The State adopted an octave band frequency, which splits the audible spectrum into smaller segments, allowing for identification of different noise levels across individual frequencies. Staff have consulted with a sound engineer who has indicated that the proposed ordinance will address the vibrations and low frequency sounds that are the subject of the complaints. This ordinance is included as Attachment A.

On November 21, 2022, the Council held a public hearing on the proposed ordinance. Of the 14 people who spoke, 13 were in favor of the ordinance. The remaining person, an industry representative, spoke about actions that could be taken to mitigate the sound and indicated that at some point in the future, the equipment could be moved to the interior of a building.

January 23, 2023 Meeting – Item 7

Since the public hearing, staff were contacted by Eugene Water and Utility Board (EWEB) staff who expressed concern about the new code provisions' application to EWEB's use of emergency generators, pumps and other necessary equipment. However, the new code section addresses only commercial and industrial noise sources and would not apply to utility providers.

PREVIOUS COUNCIL DIRECTION

[November 21, 2022 Public Hearing](#)

A public hearing was held on November 21, 2022 to provide the opportunity for public testimony on the proposed ordinance.

[May 23, 2022 Work Session](#)

While there was not a Council meeting specific to this item, at the work session on Addressing Chronic Toxic Polluters, former Councilor Syrett made the following motion:

Move to direct the City Manager to prepare an ordinance regulating the impact of vibrations as chronic pollution within our existing noise ordinance and bring back for public hearing before Council's winter break. VOTE: 8:0

COUNCIL OPTIONS

The Council may choose to:

1. Approve the ordinance as proposed in Attachment A to this Agenda Item Summary (AIS).
2. Request additional specific modifications as determined by the City Council.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code ordinance as provided in Attachment A to this AIS.

SUGGESTED MOTION

Move to adopt the Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code

ATTACHMENTS

- A. An Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code

FOR MORE INFORMATION

Staff Contact: Lydia Bishop
Telephone: 541-682-5482
Staff E-Mail: Lbishop@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING REGULATIONS FOR COMMERCIAL AND INDUSTRIAL NOISE; AMENDING SECTION 6.750 OF THE EUGENE CODE, 1971; AND ADDING SECTION 6.752 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (g) of Section 6.750 of the Eugene Code, 1971 is deleted and subsections (h) and (i) are re-lettered to (g) and (h), respectively, to provide as follows:

6.750 Environmental Noise Disturbance – Specific Prohibitions.

Unless exempted by section 6.755 of this code, the following acts are declared to be noise disturbances, as that term is defined in section 4.080 of this code – however this enumeration shall not be deemed an exclusive list of the violations of this section, nor shall the recitation of specific prohibitions below be deemed the exclusive and entire listing of unlawful noise disturbances for each subcategory.

~~(g) Commercial and industrial noise. Operating any equipment and conducting activities so as to create any noise which would cause the maximum noise level to exceed a one-hour equivalent sound pressure level of 60 dBA at any point on the property line of an affected residential property zoned R-1, R-2, R-3 or R-4.~~

~~(hg)~~ Steam whistles, sirens, and other aural warning devices. Operating or permitting the operation of a steam whistle, siren, or other aural warning device except where necessary to provide a warning of fire or danger.

~~(ih)~~ Other. Any sound source exceeding the standards set out in section 9.2530(20) of this code and not otherwise exempt therefrom.

Section 2. Section 6.752 of the Eugene Code, 1971 is added to provide as follows:

6.752 Commercial and Industrial Noise.

(1) For purposes of this section, the following words and phrases mean:

Impulse Sound. Either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound pressure measuring instrument or “C” weighted, slow response instrument and specified by dB and dBC respectively.

Noise Level. Weighted sound pressure level measured by use of a metering characteristic with an “A” frequency weighting network and reported as dBA.

Noise Sensitive Building. *A building on a noise sensitive property that is used as a residence, school, church, hospital, or public library.*

Noise Sensitive Property. *Property located within the Eugene city limits that is zoned for residential use, schools, churches, hospitals or public libraries.*

Octave Band Sound Pressure Level. *The sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20 micronewtons per square meter).*

One-Third Octave Band Sound Pressure Level. *The sound pressure level for the sound being measured within the specified one-third octave band at the preferred frequencies. The reference pressure is 20 micropascals (20 micronewtons per square meter).*

Person. *An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property or the supervision of an activity on the property that produces noise.*

Preferred Frequencies. *Those mean frequencies in Hertz preferred for acoustical measurements which for this purpose shall consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.*

Sound Pressure Level (SPL). *20 times the logarithm to the base 10 of the ratio of the root-mean-square pressure of the sound to the reference pressure. SPL is given in decibels (dB). The reference pressure is 20 micropascals (20 micronewtons per square meter).*

(2) Impulse Sound. *No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if an impulsive sound is emitted in air by that source which exceeds the following sound pressure levels, as measured at an appropriate measurement point, as specified in subsection (4) of this section:*

(a) Blasting. *98 dBC, slow response, between the hours of 7 a.m. and 10 p.m. and 93 dBC, slow response, between the hours of 10 p.m. and 7 a.m.*

(b) All Other Impulse Sounds. *100 dB, peak response, between the hours of 7 a.m. and 10 p.m. and 80 dB, peak response, between the hours of 10 p.m. and 7 a.m.*

(3) Octave Bands.

(a) *No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (4) of this section, exceeds applicable levels specified in Table EC 6.752(5).*

Table EC 6.752(3) Commercial and Industrial Noise Median Octave Band Standards / Allowable Octave Band Sound Pressure Levels		
Octave Band Frequency (Hz)	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34

(b) One-third Octave Band. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point specified in subsection (4) of this section, and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by:

- 1. 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band;**
- 2. 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or**
- 3. 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.**

(c) This section shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table EC 6.752(5) for the octave band which contains such one-third octave band.

(4) Measurement.

(a) In the application of this code section, the city will use sound measurement procedures that conform to those procedures set forth in Sound Measurement Procedures Manual (NPCS-1), or to such other procedures administratively adopted by the city manager.

(b) Unless otherwise specified, the appropriate measurement point shall be the point on the noise sensitive property set out in 1. or 2., below, whichever is further from the noise source:

1. 25 feet (7.6 meters) toward the noise source from that point on the noise sensitive building that is nearest to the noise source; or

2. That point on the noise sensitive property line that is nearest to the noise source.

Section 3. 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, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

Approved by the Mayor this

____ day of _____, 2022

____ day of _____, 2022

City Recorder

Mayor