



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 10, 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 July 10, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President

Alan Zelenka

Greg Evans

Emily Semple

Matt Keating, Vice President

Jennifer Yeh

Mike Clark

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

- May 15, 2023 Public Hearing
- May 24, 2023 Work Session
- June 12, 2023 Work Session

B. Approval of City Council Tentative Agenda

4. PUBLIC FORUM

5. CONSENT CALENDAR 2

A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-10-14, Tax Lot 00900 Located on Hyacinth Street south of Travis Avenue) (City File: A 23-1)

B. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 18-03-03-40, Tax Lot 01001 Located east of the terminus of Rockcress Road) (City File: ACAK Irrevocable Trust; A 23-2)

6. ACTION: An Ordinance Concerning Administration and Adoption of a Technical Code for Construction; Amending Sections 8.001, 8.002, 8.003, 8.005 and 8.010 of the Eugene Code, 1971; and Repealing Sections 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, 8.310, 8.905 And 8.915 of That Code; and Providing an Effective Date.

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: July 10, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Cherish Bradshaw
Contact Telephone Number: 541-682-8340

ISSUE STATEMENT

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

BACKGROUND

Per City Council Operating Agreements (Adopted 12/14/2020), at the first regular meeting of each month, the first agenda item shall be used to acknowledge special recognition or awards given to the City of Eugene or for the Mayor to read proclamations which serve to encourage and educate the community. Proclamations shall be made and placed on the agenda at the discretion of the Mayor.

The following proclamation for the month of July will be read during the July 10 meeting:

- July 26, 2023 – The 33rd Anniversary of the Americans with Disabilities Act (ADA)

Current and previous proclamations are available on the City's [Proclamation webpage](#).

ATTACHMENTS

A. The 33rd Anniversary of the Americans with Disabilities Act (ADA) Proclamation

FOR MORE INFORMATION

Staff Contact: Cherish Bradshaw, Mayor and Council Support
Telephone: 541-682-8340
Staff E-Mail: cabradshaw@eugene-or.gov

OFFICE OF THE MAYOR
City of Eugene, Oregon

PROCLAMATION

WHEREAS: The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, establishing a clear and comprehensive mandate for the elimination of discrimination to ensure the civil rights of people with disabilities; and

WHEREAS: The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing opportunities for full participation and inclusion in community life; and

WHEREAS: Continued commitment to the principles of the ADA is necessary to help individuals with disabilities reach their full potential; and

WHEREAS: The City of Eugene encourages community members to reaffirm the principles of equity, inclusion, and belonging as laid out in the ADA. The City continues its commitment and efforts to reach full ADA compliance so that every person in our city has the opportunity to succeed; and

NOW, THEREFORE, be it resolved that I, Lucy Vinis, Mayor of the City of Eugene, Oregon, do hereby proclaim July 26, 2023 to be

“The 33rd Anniversary of the Americans with Disabilities Act (ADA)”

in Eugene and encourage all community members to commemorate the ADA, recognizing and celebrating the progress that has been made as well as committing to ADA principles.

Mayor Lucy Vinis
City of Eugene
July 26, 2023

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 10, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Ellie Harwell
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

BACKGROUND

Per City Council Operating Agreements (Adopted 12/14/2020), written minutes shall be taken for all City Council meetings in accordance with the Oregon Attorney General's Public Records and Meetings Manual. The minutes must give a true reflection of the matters discussed but need not be a full transcript, verbatim or recording.

As a matter of courtesy and efficiency a councilor should notify the Mayor and other councilors that they intend to propose an amendment to the minutes and should propose replacement text in advance of the meeting at which those minutes are scheduled to be approved. If the proposed amendment is a simple factual, grammatical, or spelling correction, the amendment may be proposed without consulting the minutes recorder. If the proposed amendment is substantive in nature or seeks to clarify the speaker's intent, the councilor should notify the minutes recorder and request verification of the proposed amendment.

SUGGESTED MOTION

Move to approve the minutes for the public hearing on May 15, 2023, and the work sessions on May 24 and June 12, 2023.

ATTACHMENTS

- A. May 15, 2023 Public Hearing
- B. May 24, 2023 Work Session
- C. June 12, 2023 Work Session

FOR MORE INFORMATION

Staff Contact: Ellie Harwell, City Council Coordinator
Telephone: 541-682-8497
Staff E-Mail: eharwell@eugene-or.gov

MINUTES

**Eugene City Council
Public Hearing
Eugene, Oregon 97401**

**May 15, 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 May 15, 2023, meeting of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. PUBLIC HEARING – An Ordinance Concerning the Industrial Pretreatment Program, Repealing Sections 6.501, 6.506, 6.511, 6.516, 6.521, 6.526, 6.531, 6.536, 6.541, 6.546, 6.551, 6.556, 6.561, 6.566, 6.571, 6.576, 6.581, 6.586, 6.591 and 6.596 of the Eugene Code, 1971; Adding Sections 6.550, 6.552, 6.554, 6.556, 6.560, 6.562, 6.564, 6.566, 6.568, 6.570, 6.572, 6.574, 6.576, 6.578, 6.580, 6.582 and 6.584 to that Code; and Providing for an Immediate Effective Date.

Mayor Vinis opened the Public Hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

No testimony was provided.

Mayor Vinis closed the Public Hearing.

2. PUBLIC HEARING - An Ordinance Adopting an Amended Urban Renewal Plan for the Downtown Urban Renewal District.

Mayor Vinis opened the Public Hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

1. Sherry Shaefers – spoke in favor of the proposed ordinance.
2. Brittany Quick-Warner – spoke in favor of the proposed ordinance.
3. Ethan Clevenger – spoke in favor of the proposed ordinance.
4. Will Phillips – did not speak to the ordinance.
5. Jeffrey A. Lewis – spoke in opposition of the proposed ordinance.
6. Vickie Cussins – spoke in favor of the proposed ordinance.
7. Katie D. Hall – spoke in favor of the proposed ordinance.
8. Stephanie Bell – spoke in favor of the proposed ordinance.
9. Pete Knox – spoke in favor of the proposed ordinance.

10. Joshua Burstein – spoke in favor of the proposed ordinance.
11. Rob Bennett – spoke in favor of the proposed ordinance.
12. Megan K. O'Connor – spoke in favor of the proposed ordinance.
13. Kim Arscott – spoke in favor of the proposed ordinance.

Council Discussion

- Councilor Clark – asked if there is an ordinance or resolution that mandates even distribution of various housing types throughout neighborhoods; asked why the amount of affordable housing is higher than market rate housing in the downtown area; requested that staff look back at old zoning maps and requirements for housing distribution to work toward a more balanced housing market.
- Councilor Groves – thinks that the renewal of downtown is one of the most pressing issues facing this Council; thinks that the health of a city's downtown shows if a city is thriving or failing, and that this ordinance is an opportunity for the City to stop the decline in downtown and improve safety.
- Councilor Keating – asked to receive a copy of the study about housing density in downtown Eugene that was referenced in public testimony.
- Councilor Semple – stated that she is generally opposed to Urban Renewal however is in favor of this ordinance in order to revive downtown; stated that downtown is the largest tax revenue source for the City.
- Councilor Clark – said that the housing density study was sent in an email to all of Council.

Mayor Vinis closed the Public Hearing.

3. PUBLIC HEARING: An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971.

Mayor Vinis opened the Public Hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

1. Brittany Quick-Warner – spoke in favor of the proposed ordinance.
2. Heather Quaas-Annsa – spoke in opposition of the proposed ordinance.
3. Rich Locke – spoke in favor of the proposed ordinance.
4. Gerry Meenaghan – spoke in favor of the proposed ordinance.
5. Wayne Martin – requested additional details be included in the ordinance.
6. Josh Geshart Trempe – spoke in opposition of the proposed ordinance.
7. Zach Mulholland – spoke in favor of the proposed ordinance.
8. William O'Brien – spoke in favor of the proposed ordinance.
9. Lynn Porter – spoke in opposition of the proposed ordinance.

Council Discussion

- Councilor Keating – asked how to ensure that preschools and daycares are included in exclusion zones as educational facilities in this ordinance.
- Councilor Groves – thinks that daycare and preschools should be in the exclusion zone with educational facilities; outlined the negative impacts of the housing crisis on the City’s budget; thinks it is important to find places for unhoused people to go to live safely.
- Councilor Evans – would support including licensed daycare and child facilities in the exclusion zone with educational facilities.
- Councilor Clark – supports the proposed ordinance; would not support the creation of a City sponsored commission on homeless or shelter response; believes that Lane County, as the local public health provider, is the correct agency to address the homelessness crisis; wants further conversations with partner agencies to address housing issues.
- Councilor Groves – outlined information sent by a constituent regarding types of homelessness such as transitory use and persistent use; stated that the City’s obligation to those who are unhoused is to allow rest; stated that use of public space for unhoused individuals impacts the community’s ability to use the space as it was intended; stated that having and enforcing rules is an important part of an organized society.
- Councilor Evans – stated that the City has struggled to gain the funding required to address the human services issues; wants the City to have more influence over how human services funding dollars are spent through the State and County.
- Mayor Vinis – has been working with other mayors to request that the Governor allocate more funding for the unhoused crisis directly to cities; stated that the City has requested \$7.5 million in funding from the State legislature for continued support of Safe Sleep Site programs; noted that the State and counties are typically the provider of these human services programs and that City services are considered emergency services.

Mayor Vinis adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

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

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

May 24, 2023
12:00 p.m.

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

Mayor Vinis opened the May 24, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

Mayor Vinis recognized that the week of May 21 – 27, 2023 is National Emergency Medical Services Week.

1. WORK SESSION and POSSIBLE ACTION: An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971.

City Attorney Kathryn Brotherton introduced the topic and provided background information regarding An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971.

Councilor Discussion:

- Councilor Zelenka – discussed how other municipalities are implementing camping prohibitions in response to state law HB3115; supports the City’s decision to not enact city-wide camping prohibitions; noted that prohibitions on camping within specific distances to waterways are not new in the City; believes that the approach the City is taking is appropriate.
- Councilor Semple – asked staff if property owners will maintain the right to have someone cited for trespassing on parking strips; is concerned that camping on shared use areas may impact safety and accessibility; does not support allowing camping on sidewalks or shared use paths; asked if someone could camp against the sidewalk if they maintain at least five feet distance from the curb.
- Councilor Groves – believes that the proposed ordinance is a starting point and may need adjustments in the future; is concerned about the impact of camper possessions and debris on shared use areas; believes the proposed ordinance can help to protect waterways and educational facilities; supports the proposed increased fines; noted that the municipal court judge uses alternative sentencing options when appropriate; noted that the City is seeking a balanced solution for both housed and unhoused residents.
- Councilor Yeh –is concerned that the proposed ordinance is aimed at protecting housed individuals over unhoused; believes that raising fines will negatively impact unhoused individual’s ability to improve their situation; believes that accessibility of sidewalks

and paths are important to the City's active transportation system; would support a map to show where camping is and is not permitted.

- Councilor Leech – is concerned that not providing a map or information about where camping is allowed will continue the cycle of criminalizing being unhoused; noted it costs less to house people than to continue to enforce laws that criminalize being unhoused; is not in support of the proposed ordinance without providing information on where camping is allowed; supports alternatives to fines for camping violations.
- Mayor Vinis – noted that this ordinance is not the only work that Council is doing related to the unhoused population; reminded Council that the ordinance is being proposed to comply with Oregon HB3115 noted that there is a separate process for addressing concerns for the unhoused community; noted that the increased fine is intended to encourage use of the Community Court option to waive fines; asked staff for information regarding the average width of sidewalks and rights-of-way; noted the impact on shared use sidewalks and paths may need to be reviewed in the future.
- Councilor Zelenka – noted that the focus of this ordinance is public health, safety, and accessibility; believes the City needs more camping sites; believes that the Occupy Movement showed that camp sites must have structure and supervision to maintain the health and safety of the site; noted that ordinance outlines a minimum of four feet of clear pathway for accessibility; noted that a letter of trespass is required to have persons removed from an area; asked if the letter of trespass process can be made clearer for the public.
- Councilor Semple – clarified some issues that occurred during the Occupy Movement; does not support increasing fines; does not believe that raising fines will reduce camping; does not support creating a map for camping; stated concern that people will create unofficial maps for where camping is allowed.
- Councilor Groves – clarified that the proposed ordinance prohibits camping within 100-feet of the high bank, not the high-water mark; believes that unregulated camps become dangerous; does not support allowing camping in parking strips; noted various safety concerns related to camping in the parking strip.
- Councilor Zelenka – asked staff to confirm that a letter of trespass is not required to have individuals removed from the parking strip or rights-of-way for residential properties; asked staff to clarify the trespass process difference for residential versus commercial parking strips and rights-of-way; stated that this increased fine can provide the municipal court judge with information that may help with alternative sentencing; supports the increased fine for willful violators.
- Councilor Semple – is concerned about the staffing impact of enforcing this ordinance; asked staff if the ordinance would allow sleeping in the same place repeatedly; asked if someone could sleep anywhere if they are not camping; asked staff to provide information on where sleeping is allowed; asked if sleeping is allowed near the Amazon Channel.
- Councilor Yeh – believes that fines create a barrier to individuals trying to improve their living situation; asked for a report back on the impacts of increased fines over the next year; noted safety concerns around allowing camping on a sidewalk of any size.
- Councilor Clark – believes that vehicles pose a safety hazard to anyone camping in the parking strip; asked if Council's Vision Zero goals were considered while drafting the ordinance; asked about prohibiting camping in the median strips; asked who would do

the work if Council requested an analysis of safe distances from the travel lane, with Vision Zero goals in mind; would like to make data driven decisions about safety standards.

- Councilor Leech – believes this ordinance presents an opportunity to discuss concerns for unhoused individuals; noted that the impact of unhoused camping on Ward 7 residents and businesses is significant; is in support of further work sessions to discuss possible solutions to the unhoused crisis.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to adopt An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860, 4.990, and 5.135 of the Eugene Code, 1971, as set forth in Attachment A to this AIS.

VOTE: 6:2 PASSED (opposed by Councilors Semple and Leech)

2. **WORK SESSION: Revenue Committee Scope of Services**

Mayor Vinis introduced Chief Financial Officer, Twylla Miller, who presented information on the Revenue Committee Scope of Services.

Councilor Discussion:

- Councilor Clark – would like the City to work on demand management for unhoused services; asked what percentage of fire and emergency medical services calls are responding to distress of an unhoused individual; believes that the increased unhoused population has increased the calls to emergency services, and that this has negatively impacted the budget; believes that increasing the number of available housing units and the number of homeowners in the community will increase tax revenue and improve the budget deficit.
- Councilor Zelenka – asked staff if the deficit of \$31.5 million is cumulative or annual; asked staff if the budget deficit will be ongoing despite the proposed budget changes; asked to confirm that the options are to change or reduce services, reduce expenses, or create new revenue to solve the budget deficit; asked about the five million dollar funding gap in unhoused services; asked staff to confirm that sustainability and climate change funds are allocated to staffing and not greenhouse gas reduction project funding; asked staff to confirm that the completed emissions reducing efforts were done as scheduled repair and replacement needs and not part of climate change initiatives.
- Councilor Groves – believes the long-term solution to budget issues is economic growth and increased housing density; would like to explore increases in downtown building height limits; is concerned about how the City's effort to increase revenue may impact residents financially; believes that cost of living should be considered with revenue increasing measures.
- Councilor Leech – believes that supporting additional locations for the unhoused community is a priority; asked if seeking grants and other funding is part of the Revenue Committee's scope of work; asked if the recruiting process had begun for creating the committee.

- Councilor Yeh – asked if more specific information will be provided in the next session on this topic; would prefer that funding to unhoused services and climate change projects take priority over other projects; requested more information regarding funding downtown services; would like the City’s role for supporting the unhoused to be more clearly defined and managed.
- Councilor Zelenka – noted his previous request for a work session that focused on unhoused and climate issues, which were both lacking a funding source; believes increasing economic growth is too slow to address urgent needs; asked staff to confirm that \$350 million of increased assessed land value increases the general fund by about one million dollars; outlined the number of large projects needed to increase revenue by five million dollars over the next two years; discussed the positive impact of addressing unhoused and climate issues on the overall budget.
- Councilor Clark – believes that economic and residential development provides long-term budget solutions; outlined new construction goals set by Beaverton, Oregon; discussed how adopting a new construction goal could impact tax revenues.
- Councilor Evans – asked how the City can develop or increase fees for services to the public to decrease the budget deficit.

Mayor Vinis adjourned the meeting at 1:36 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

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

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

June 12, 2023
5:30 p.m.

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

Councilors Absent: Greg Evans

Council President Randy Groves opened the June 12, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. **WORK SESSION: An Ordinance Adopting an Amended Urban Renewal Plan for the Downtown Urban Renewal District.**

City Manager Medary introduced Amanda D'Souza, Development Programs Manager who presented on a proposed amendment to the Urban Renewal Plan for the Downtown Urban Renewal District.

Councilor Discussion:

- Councilor Zelenka – noted a preference that at least 50 percent of funding be spent on housing; asked if Council needs to approve project spending; asked if projects listed on page 10 of the presentation need Council approval; asked how staff will adhere to budgetary guidelines; noted that some items on the emerging projects list should be handled through a different funding process due to cost.
- Councilor Groves – asked how to accelerate the building process for high-rise residential structures in the downtown area; asked about creating a streamlined Multi-Unit Property Tax Exemption (MUPTE) process; noted that a shortened but guaranteed MUPTE for builders may help drive development; asked about raising or eliminating height limits in the downtown core.
- Councilor Keating – asked if the funds marked for emerging projects can be used to make improvements at the downtown library; asked about the benefits of creating a blight report.
- Councilor Clark – stated his support for moving forward with a vote; asked when a streamlined Multi-Unit Property Tax Exemption (MUPTE) process proposal would be presented to Council; stated his support for prioritizing housing projects; asked if a new fire station in the riverfront urban renewal district would qualify under the revised statutes; asked for the annual tax revenue of the riverfront district; believes a new fire station would help with employee retention.
- Councilor Leech – stated her support for moving forward with a vote; asked staff to explain how the location of an urban renewal district is determined.
- Councilor Yeh – stated her support for moving forward with a vote.

- Councilor Zelenka – noted that the City has not historically denied developers Multi-Unit Property Tax Exemption (MUPTE) applications; stated that Eugene’s building height limit is relatively high compared to other cities; noted his interest in the use of riverfront urban renewal district funds to build a fire station; asked about the process to amend the urban renewal district boundary; asked about the timeline for the next amendment process.
- Councilor Groves – stated his interest in an expanded riverfront urban renewal district.
- Councilor Zelenka – asked about the purpose of Attachment D; asked about the funding eligibility of previously proposed public safety projects; asked if urban renewal funds could be used for the creation of parking facilities.
- Mayor Vinis – noted her interest in solarization and rooftop solar being included in downtown projects; appreciated the inclusion of information about converting commercial buildings to housing.

MOTON: Councilor Groves, seconded by Councilor Keating moved to adopt Attachment A, an Ordinance Adopting an Amended Urban Renewal Plan for the Downtown Urban Renewal District, with a revision to the Ordinance’s recitals that replaces the final, bracketed sentence of Recital F with the following sentence: “The Lane County Board of Commissioners reviewed the proposed Plan amendment on May 2, 2023, and expressed support for the amendment. None of the other affected taxing districts submitted comments.

VOTE: 7:0 PASSED

The meeting was adjourned at 6:17 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 10, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Katie LaSala
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

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

BACKGROUND

At each regular meeting of the Council, the City Manager shall present the Tentative Agenda. This shall be placed on the Consent Calendar. If there are any concerns about the items on the Tentative Agenda, it may be removed at the request of any councilors from the Consent Calendar and discussed separately.

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. City Council Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Katie LaSala, City Recorder
Telephone: 541-682-5010
Staff E-Mail: klasala@eugene-or.gov



City Council Tentative Agenda

Updated July 5, 2023

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>.

July 2023						
Date	Day	Time	Title		Length	Dept. Contact
10-July	Monday	5:30 pm		Follow-up discussion regarding Referendum Petition 2023-1 (Work Session)	45 mins	Katie LaSala, CS
				Financial Condition and Revenue Update (Work Session)	45 mins	Twylla Miller, CS
Work Session Location: Public via Virtual Only						
10-July	Monday	7:30 pm		Committee Reports and Items of Interest		Nick Gioello, PDD
				Public Forum		
				Res. Annexing Land on Hyacinth St south of Travis Ave (Daniel Force; A 23-1) (Consent Calendar 2)		
				Res. Annexing Land east of the terminus of Rockcress Road (ACAK Irrevocable Trust; A 23-2) (Consent Calendar 2)		
				Building Code Updates (Action)		Mark Whitmill, PDD
Location: Public via Virtual & Council Chambers, Room 114						
12-July	Wednesday	12 pm		Willamette Greenway Code Amendments (Work Session, Possible Action)	45 mins	Gabe Flock, PDD
				Renter Protections, Phase II (Work Session Cont'd)	75 mins	Amy Cameron, PDD
NOTE: This work session has been extended to 2 hours. Work Session Virtual Only						
17-July	Monday	5:30 pm		NO PUBLIC HEARING SCHEDULED		



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

Attachment A

19-July	Wednesday	12 pm	 Police Commission Work Plan (Work Session)	45 mins	Holly Mathews, EPD
			 Council Operating Agreements (Work Session)	45 mins	Katie LaSala, CS
Work Session Virtual Only					
24-July	Monday	5:30 pm	 Executive Session pursuant to ORS 192.660(2)(i)	45 mins	Staff, CS
			 City Manager Annual Evaluation (Work Session)	45 mins	Staff, CS
Work Session Location: Public via Virtual Only					
24-July	Monday	7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
Location: Public via Virtual & Council Chambers, Room 114					
26-July	Wednesday	12 pm	 Strategic Plan (Work Session)	45 mins	Brooke Freed, CS
			 Topic Pending Confirmation (Work Session)	45 mins	Staff
Work Session Virtual Only					

Note: Council Break July 27 – September 9

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Gas Stations – TBD	Keating	4/15/22
Bethel Area Plan – April 19, 2023. Follow-up work session to be scheduled.	Evans	7/22/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 10, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Ellie Harwell
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This item allows members of the public the opportunity to express opinions and provide information to 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, items on the present agenda as a Public Hearing item, or items related to a quasi-judicial matter after the official record has been closed.

BACKGROUND

Per City Council's operating agreement pilots initially approved by Council in January 2020, speakers at the Public Forum will be limited to two and a half minutes, and the Public Forum will be limited to 90 minutes total. Speakers will be randomized, and no persons will be allowed to submit a "Request to Speak" form 30 minutes prior to the start of the meeting. Persons wishing to speak must sign up to do so not later than 5 minutes after the meeting has been opened by the Mayor or presiding officer.

At the end of the Public Forum, each member of the Council has the opportunity to respond to comments made during the Public Forum. The time allocated to each member of the Council for such responses shall be up to three minutes.

FOR MORE INFORMATION

Staff Contact: Ellie Harwell, City Council Coordinator
Telephone: 541-682-8497
Staff E-Mail: eharwell@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene
(Assessor's Map 17-04-10-14, Tax Lot 00900 Located on Hyacinth Street
south of Travis Avenue)
(City File: A 23-1)

Meeting Date: July 10, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5A
Staff Contact: Nicholas Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

This item is a request to annex property located on Hyacinth Street south of Travis Avenue. The property to be annexed is approximately .45 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 currently zoned R-1 Low-Density Residential with the /UL Urbanizable Land Overlay and /CAS Commercial Airport Safety 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 boundary. 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 (Santa Clara Community Organization) consistent with Eugene Code requirements. One comment was received from a neighbor who stated they were not opposed to the annexation of the property but did express concerns with future redevelopment and the impacts of additional dwellings units. As noted above, specific plans for future development of the site are not included as part of this annexation application. The testimony is attached as Attachment D.

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 Resolution with Exhibits: A Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-10-14, Tax Lot 00900 Located on Hyacinth Street south of Travis Avenue)
 - Exhibit A:* Map of Annexation Area
 - Exhibit B:* Legal Description
 - Exhibit C:* Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Public Testimony

FOR MORE INFORMATION

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



-  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 5/22/2023
by City of Eugene Planning Division

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RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-10-14, TAX LOT 00900 LOCATED ON
HYACINTH STREET SOUTH OF TRAVIS AVENUE)**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on April 7, 2023, by Daniel Force, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-10-14 Tax Lot 00900, to the City of Eugene.

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

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

D. On June 9, 2023, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 10, 2023.

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

NOW, THEREFORE,

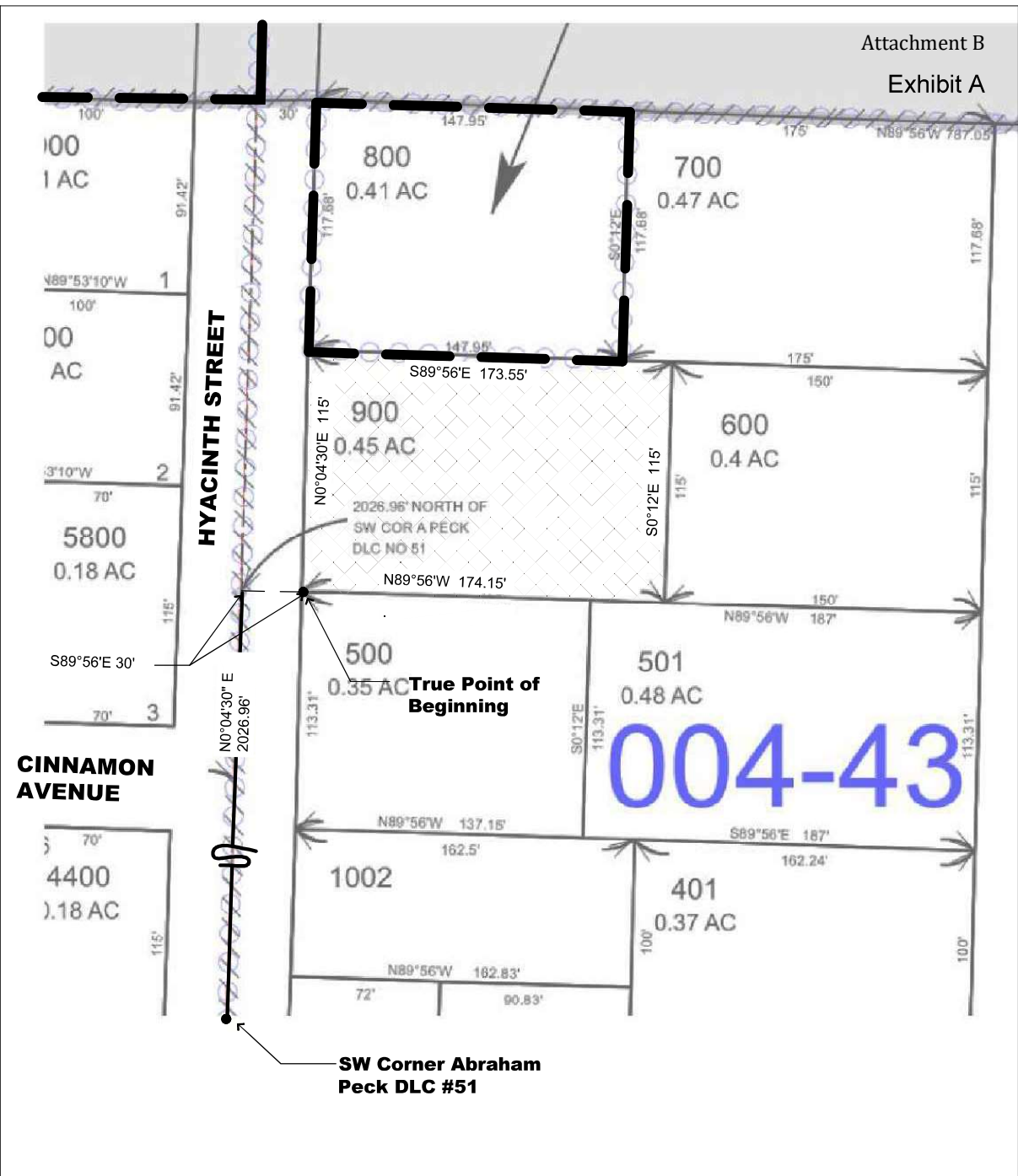
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

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 17-04-10-14, Tax Lot 00900, 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 and /CAS Commercial Airport Safety Overlay to R-1 Low-Density Residential and /CAS Commercial Airport Safety Overlay shall become effective in accordance with State law.

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

City Recorder



NOTES

1. CITY LIMIT BOUNDARIES SHOWN PER CITY of EUGENE ON-LINE INTERACTIVE MAP (EUGMAPS-APP) MARCH 19, 2023.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

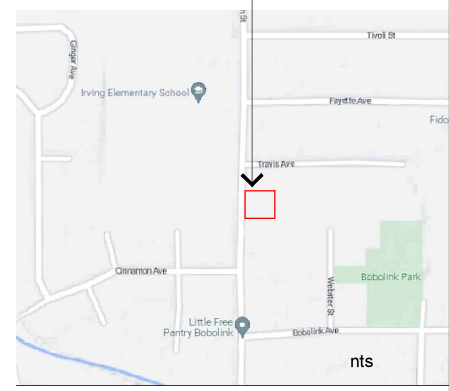
OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2023

LAND TO BE ANNEXED

CITY LIMITS

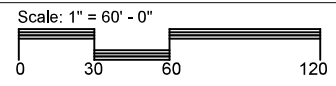
SUBJECT PROPERTY VICINITY MAP



MAP: 17 04 10 14 Tax Lot 900

ANNEXATION MAP
Hyacinth Annexation
Hyacinth Street, Eugene, OR 97404

Date: April 7, 2023
Revised: May 8, 2023



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

Legal Description

Beginning at the Southwest corner of the Abraham Peek Donation Land Claim No. 51, Township 17 South, Range 4 West of the Willamette Meridian; thence North $0^{\circ}04'30''$ East 2026.96 feet along the West line of said Claim; thence South $89^{\circ}56'$ East 30.00 feet to the TRUE POINT OF BEGINNING; thence North $0^{\circ}04'30''$ East 115 feet; thence South $89^{\circ}56'$ East 173.55 feet; thence South $0^{\circ}12'$ East 115 feet; thence North $89^{\circ}56'$ West 174.15 feet to the true point of beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation:
Annexation Request for DANIEL FORCE
(City File: A 23-1)**

Application Submitted: April 7, 2023
Applicant: Daniel Force
Property Included in Annexation Request: Tax Lot 00900 of Assessor's Map 17-04-10-14
Zoning: R-1 Low-Density Residential with an /UL Urbanizable Land Overlay and /CAS Commercial Airport Safety Overlay
Location: On Hyacinth Street, south of Travis Avenue
Lead City Staff: Nicholas Gioello, Associate Planner, City of Eugene Planning Division, 541-682-5453

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The Metro Plan designates the annexation area as appropriate for low-density residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) 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 RR/SC UFP, 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 RR/SC UFP 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 Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and RR/SC UFP refinement plan.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies ☒ YES ☐ NO		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Public wastewater is available via an 8-inch line located in Hyacinth Street. A specific plan for service to the site will be reviewed at the time of future development.</p>

As an informational item, there is a wastewater assessment for this tax lot which will need to be paid prior to any additional development on the subject property.

Stormwater

Public stormwater facilities are not available in the area. Soil type indicates moderate to poor infiltration rates so infiltration testing may be necessary for future development. At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

The property is located on Hyacinth Street, which is identified as a Minor Collector and is owned and maintained by Lane County Public Works. It is paved, but lacks curb and gutter, sidewalks, street trees and streetlights. A Facilities Permit through Lane County may be required for access connection at time of development.

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 located within the district boundary of Spring Creek 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 and /CAS Commercial Airport Safety Overlay will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
	900	R-1/CAS/UL	.45 acres

Property Address: Vacant Lot

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

Public Service Districts:

Name			
Parks:	River Road Park & Recreation District		
Electric:	EWEB (Eugene Water and Electric Board)		
Water:	EWEB (Eugene Water and Electric Board)		
Sanitary Sewer:	City of Eugene		
Fire:	Lane Fire Authority		
Schools:	Elementary: Spring Creek	Middle: Madison	High: North Eugene
Other:			

Filing Fee

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

Written Statement (Submit 5 copies)

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

Site Plan Requirements

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

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

N/A ☐ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.

- ☒ 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: 900

Name (print): Daniel Force

Address: 615 E. 46th Avenue

Email: forcehomesllc@gmail.com

City/State/Zip: Eugene, OR 97405

Phone: 541.206.3366 Fax:

Signature: 

Date: 3.19.23

~~**PROPERTY OWNER OF TAX LOT:** _____~~

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

~~**PROPERTY OWNER OF TAX LOT:** _____~~

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

SURVEYOR:

Name (print):

Company/Organization:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Signature:

Date: 3.19.23

see surveyor's signature next page

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

PROPERTY OWNER OF TAX LOT: 900

Name (print): Daniel Force

Address: 615 E. 46th Avenue

Email: forcehomesllc@gmail.com

City/State/Zip: Eugene, OR 97405

Phone: 541.206.3366 Fax:

Signature:

Date: 3.19.23

~~**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: 3.19.23

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: 3.19.23

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

April 7, 2023

Daniel Force
Annexation Application
Map 17 04 10 14 Tax Lot 00900

WRITTEN STATEMENT

In accordance with EC 9.7800, Annexation Application Procedures and Criteria, the applicant, Daniel Force, is 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

Daniel Force (applicant) requests 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) and Commercial Airport Safety Overlay Zone (CAS). The Metro Plan designation is Low Density Residential.

B. Subject Site

The property is comprised of one tax lot and is located in the Santa Clara Community Organization area. The property is bordered by primarily single unit dwellings.



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 3047 Hyacinth Street (Map 17 04 10 14 00800) is annexed and is contiguous with the subject property. See attached City Council Resolution No. 5223 approving the annexation of 3047 Hyacinth.

- (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) and CAS overlay (Commercial Airport Safety Zone). 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. The 'Public Facilities and Services Element' policies of the River Road-Santa Clara Urban Facilities Plan 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.

- (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 Hyacinth Street.

Stormwater

There are no stormwater facilities in the area. Any future development will need to treat and retain the stormwater 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. If full infiltration is not an option, post development stormwater flows will not exceed predevelopment stormwater flows. This will be evaluated at time of building permit submittal.

Water and Electric Service

Water and electric service is currently provided to the subject site by EWEB. There is a 6" water main adjacent to the site in Hyacinth Street. There is electric service to the site as evidenced by the utility pole at the southwest corner of the site and the overhead power lines.

Transportation

The property has frontage on Hyacinth Street. To the south is Irving Road that provides direct access to the Northwest Expressway Way.

Transit – Lane Transit District has regular bus service on Irving Road traveling both east and west.

There are bike paths on both sides of Irving Road.

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: Arrowhead Park and Filbert Meadows 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 Spring Creek Elementary School, Madison 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. 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

COUNCIL RESOLUTION NO. 5223

**APPROVAL OF A RESOLUTION ANNEXING LAND TO
THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-10-14,
TAX LOT 800—LOCATED ON HYACINTH STREET
SOUTH OF TRAVIS AVENUE).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: February 26, 2018



RESOLUTION NO. 5223**APPROVAL OF A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-10-14, TAX LOT 800—LOCATED ON HYACINTH STREET SOUTH OF TRAVIS AVENUE).****The City Council of the City of Eugene finds that:**

A. An annexation application was submitted on December 6, 2017, by Matt Steinberg in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-10-14, Tax Lot 800, to the City of Eugene.

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

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

D. On January 26, 2018, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of property within 500 feet of the perimeter of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on February 26, 2018.

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

NOW, THEREFORE,

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

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-10-14, Tax Lot 800, depicted on the map attached as Exhibit A, and more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1 Low Density Residential with /CAS

Commercial Airport Safety Overlay and /UL Urbanizable Lands Overlay to R-1 Low Density Residential with /CAS Commercial Airport Safety Overlay pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 26th day of February, 2018.



Deputy City Recorder (A/c)

Exhibit A

ASSESSOR'S MAP(S) TAX MAP 17-04-10-14, T.L. 800

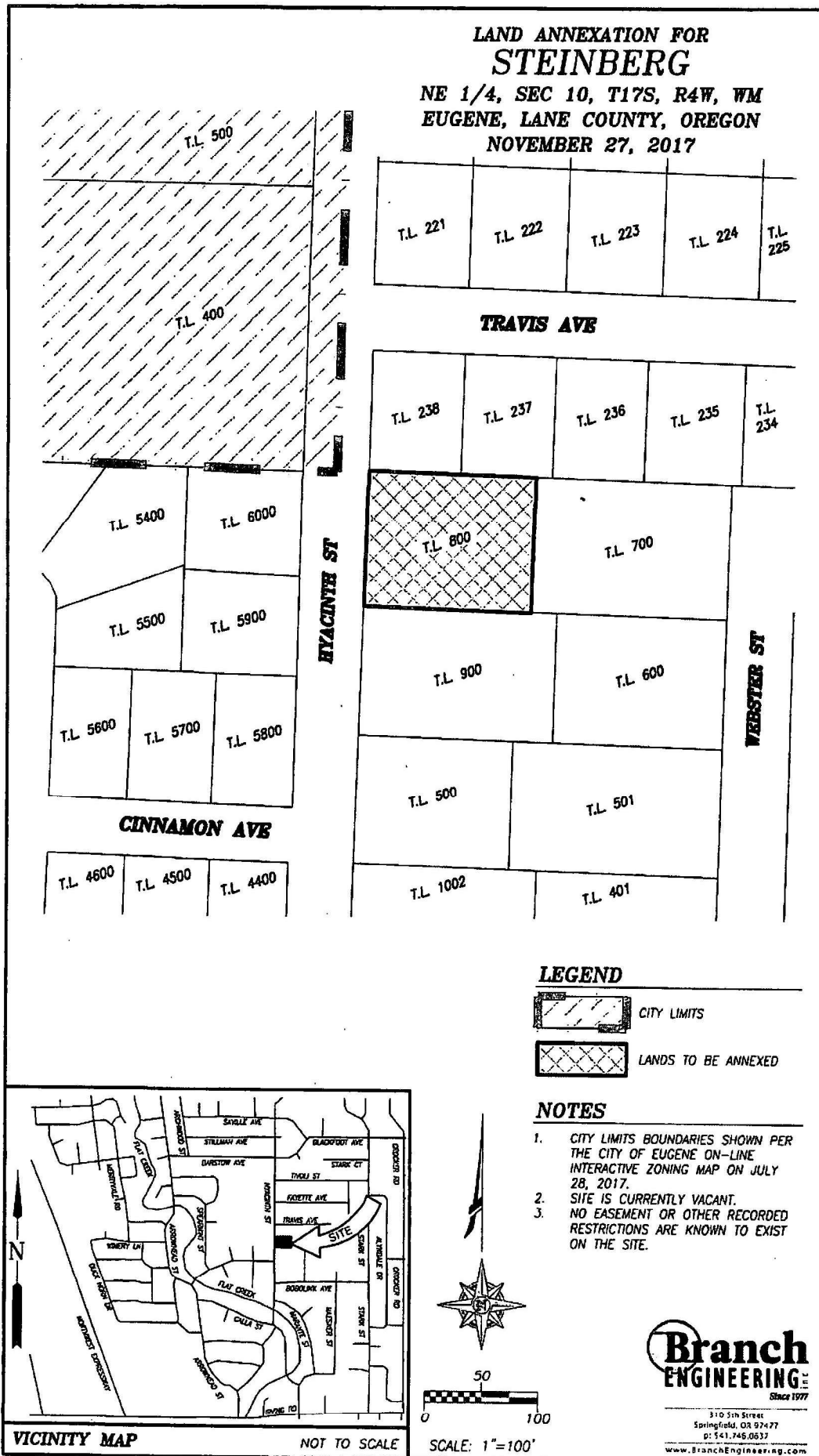


Exhibit B

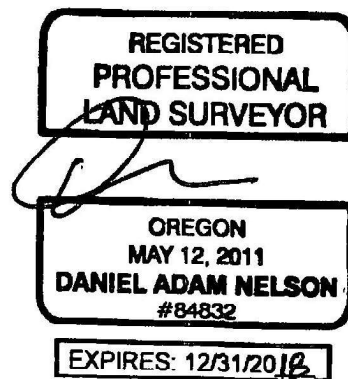


December 5, 2017

LEGAL DESCRIPTION**TM 17-04-10-14, TM 800, EUGENE, OR**

Branch Engineering Inc. Project No. 17-422

BEGINNING at the Southwest corner of the Abraham Peek Donation Land Claim No. 51, Township 17 South, Range 4 West of the Willamette Meridian; **THENCE** North 0°04'30" East 2029.96 feet along the West line of said Claim to a point; **THENCE** South 89°56' East 30.00 feet to a point which is the **TRUE POINT OF BEGINNING**; **THENCE** North 0°04'30" East 232.68 feet along a line parallel with and 30.00 feet East of West line of said claim; **THENCE** South 89°56' East 147.95 feet; **THENCE** South 0°12' East 232.68 feet; **THENCE** North 89°56' West 149.15 feet to the **TRUE POINT OF BEGINNING**, in Lane County Oregon; **EXCEPT** the South 115 feet thereof.



EUGENE-SPRINGFIELD

ALBANY

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

Exhibit C



**Planning Director's Findings and Recommendation
Annexation Request for Steinberg, Matt
(City File: A 17-11)**

Application Submitted: December 6, 2017
Applicant: Matt Steinberg
Property Included in Annexation Request: Tax Lot 800 of Assessor's Map 17-04-10-14
Zoning: R-1 Low Density Residential with /CAS Commercial Airport Safety Overlay and /UL Urbanizable Lands Overlay
Location: Hyacinth Street, south of Travis Avenue
Representative: Daniel Nelson, Branch Engineering, 541-746-0637
Lead City Staff: Nicholas Gioello, City of Eugene Planning Division, 541-682-5453

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential use. The property is currently zoned R-1 Low Density Residential with /CAS Commercial Airport Safety Overlay and /UL Urbanizable Lands Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not located within any of the described subareas. Further, none of the general "Residential Land Use Policies" at Section 2.2 appear to be directly applicable to the subject request. The "Public Facilities and Services Element" policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and refinement plan.</p>
EC 9.7825(3)		<p>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.</p>
<p>Complies</p> <p>☒ YES</p> <p>☐ NO</p>		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u></p> <p>An 8-inch public wastewater line exists within Hyacinth Street, just west of the property. According to the as-constructed drawings, a 6-inch wastewater line was stubbed to the subject property when the 8-inch mainline in Hyacinth Street was constructed. If this is not the case, the mainline has sufficient depth to serve the subject property. There is an on-hold equivalent wastewater assessment that will become payable at the time of development.</p> <p><u>Stormwater</u></p> <p>Public stormwater systems are not available to serve this property. Records show that</p>

the soils are mapped as a Type C. Infiltration testing may be required at the time of development to demonstrate adequate percolation rates; however, there are options for complying with stormwater standards which will be further evaluated at the time of future development.

Transportation

The subject property has frontage on Hyacinth Street, which is within Lane County jurisdiction. The City classifies this section of Hyacinth Street as a neighborhood collector. Access management and street standards will be evaluated at the time of future development.

Solid Waste

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

Water and Electric

EWEB Water staff state no objection to the annexation. EWEB Electric staff also state no objection to the annexation request. Water and electric services can be extended in accordance with EWEB policies and procedures.

Public Safety

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

Parks and Recreation

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

Planning and Development Services

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

Communications

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

Public Schools

The subject property is within Eugene School District 4J and is within the district boundary of Spring Creek Elementary School, Madison Middle School, and North Eugene High School. As access to schools is evaluated on a district wide basis, the property's

		location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.
--	--	---

CONCLUSION:

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

Consent to Annexation

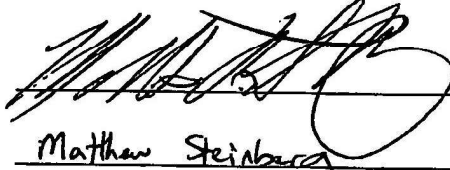
Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-10-14-00800 Address: n/a

Legal Description:
See attached

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

DATED this 5th day of DECEMBER, 2017.



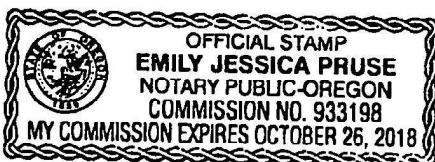
Matthew Steinberg

STATE OF OREGON)

County of Lane)ss
)

On this 5 day of December, 2017, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Matthew Steinberg, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

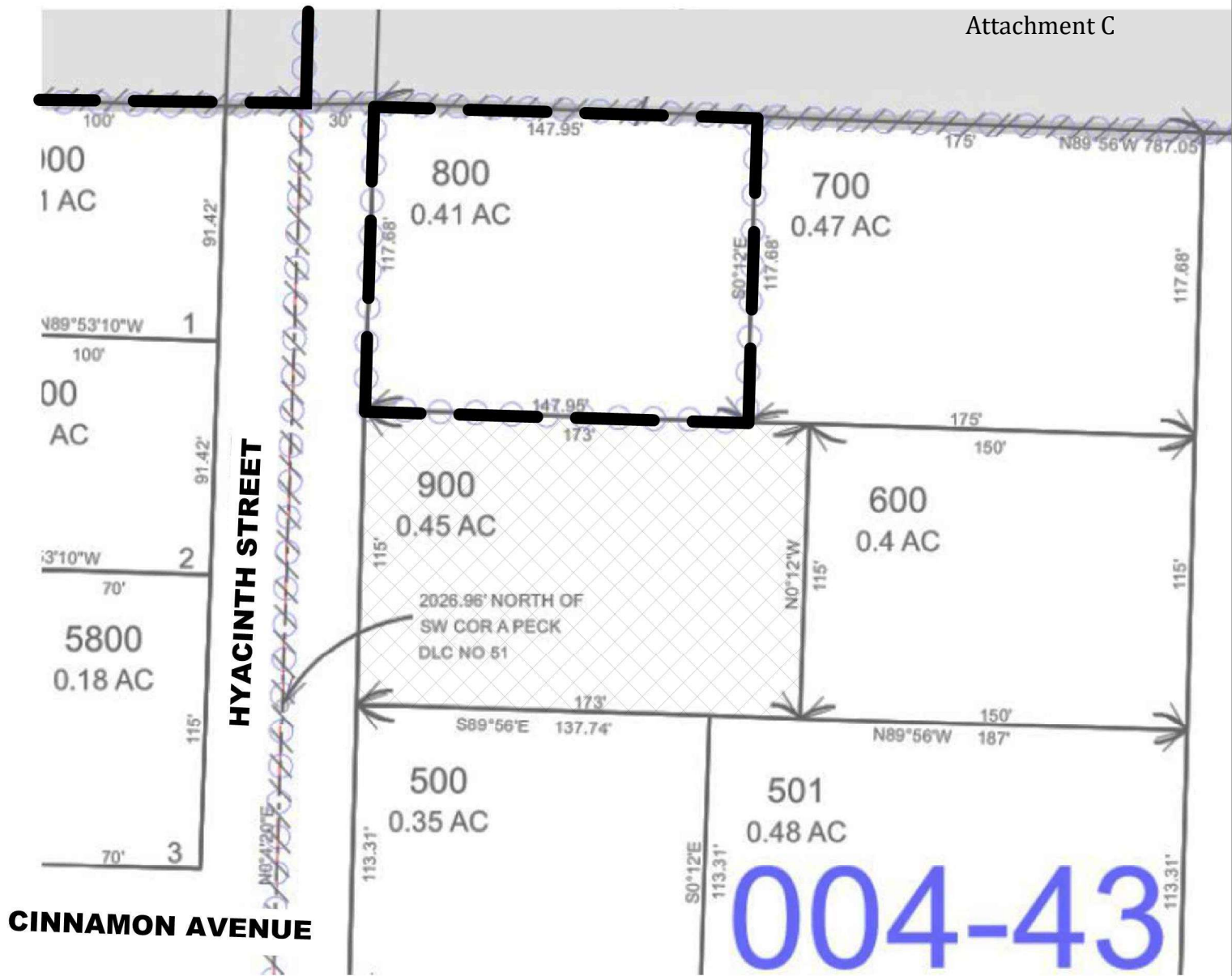
Seal:



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 10/26/2018



NOTES

1. CITY LIMIT BOUNDARIES SHOWN PER CITY OF EUGENE ON-LINE INTERACTIVE MAP (EUGMAPS-APP) MARCH 19, 2023.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



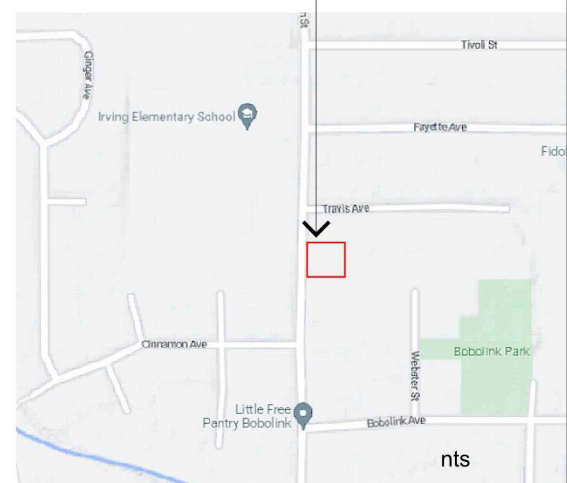
LAND TO BE ANNEXED



CITY LIMITS

SUBJECT PROPERTY

VICINITY MAP



MAP: 17 04 10 14 Tax Lot 900

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

ANNEXATION MAP

Annexation for Force
Hyacinth Street, Eugene, OR 97404

Date: April 7, 2023

CC Agenda Page 48

Scale: 1" = 60' - 0"



July 10, 2023 Meeting — Item 5A



Application #: C * 2008 - _____

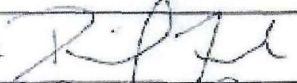
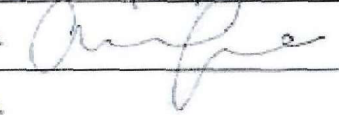
For City Use Only

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

PETITION

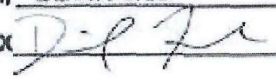
Petition Signature Sheet
 Annexation by Individuals

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg. Voter	Acres (qty)
→ 1. 	3/31/23	Daniel Force	615th East 46th Street Eugene, OR 97405	17 04 10 14 00900	✓	✓	.46
→ 2. 	3/31/23	Ashley Force	615th East 46th Street Eugene, OR 97405	17 04 10 14 00900	✓	✓	.46
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, Daniel Force (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

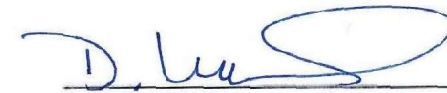
→ X  (signature of circulator)

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.

CERTIFICATION OF ELECTORS

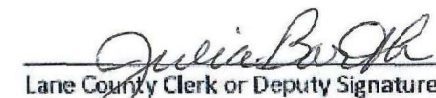
The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.



Lane County Department of Assessment and Taxation

4/3/23

Date Certified



Lane County Clerk or Deputy Signature

4/3/23

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: 17-04-10-00900 Address: Not Applicable (vacant)

Legal Description:

Vacant lot on Hyacinth Street, Eugene, OR 97404

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

DATED this 31 day of March, 2023.

Daniel Force

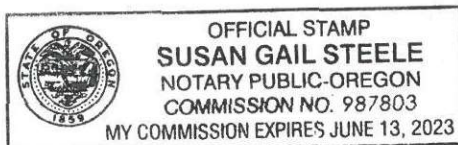
[Signature]

STATE OF OREGON)

County of Lane)ss

On this 31 day of March, 2023, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Daniel Force, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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

[Signature]

Notary Public for Oregon

My Commission Expires 6-13-23

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: 17-04-10-14-00900 Address: _____

Legal Description:

Vacant lot on Hyacinth Street, Eugene OR 97404

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

DATED this 31 day of March, 2023.

Ashley C. Force

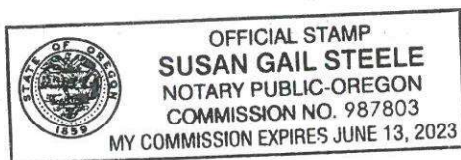
Ashley C. Force

STATE OF OREGON)

County of Lane) ss

On this 31 day of March, 2023, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Ashley C. Force, 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.

Susan Gail Steele

Notary Public for Oregon

My Commission Expires 6-13-23

RECORDING REQUESTED BY:


Fidelity National Title
Company of Oregon

 800 Willamette Street, Ste 500
 Eugene, OR 97401

 Lane County Clerk
 Lane County Deeds & Records
2023-004402

02/22/2023 12:57:14 PM

 RPR-DEED Cnt=1 Stn=8 CASHIER 12 2pages
 \$10.00 \$11.00 \$10.00 \$61.00
\$92.00**GRANTOR'S NAME:**

Doris W. Adkins Trust dated August 9, 2007

GRANTEE'S NAME:

Daniel P. Force and Ashley C. Force

AFTER RECORDING RETURN TO:**Order No.:** 60222300555-SS
 Daniel P. Force and Ashley C. Force, as tenants by the entirety
 615 E. 46th Ave
 Eugene, OR 97405
SEND TAX STATEMENTS TO:
 Daniel P. Force and Ashley C. Force
 615 E. 46th Ave
 Eugene, OR 97405

APN: 0353803

Map: 17-04-10-14-00900

Vacant lot on Hyacinth Street, Eugene, OR 97404

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Ronald G. Adkins, aka Ron Adkins, Successor Trustee of the Doris W. Adkins Trust dated August 9, 2007, Grantor, conveys and warrants to **Daniel P. Force and Ashley C. Force, as tenants by the entirety,** Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:

Beginning at the new Southwest corner of the Abraham Peek Donation Land Claim No. 51, Township 17 South, Range 4 West of the Willamette Meridian, thence North 0°04' 30" East 2026.96 feet along the West line of said Claim; thence South 89°56' East 30.00 feet to the TRUE POINT OF BEGINNING; thence North 0°04'30" East 115 feet; thence South 89°56' East 173.55 feet; thence South 0°12' East 115 feet; thence North 89°56' West 174.15 feet to the true point of beginning, in Lane County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00). (See ORS 93.030).

Subject to:

1. Rights of the public to any portion of the Land lying within the area commonly known as public streets, roads and highways.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Eugene, Lane County, Oregon, by and through the Eugene Water & Electric Board
 Purpose: Utility Easement
 Recording Date: May 14, 2018
 Recording No: 2018-021931
 Affects: Reference is hereby made to said document for full particulars

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

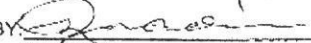
STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

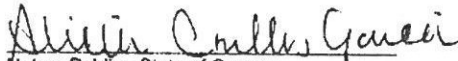
Dated: 2-21-2023

Doris W. Adkins Trust dated August 9, 2007

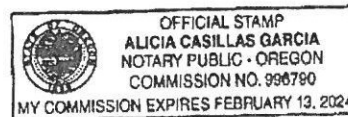
BY 
 Ron Adkins
 Successor Trustee

State of Oregon
 County of Yamhill

This instrument was acknowledged before me on February 21, 2023 by Ron Adkins, as Successor Trustee for Doris W. Adkins Trust dated August 9, 2007.


 Notary Public - State of Oregon

My Commission Expires: 02/13/2024



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

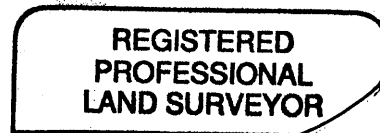
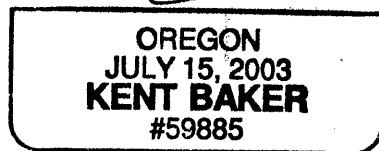
Print Name: _____

Kent Baker

Date: _____

3/19/23

Seal:



RENEWS: 12-31-2023

Legal Description

Beginning at the Southwest corner of the Abraham Peek Donation Land Claim No. 51, Township 17 South, Range 4 West of the Willamette Meridian; thence North $0^{\circ}04'30''$ East 2026.96 feet along the West line of said Claim; thence South $89^{\circ}56'$ East 30.00 feet to the TRUE POINT OF BEGINNING; thence North $0^{\circ}04'30''$ East 115 feet; thence South $89^{\circ}56'$ East 173.55 feet; thence South $0^{\circ}12'$ East 115 feet; thence North $89^{\circ}56'$ West 174.15 feet to the true point of beginning, in Lane County, Oregon.

Summary of Urban Service Provision

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

Property Owner(s) Name:
Daniel Force and Ashley Force

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

17 04 10 14 00900

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

The property(ies) in this annexation request:

 x will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" wastewater line in Hyacinth Street

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

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

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

Is the site currently served by an approved stormwater system?

no

If yes,
location? _____

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

No construction is proposed as part of this application. Future development will need to treat detain/retain stormwater on site. If full infiltration is not an option, post development runoff will not exceed pre-development rates

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. Property fronts Hyacinth Street. Access to Northwest Expressway is available by taking Hyacinth Street south to Calla Street, Calla Street to Kalmia Street, Kalmia Street to Irving Road and Irving Road west to Northwest Expressway.

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:

The City of Eugene serves this area. Arrowhead City Park is located .6 miles to the northwest of the site on Arrowhead Street. Awbrey Park is located 1.7 miles to the northeast of the site on Spring Creek Drive. Filbert Meadows Park is located approximately .7 miles north of the site.

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

Public Safety

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

For River Road/Santa Clara area-

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

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

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

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

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

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

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

Electric Service – Which electric company will serve this site?

EWEB _____.

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

6 inch cast iron water main located in Hyacinth Street _____.

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.

DUPLICATE RECEIPT DUPLICATE RECEIPT

=====

CITY OF EUGENE
 BUILDING & PERMIT SERVICE
 99 WEST 10TH AVE 682-5086
 REG-RECEIPT:1-0000822 Apr 07 2023
 CASHIER: RXS

=====

Partition, Final	\$1,593.00
Scanlon Partition (23-1)	
Admin Fee-Auto Calc	\$741.78
Adjustment Review	\$548.00
MIG Storage - Adjustment	
Adjustment Review	\$548.00
U-Haul Adjustment	
Annexation Fee	\$4,730.00
Hyacinth Annexation	
Property Line Adjustment	\$823.00
Soda Straw PLA	

TOTAL DUE: \$8,983.78

RECEIVED FROM:
 CAROL SCHIRMER

Credit: \$8,983.78

Total tendered: \$8,983.78

Change due: \$.00

=====

www.eugene-or.gov/bldgpermittracking

=====

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

=====

DUPLICATE RECEIPT DUPLICATE RECEIPT



City of Eugene Planning

PLANNING RECEIPT

DATE

4/7/2023

Method of Payment

- ☐ Cash
☐ Check
☒ Visa/MC

Customer Information

Name Carol Schirmer
 Address PO Box 10424
 Eugene, OR 97440
 Project Hyacinth 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 (not included on appeals or other fees)				9%		\$	425.70

Total

\$

5,155.70

Staff Receiving Application
BRB

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



Atrium Building
99 West 10th Avenue
Eugene, Oregon 97401
Phone: 541-682-5453
Fax: 541-682-5572
www.eugene-or.gov/planning

May 4, 2023

Carol Schirmer
Schirmer Consulting, LLC
PO Box 10424
Eugene OR, 97440

RE: Daniel Force (A 23-1)

Thank you for your application for annexation. Our completeness review process provides an opportunity to collaboratively address any items that are unclear, incomplete, or missing before your application is evaluated for consistency with our land use code. We also use this as an opportunity to identify other issues which may be raised during the public process. Based on our review, your application is deemed **incomplete** at this time.

I look forward to working with you through the next steps of this process. After you have reviewed the enclosed checklists which identify incomplete items, please contact me if you have any questions.

Enclosed are Planning completeness review checklist and a Public Works checklist, that identify missing materials and incomplete information.

If you have any questions, please contact me at:
(541) 682-5453 or via e-mail ngioello@eugene-or.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas R. Gioello".

Nicholas R. Gioello
Associate Planner

Enclosures: Completeness Checklists, Land Use Application, Incomplete Land Use Application



Annexation Completeness Review Form

Public Works Department

Application File Name (#):	A23-1 Hyacinth	Date:	4/18/2023
Reviewed by:	Victoria Doyle	Phone:	541-682-5714

General Comments:	Annexation of just under a half acre on Hyacinth Street
--------------------------	---

Wastewater Requirements			
Yes	No	N/A	
☒	☐	☐	1. Is wastewater service available to serve the area proposed for annexation? If no, has the applicant demonstrated how and when services can be extended?
☒	☐	☐	2. Do any on-hold special assessments exist (COE Lien Docket or Special Assessments)
Comments:	Equivalent Assessment for the sanitary sewer lateral and service will be due as a condition of approval Current amount due valid through June 30, 2023 is \$15,993.78		
Stormwater Requirements			
Yes	No	N/A	
☐	☒	☐	3. Is a conveyance system available to the area proposed for annexation? If no, does on-site infiltration appear to be a feasible alternative?
Comments:	On site filtration or infiltration with testing appears to be feasible.		
Street Requirements			
Yes	No	N/A	
☒	☐	☐	4. Does the property have public access?
Comments:			
General Requirements			
Yes	No	Incomplete	
☒	☐	☐	5. Does the legal description match the affected territory requested for annexation?
☐	☐	☒	6. Has the legal description been prepared by a registered land surveyor and a Certification of Description has been submitted?
Comments	The exhibit map is to be signed by the Surveyor and needs a callout from the SW corner of DLC no. 51 to the true point of beginning; include bearings and distances for the boundary lines. This is explained in the Application packet and noted under Other Application Requirements for reference.		
Yes	No	For Staff Use Only - Referral Information	
☒	☐	1. Is the right-of-way county maintained? If yes, route land use referral to Lane County Transportation Attn: Monica Witzig , monica.witzig@co.lane.or.us	
☐	☒	2. Does stormwater discharge to a facility within Junction City Water Control District? If yes, route land use referral to Junction City Water Control District, Attn: Steve Cornaccia .	
		Other:	

Annexation Completeness Review Checklist
Planning Division

Application File Name (#):	Daniel Force (A 23-1)	Date:	5/4/23
Applicant's Name:	Daniel Force	Zoning:	R-1 /CAS /UL
Representative's Name:	Carol Schirmer, Schirmer Consulting, LLC		
Reviewed by:	Nicholas Gioello	Phone:	(541) 682-5453
E-mail:	ngioello@eugene-or.gov		

General Comments:	
-------------------	--

Written Statement				
Submitted	Missing	Incomplete	N/A	
☒	☐	☐	☐	1. Submitted a detailed written statement describing how this request is consistent with Eugene Code Section 9.7825 <u>Approval Criteria</u> .
		Complies	Does Not Comply	Land proposed to be annexed is within the city's urban growth boundary and is:
		☒	☐	a. Contiguous to city limits or separated from the city only by a public right of way or a stream, bay, lake or other body of water.
		☒	☐	b. The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
		☒	☐	c. 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.
Comments				

Site Plan Requirements				
Submitted	Missing	Incomplete	N/A	
☒	☐	☐	☐	1. Date, north arrow, and standard engineer's scale shown on site plan.
☒	☐	☐	☐	2. The Assessor's Map and Tax Lot number is shown on the site plan.
☒	☐	☐	☐	3. Vicinity map shown on the site plan.
☒	☐	☐	☐	4. Show location of existing City Limits & UGB (if applicable).
☒	☐	☐	☐	5. Clearly label the affected territory and any public right of ways to be annexed.
☒	☐	☐	☐	6. Show all adjacent streets, alleys, and accessways.
☒	☐	☐	☐	7. Show the location of all existing structures.
☐	☐	☒	☐	8. 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. are shown.
Comments				
8) In order to be acceptable for recording with the County and Department of Revenue, the site plan must be stamped and signed by a licensed surveyor. Also, please be aware that the property dimensions on the site plan must exactly match the dimensions listed in the legal description.				

General Requirements				
Submitted	Missing	Incomplete	N/A	
☒	☐	☐	☐	9. Petition for Annexation listing all owners, including partial owners, and electors.
☒	☐	☐	☐	10. Certification of Electors form signed by the Lane County Elections/Voter Registration Department.
☒	☐	☐	☐	11. Verification (Certification) of Property Owners form signed by the Lane County Department of Assessment and Taxation.
☒	☐	☐	☐	12. Notarized Consent to Annex.
Comments				
General Requirements (continued)				
Submitted	Missing	Incomplete	N/A	
☒	☐	☐	☐	13. A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. These descriptions must be typed on an 8-1/2 x 11" white sheet of paper (no letterhead) so that it is suitable for recording.
☒	☐	☐	☐	14. Certification of Description signed by a registered land surveyor.
☒	☐	☐	☐	15. Summary of Urban Service Provision.
☐	☒	☐	☐	16. A full size & an 8½ x 11 county assessor's cadastral map.
☒	☐	☐	☐	17. Census Information Sheet
Comments 16) Please submit a County Assessor's cadastral map.				

Yes	No	For Staff Use Only
☐	☒	1. Confirm zoning and designation and if /ND & /WQ overlays will be automatically applied upon annexation. (Check OnTrack and Metro Plan to verify if property is designated for Nodal Development. Check OnTrack for /WQ after June 10, 2009.)
☐	☒	2. Is this within a special district? (Check RLID). If so, add info item to findings regarding need for withdrawal by the City – see previous findings for example.

Yes	No	For Staff Use Only - Referral Information
☒	☐	3. Is the right-of-way county maintained? If yes, route land use referral to Lane County Transportation and Lane County Road Maintenance Planning.
☐	☒	4. Does the resulting change create a split zone or split overlay zone? If Yes, please send referral to Thea Evans or Planning GIS Specialist
☐	☒	5. Other:

May 8, 2023

Nicholas Gioello
Associate Planner
City of Eugene
Planning and Development
99 W 10th Avenue
Eugene, OR 97401

RE: Hyacinth Annexation
Completeness Review Response (A23-1)

Nick:

Thank you for your thorough review of the project.

The following are the responses to the Completeness Review items. The City items are in regular typeface and my responses are in italics.

PLANNING

Site Plan Requirements

8. 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. are shown.
- 8) In order to be acceptable for recording with the County Department of Revenue, the site plan must be stamped and signed by a licensed surveyor. Also, please be aware that the property dimensions on the site plan must exactly match the dimensions listed in the legal description.
A review of the application packet (Other Application Requirements) indicates a surveyor is required to sign and stamp the legal description but not the Site Plan. I was unable to find in either in the Annexation packet, the city application check list or Chapter 9 a requirement for a surveyor signature on the Site Plan.

The surveyor's signature has been added to the revised Site Plan.

General Requirements

16. A full size and an 8 1/2 x 11 county assessor's cadastral map.
- 16) Please submit a County Assessor's cadastral map.
I was unable to find in either in the Annexation packet, the city application check list or Chapter 9 a requirement for a cadastral map.

See attached cadastral map.

Public Works

Wastewater Requirements

Equivalent Assessment for the sanitary sewer lateral and service will be due prior to connection to the wastewater service with future development. Current amount due valid through June 30, 2023 is \$15,993.78
Understood.

General Requirements

6. Has the legal description been prepared by a registered land surveyor and a Certificate of Description has been submitted.
6. The exhibit map is to be signed by the Surveyor and needs a callout from the SW corner of the DLC no. 51 to the true point of beginning; include bearings and distances for the boundary lines. This is explained in the Application packet and noted under **Other Application Requirements** for reference.
A review of the application packet (Other Application Requirements) indicates a surveyor is required to sign and stamp the legal description but not the Site Plan. I was unable to find in either in the

Annexation packet, the city application check list or Chapter 9 a requirement for a surveyor signature on the Site Plan.

The surveyor's signature has been added to the revised Site Plan.

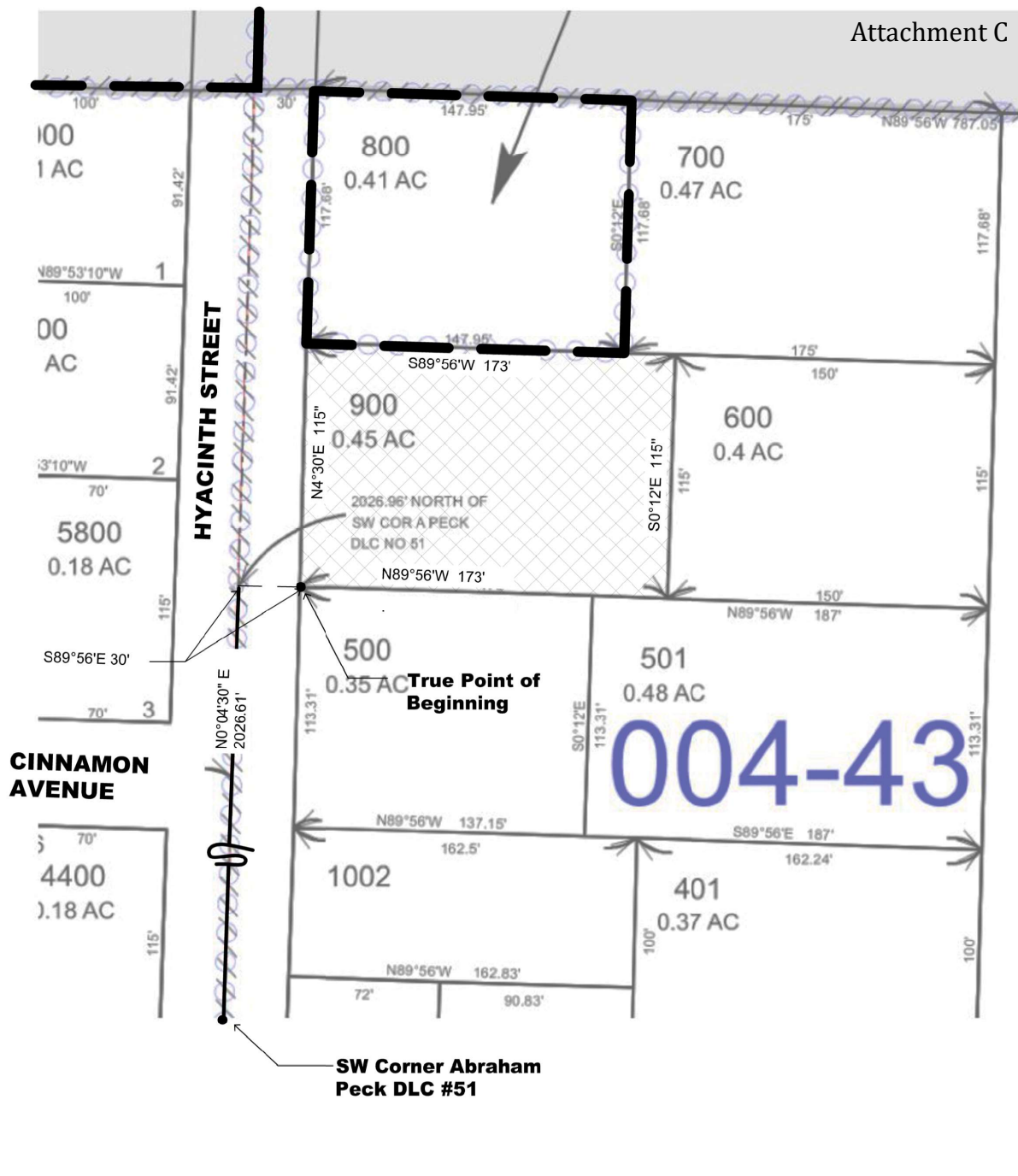
The callout has been added as have the bearings and distances.

Please call if you have any questions, comments or need any additional information. I believe this responds to all incomplete items and issues.

Sincerely,
Schirmer Consulting, LLC

A handwritten signature in black ink, appearing to be 'CS' or 'Schirmer', enclosed within a circular loop.

Carol Schirmer



NOTES

1. CITY LIMIT BOUNDARIES SHOWN PER CITY OF EUGENE ON-LINE INTERACTIVE MAP (EUGMAPS-APP) MARCH 19, 2023.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWALS: 12-31-2023

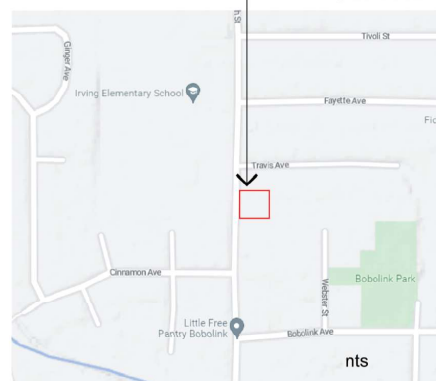


LAND TO BE ANNEXED

— — — CITY LIMITS

SUBJECT PROPERTY

VICINITY MAP



MAP: 17 04 10 14 Tax Lot 900

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

ANNEXATION MAP
Hyacinth Annexation
Hyacinth Street, Eugene, OR 97404

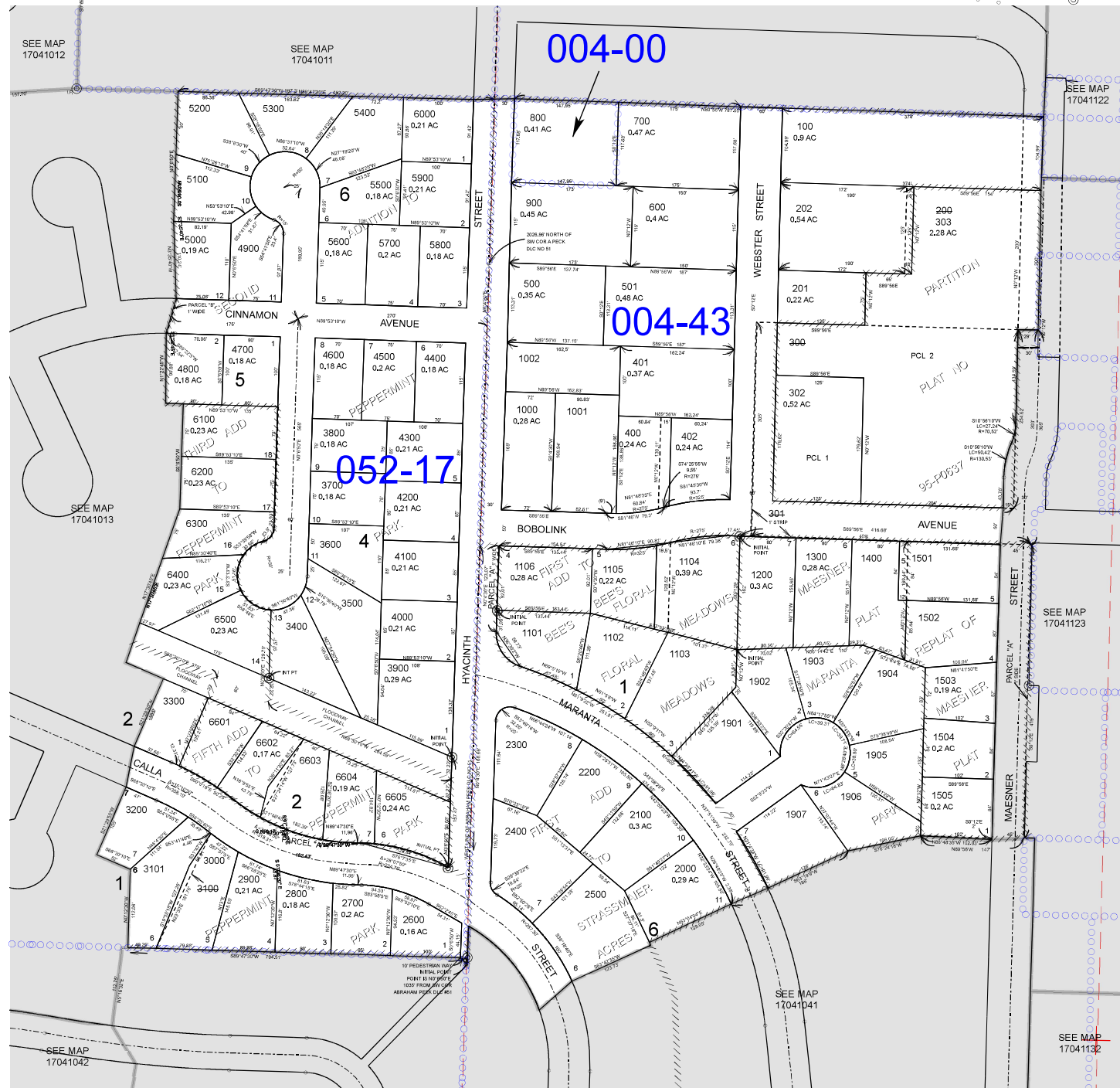
Drawn: April 7, 2023
Revised: May 8, 2023
Date

Scale: 1" = 60' - 0"

0 30 60 120



2023, SCHIRMER CONSULTING, LLC ©

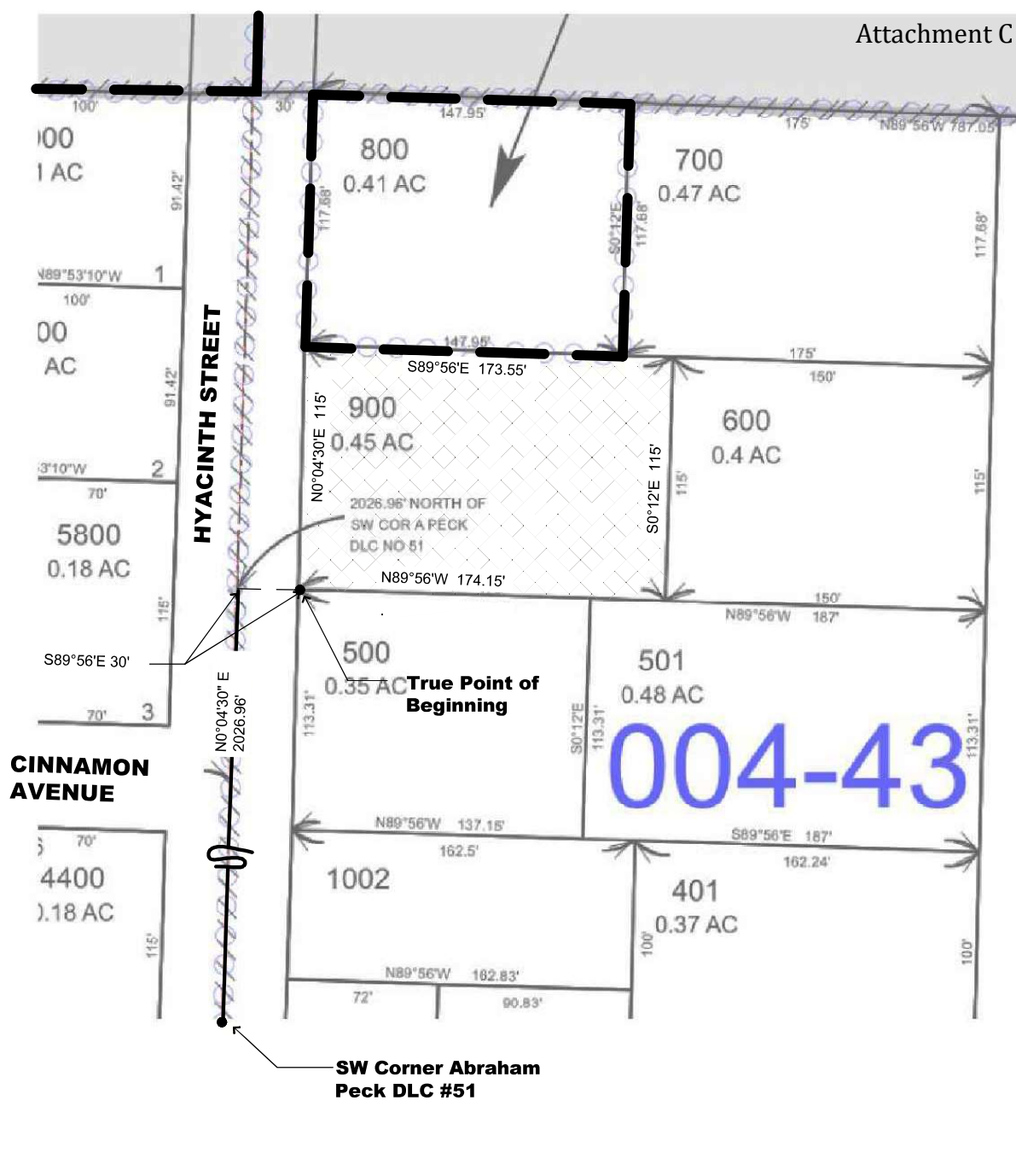


CANCELLED
200
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1700
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1900
3100
6600

REVISIONS
02/08/2012 - LCAT155 - CONVERT MAP TO GIS
11/06/2018 - LCAT 174 - CODE CHANGE TL 800
03/20/2020 - LCAT148 - CODE CHANGE TL 800

Legal Description

Beginning at the Southwest corner of the Abraham Peek Donation Land Claim No. 51, Township 17 South, Range 4 West of the Willamette Meridian; thence North $0^{\circ}04'30''$ East 2026.96 feet along the West line of said Claim; thence South $89^{\circ}56'$ East 30.00 feet to the TRUE POINT OF BEGINNING; thence North $0^{\circ}04'30''$ East 115 feet; thence South $89^{\circ}56'$ East 173.55 feet; thence South $0^{\circ}12'$ East 115 feet; thence North $89^{\circ}56'$ West 174.15 feet to the true point of beginning, in Lane County, Oregon.



NOTES

1. CITY LIMIT BOUNDARIES SHOWN PER CITY OF EUGENE ON-LINE INTERACTIVE MAP (EUGMAPS-APP) MARCH 19, 2023.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2023



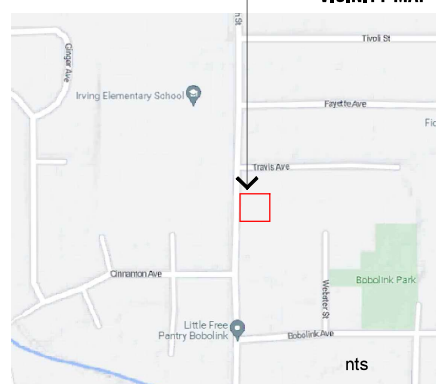
LAND TO BE ANNEXED



CITY LIMITS

SUBJECT PROPERTY

VICINITY MAP



MAP: 17 04 10 14 Tax Lot 900

ANNEXATION MAP

Hyacinth Annexation
Hyacinth Street, Eugene, OR 97404

Date: April 7, 2023
Revised: May 8, 2023

Scale: 1" = 60' - 0"



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



Atrium Building
99 west 10th Avenue
Eugene, Oregon 97401
Phone: 541-682-5453
Fax: 541-682-5572

www.eugene-or.gov/planning

May 16, 2023

Carol Schirmer
Schirmer Consulting, LLC
PO Box 10424
Eugene OR, 97440

RE: Daniel Force (A 23-1)

Thank you for your application for Annexation. I have reviewed the additional materials submitted and have determined the application can be deemed **complete** as of today.

I will contact you next week with a tentative date on the City Council's consent calendar public meeting schedule.

If you have any questions, I can be reached at (541) 682-5453 or via e-mail: ngioello@eugene-or.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas R. Gioello".

Nicholas R. Gioello
Associate Planner

**Land Use Referral
City of Eugene**

Date: May 10, 2023
Number: A23-1 Daniel Force
From: Victoria Doyle
Referral Group: Public Works Engineering, Development Review Team
Tax Map / Lot: 17-04-10-14-00900

City of Eugene Public Works finds the annexation petition to be consistent with urbanization policies specific to key urban services, as determined below.

Wastewater

There is an 8" public main and a service available to this lot per project 1995-01008.

Stormwater

Public Stormwater facilities are not available in the area. Soil type indicates moderate to poor infiltration rates so infiltration testing may be necessary for future development. Please refer to the Stormwater Management Manual at that time.

Streets

Hyacinth is identified as a Minor Collector owned and maintained by Lane County Public Works. It is paved, but lacks curb and gutter, sidewalks, street trees and street lights. A facilities permit may be required for access connection at time of development.

Equivalent Assessment

Local Improvements were completed on Hyacinth Street during City of Eugene Project 1995-01008, contract number 1995 00006. These fees will be required prior to connection and/or other Land Use & Development applications.

Current amount due valid through June 30, 2023 is \$15,993.78.

Sanitary Lateral 18,400 SF x 0.71 = \$13,064.00

Sanitary Service 1 EA @ \$2,929.78

Payment can be made to: City of Eugene
Mailing: Receivable Services, COE Finance Dept
PO Box 1967
Eugene, OR 97440

Financial arrangements are also available for 10-15 years with interest rate determined by prime rate plus 2%. Please feel free to reach out to me (Victoria Doyle) if this is something you are interested in pursuing.



Eugene Water & Electric Board
4200 Roosevelt Blvd.
Eugene, OR 97402

Attachment C

May 16, 2023

City of Eugene Planning Division
Attn: Nick Gioello
99 W 10th Ave.
Eugene, OR 97401

Re: A-23-1 Hyacinth St.

Dear Nick,

EWEB staff has reviewed the Land Use Referral: A-23-1 Hyacinth St. and have no objections to the proposed land-use action assuming the following comments and conditions are required to be addressed by the applicant prior to obtaining electric, water, and/or Fiber services from EWEB.

General Comments:

Utility services for development are provided in accordance with EWEB policies and procedures which are available at our main office or online at <http://www.eweb.org/policies>.

Electric Comments:

EWEB electric has no objection to the proposed annexation on Hyacinth St. as described.

Electric comments or questions can be directed to:

Roxy Satterfield
Distribution Engineering Technician IV
Eugene Water & Electric Board
Office/fax 541-685-7166; roxy.satterfield@eweb.org

Water Comments:

EWEB water has no objections to the proposed annexation along Hyacinth St.

Water comments or questions can be directed to:

Bill Johnson
Water Engineering Technician IV
Eugene Water & Electric Board
Office/Fax 541-685-7377; bill.johnson@eweb.org



Eugene Water & Electric Board
4200 Roosevelt Blvd.
Eugene, OR 97402

Attachment C

Right-of-Way Comments:

EWEB Property has no objections to the proposed annexation of the property identified as map and tax lot 17-04-10-14-00800.

Right-of-Way comments or questions can be directed to:

Rafael Sebba
Right-of-Way Associate
Eugene Water & Electric Board
Office/Fax 541-685-7710; rafael.sebba@eweb.org

As always, EWEB recommends property owners and contractors call for locates before digging for installation of any underground supports to verify that no utility facilities will be affected by this construction.

Sincerely,

Crystal Williams
Distribution Engineering Supervisor
Eugene Water & Electric Board
(541) 685-7427
crystal.williams@eweb.org

Wally McCullough
Water Engineering Supervisor
Eugene Water & Electric Board
(541) 685-7435
wallace.mccullough@eweb.org

From: [MILLS Cassidy M](#)
To: [GIOELLO Nick R](#)
Cc: [VARTANIAN Sasha L](#); [PAUGH Jennifer A](#); [LCTPReferrals](#)
Subject: Response: Land Use Referral for file A-23-1
Date: Thursday, June 15, 2023 4:25:27 PM

[EXTERNAL]

Hello Nick,

In response to [file number A-23-1](#), Hyacinth Street Annexation, Lane County Transportation Planning strongly encourages the annexation of the right-of-way. Additionally, we want to flag that half street improvements will be expected upon development, per Lane Code 15.706: 2(c).

Thank you,

Cassidy Mills (*she/her*)

Engineering Associate

Lane County Public Works

Transportation Engineering Services

3040 N Delta Hwy, Eugene, OR 97408

Office: 541.682.6996



NOTICE OF CONSIDERATION OF ANNEXATION REQUEST

Notice Date: June 9, 2023

File Name (#): DANIEL FORCE (A 23-1)
Location: Hyacinth Street, north of Cinnamon Avenue
Meeting Date: Monday, July 10, 2023
Meeting Time: 7:30 p.m.
Meeting Location: Hybrid Meeting. Materials and information about how to access these meetings will be available at: <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Proposed Action/Location:

This notice is being sent to inform you that the City Council is considering the Planning Director's preliminary recommendation to approve a request to annex an approximately 0.46 acre site into the boundaries of the City of Eugene. A full Planning Director's recommendation will be available in the City's online land use tracking application (link below). The property is located on a vacant lot on Hyacinth Street, north of Cinnamon Avenue, and is identified as Tax Lot 00900 of Assessor's Map 17-04-10-14. A vicinity map showing the affected area is included on the back side of this notice for reference. All other evidence relied upon by the applicant is available for review at the City's Planning Division offices which are open from 12 pm to 4 pm Monday-Friday, or online (link below). Hard copies can also be obtained at cost. Please contact the listed staff representative for other alternatives to review materials.

<http://www.eugene-or.gov/3208/Land-Use-Application-Information>

Approval Criteria & Decision Process:

The City Council's decision on this annexation request will be based on the application's consistency with the applicable annexation approval criteria which are addressed at Section 9.7825 of the Eugene Code, as follows:

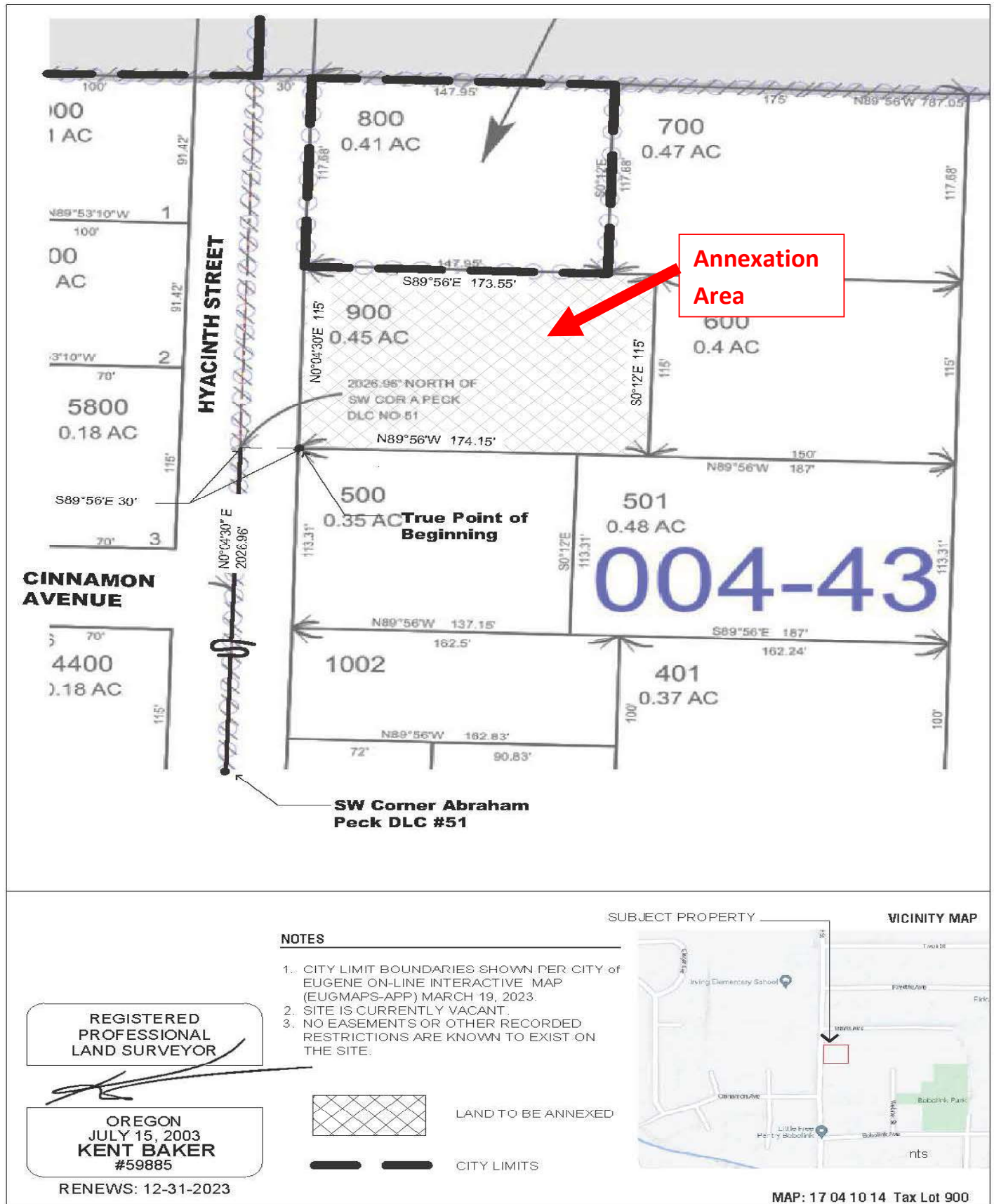
- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
 - (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans, which in this case is the River Road – Santa Clara Urban Facilities Plan.
- (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.

At the public meeting the City Council will either approve, modify and approve, or deny the annexation application; or vote to defer action until after holding a public hearing on the proposed annexation. A public hearing is not currently scheduled for this item; please send your written comments to the City Planner listed below at least 10 days before the meeting to ensure they are included in the City Council's agenda packet.

To submit comments or for more information, please contact:

Nick Gioello, Associate Planner
City of Eugene Planning Division
99 West 10th Avenue
Eugene, OR 97401

E-mail: NGioello@eugene-or.gov **Phone:** (541) 682-5453

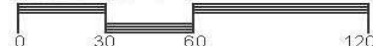


SCHIRMER CONSULTING, LLC
Landscape Architecture + Land Use Planning
PO Box 10 424
Eugene, Oregon 97404
Phone: 917.238.9005

ANNEXATION MAP
Hyacinth Annexation
Hyacinth Street, Eugene, OR 97404

Date: April 7, 2023
Revised: May 8, 2023

Scale: 1" = 60' - 0"



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From: [JJNeu](#)
To: [GIOELLO Nick R](#)
Cc: [James Neu](#); [*Eugene Mayor, City Council, and City Manager](#)
Subject: Re: Annexation Tax Lot 00900/ Map 17-04-10-14
Date: Tuesday, June 13, 2023 6:25:00 AM

[EXTERNAL]

City of Eugene Planning Dept.
Nick Gioello, Associate Planner,

Mr. Gioello,

This comment is regarding the proposed annexation of .46 acre site located on Hyacinth St., north of Cinnamon St, tax lot 00900, assessor's map 17-04-10-14. I am not opposed to the annexation of this lot into the city which my property shares approximately 30' of property line. The proposed annexed lot lies southwest of my lot located at 3072 Webster St. However, I may be opposed to what is constructed on this lot.

This neighborhood is a mix of single story duplex and single story single family homes with Irving Elementary School and Bobolink Park within a block of the property. I understand the proposed annexed lot meets the criteria for annexation and I do agree infill reduces urban sprawl. There is a bus stop within three blocks of the proposed annexed lot which makes public transit accessible and convenient.

However, my concern is what will be built on this .46 acre property. Several two or three story multi family dwellings built on this size lot would not conform to the existing structures within the neighborhood. I believe the building design plan must fit the theme of the neighborhood.

I hope at a point before permitting, the owner of the property and the City Planning Dept. will reach out to the neighbors with the intent of construction.

Thank you for your time and consideration.

Jim Neu
3072 Webster St.
Eugene, Or. 97404
925-446-0234

Sent from my iPad

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of a Resolution Annexing Land to the City of Eugene
(Assessor's Map 18-03-03-40, Tax Lot 01001
Located east of the terminus of Rockcress Road)
(City File: ACAK Irrevocable Trust; A 23-2)

Meeting Date: July 10, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5B
Staff Contact: Nicholas Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

This item is a request to annex approximately 20 acres (871,635 square feet) of vacant land located east of the terminus of Rockcress Road. No public rights-of-way are 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 subject property is currently zoned AG Agricultural with /UL Urbanizable Land Overlay. The subject property is located within the Urban Growth Boundary (UGB) and is contiguous on its west boundary to other property within the City limits. The Metro Plan designates the property to be annexed as appropriate for low-density residential use. The Laurel Hill Plan and the South Hills Study are the adopted refinement plans for the subject property. The Laurel Hill Plan also identifies the area as appropriate for low-density residential use. Annexation will allow for future rezoning and development consistent with the property's residential land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

BACKGROUND

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

Approval of annexation requests are based on the criteria at Eugene Code (EC) 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 (Laurel Hill Valley Citizens) consistent with Eugene Code requirements. No testimony has been received to date regarding the proposed annexation of this property.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm there are no concerns with the proposed annexation and the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings and recommendation included in Exhibit C of Attachment B, demonstrating the ability for the provision of key urban services and the absence of any testimony, a public hearing is not recommended in this instance.

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

ATTACHMENTS

- A. Vicinity Map
- B. Draft Resolution with Exhibits: A Resolution Annexing Land to the City of Eugene (Assessor's Map 18-03-03-40, Tax Lot 01001 Located east of the terminus of Rockcress Road)
 - Exhibit A:* Map of Annexation Request
 - Exhibit B:* Legal Description
 - Exhibit C:* Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

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

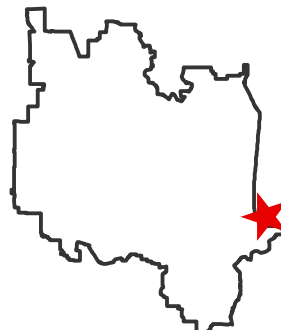


ACAK Irrevocable Trust - Annexation (City File: A 23-2) Attachment A

Vicinity Map



- 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 5/23/2023
by City of Eugene Planning Division

0 165 330 660 Ft



RESOLUTION NO. _____

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 18-03-03-40, TAX LOT 01001 LOCATED EAST OF
THE TERMINUS OF ROCKCRESS ROAD)**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on April 17, 2023, by ACAK Irrevocable Trust, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 18-03-03-40, Tax Lot 01001, to the City of Eugene.

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

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

D. On June ____, 2023, 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 Laurel Hill Valley Citizens neighborhood association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 10, 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:**

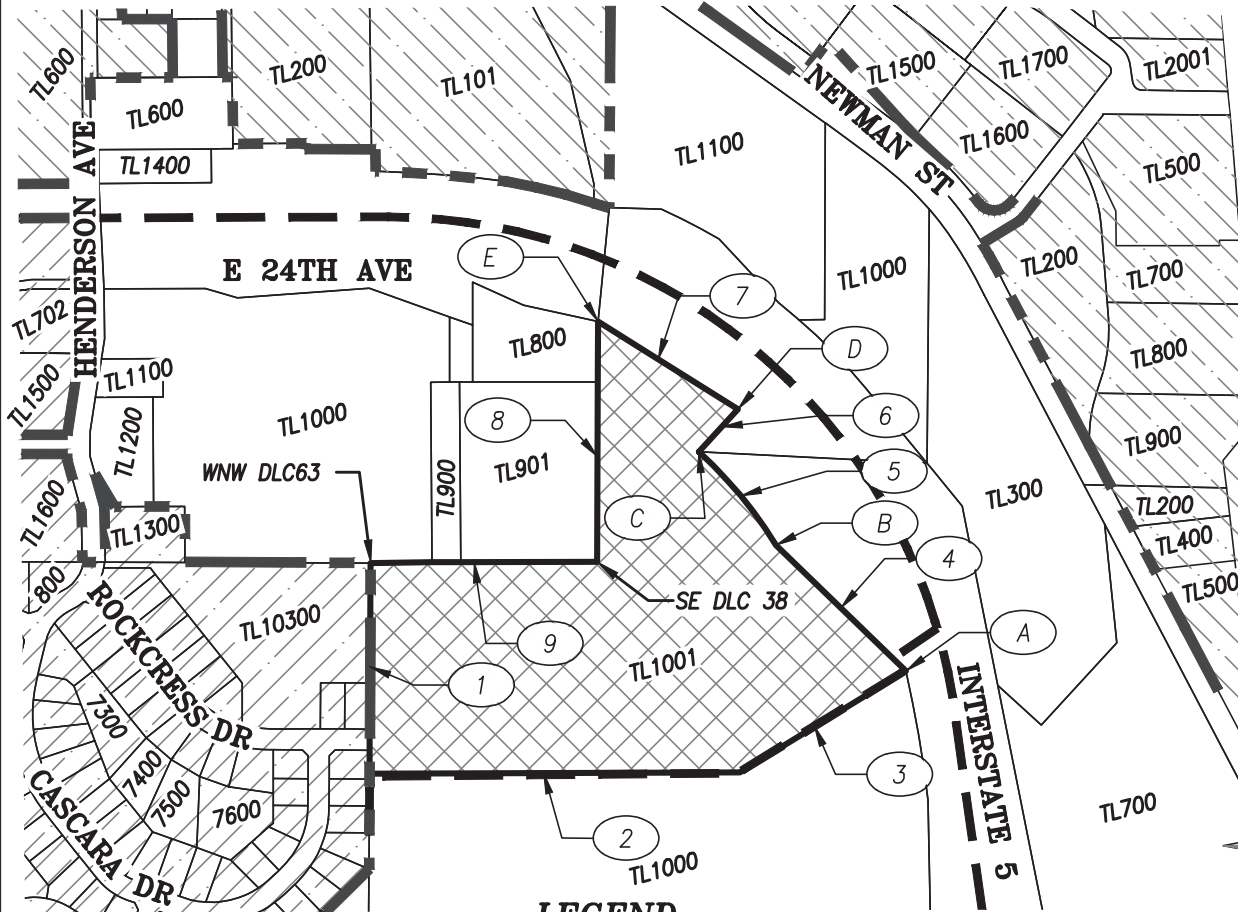
Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 18-03-03-40, Tax Lot 01001, which is more particularly described in the 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 AG Agricultural with /UL Urbanizable Land Overlay to AG Agricultural shall become effective in accordance with State law.

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

City Recorder

EUGENE, LANE COUNTY, OREGON



CITY LIMITS, EUGENE

CITY LIMITS, SPRINGFIELD

LANDS TO BE ANNEXED

URBAN GROWTH BOUNDARY

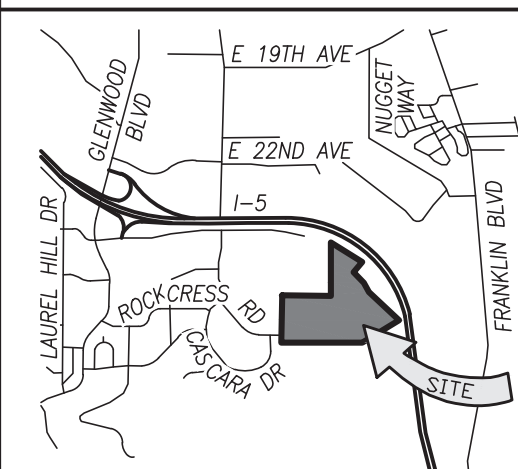
1
A

BOUNDARY COURSE. SEE SHEET 2.

RIGHT-OF-WAY STATION AND OFFSET. SEE SHEET 2.

DIGITALLY SIGNED

EXPIRES: December 30, 2023



VICINITY MAP NOT TO SCALE

SCALE: 1"=500'

ROCKCRESS RD

SHEET 1 OF 2

ANNEXATION MAP

APRIL 25, 2023

Branch
ENGINEERING

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

Project No: 23-160

ASSESSOR'S MAP(S) TAX MAP 18-03-03-40, TAX LOT 1001

\\be-apps\data\2023\23-160 Lampman\Land Use\Annexation\drawings\23-160-1 Annexation Map.dwg 4/25/2023 9:18 AM EMILYP

**LAND ANNEXATION FOR
ACAK IRREVOCABLE TRUST
TAX MAP 18-03-03-40, TAX LOT 1001
EUGENE, LANE COUNTY, OREGON**

BOUNDARY COURSES

1	S00°23'22"W 550.14
2	S89°45'00"E 961.05
3	N56°49'45"E 529.44
4	N46°08'11"W 471.44
5	L: 316.23, R: 1132.4, CH: N39°27'00"W 315.2
6	N42°33'00"E 150.00
7	N57°48'30"W 429.73
8	S00°07'30"W 647.48
9	N89°45'00"W 596.64

RIGHT-OF-WAY STATION AND OFFSET

A	267+00 100.0 W'LY
B	262+00 300.0 W'LY
C	258+00 300.0 W'LY
D	258+00 150.0 W'LY
E	253+16.35 155.01 SW'LY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

EXPIRES: December 30, 2023

SCALE: 1"=500'



ROCKCRESS RD

SHEET 2 OF 2

ANNEXATION MAP

APRIL 25, 2023

Exhibit B**LEGAL DESCRIPTION**

Lying in the Easterly ½ of Section 3, Township 18 South, Range 3 West of the Willamette Meridian, being those lands conveyed as Parcel 1 of that Warranty Deed from Castle Ridgetop Investments, LLC to the ACAK Irrevocable Trust recorded on September 20, 2022 as Reception Number 2022-039893 in the Lane County Oregon Official Records, said lands being more particularly described in said deed as follows:

BEGINNING at the West Northwest corner of the Daniel McVey Donation Land Claim No. 63 in Township 18 South, Range 3 West of the Willamette Meridian;
THENCE South 00°23'22" West along the West line of said Claim No. 63 a distance of 550.14 feet;
THENCE leaving said Claim line and run South 89°45' East 961.05 feet;
THENCE run North 56°49'45" East 529.44 feet, more or less, to a point on the Westerly

right-of-way line of Pacific Highway No. I-5, said point being 100.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 267+00;

THENCE run Northwesterly along said right-of-way line North 46°08'11" West 471.44 feet, more or less, to a point that is 300.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 262+00;

THENCE continuing along said right of way line along the arc of a 1132.4 foot radius curve left (the chord of which bears North 39°27' West 315.2 feet) a distance of 316.23 feet to a point that is 300.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

THENCE North 42°33' East along said right of way line 150.0 feet to a point that is 150.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

THENCE North 57°48'30" West along said right of way line a distance of 429.73 feet, more or less, to a point on the East line of the Chas. B. Sweet Donation Land Claim No. 38, said point being 155.01 feet Southwesterly of (when measured at right angles) Engineers Centerline Station 253+16.35;

THENCE leaving said right of way line and run South 00°07'30" West along the East line of said Sweet Donation Land Claim line a distance of 647.48 feet, more or less, to the Southeast corner of said Sweet Donation Land Claim No. 38;

THENCE North 89°45' West along the South line of said Sweet Donation Land Claim a distance of 596.64 feet to the point of beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation:
Annexation Request for ACAK IRREVOCABLE TRUST
(City File: A 23-2)**

Application Submitted: April 17, 2023
Applicant: ACAK Irrevocable Trust
Property Included in Annexation Request: Tax Lot 01001 of Assessor's Map 18-03-03-40
Zoning: AG Agricultural with an /UL Urbanizable Land Overlay
Location: East of the terminus of Rockcross Road
Lead City Staff: Nicholas Gioello, Associate Planner, City of Eugene Planning Division, 541-682-5453

EVALUATION:

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

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

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The Metro Plan designates the property to be annexed as appropriate for low-density residential use. The Laurel Hill Plan and the South Hills Study are the adopted refinement plans for the subject property. The Laurel Hill Plan also identifies the area as appropriate for low-density residential; however, neither plan includes policies that would serve as mandatory approval criteria for the proposed annexation.</p> <p>The property is currently zoned AG Agricultural with /UL Urbanizable Land overlay. In accordance with EC 9.7820(3), the /UL overlay will be automatically removed from the property upon annexation of a property. It is noted that prior to new residential development on the site, the property will need to be rezoned to R-1 Low-Density Residential consistent with the Metro Plan and applicable refinement plan designations.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan the Laurel Hill Plan refinement plan, and the South Hills Study.</p>
EC 9.7825(3)		The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.
Complies		Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:
☒	☐	
YES	NO	<p><u>Wastewater</u></p> <p>Public wastewater is available via an 8-inch line located at the southwest corner of the subject property. A specific plan for service to the site will be reviewed at the time of future development.</p>

Stormwater

Public stormwater facilities are available within the rights-of-way of Rockcress Road and Cascara Drive. At the time of further development of the property, it will be necessary to check the downstream capacity. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

Public access to the subject lot is located along the western boundary where Rockcress Road terminates. Rockcress Road provides a connection to Brackenfern Road which provides access to the Glenwood Boulevard and other main collectors, arterials and the I-5 Interstate. Fire and emergency access and future street connections will be reviewed at the time of future development.

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 can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

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

Parks and Recreation

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

Planning and Development Services

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

Communications

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

Public Schools

The subject property is within Eugene School District 4J and is located within the district boundary of Edison Elementary School, Roosevelt Middle School, and South 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.
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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 AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Prior to new residential development on the site, the property will need to be rezoned to R-1 Low-Density Residential consistent with the Metro Plan and applicable refinement plan designations. 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.



Attachment C

ANNEXATION

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
18-03-03-40	01001	AG	20.01

Property Address: VACANT LAND

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

Public Service Districts:

Name			
Parks:	City of Eugene Parks and Open Space Division		
Electric:	Eugene Water & Electric Board (EWEB)		
Water:	Eugene Water & Electric Board (EWEB)		
Sanitary Sewer:	The Metropolitan Wastewater Management Commission (MWWC)		
Fire:	The Eugene Springfield Fire Department		
Schools:	Elementary: Edison Elementary	Middle: Roosevelt Middleschool	High: South Eugene Highschool
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: 01001

Name (print): ACAK IRREVOCABLE TRUST

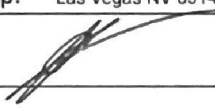
Address: 7466 Rainford St

Email: NAITSRK@GMAIL.COM

City/State/Zip: Las Vegas NV 89148

Phone: 702-355-9972

Fax: _____

Signature: 

Date: 4-14-23

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

Company/Organization: Branch Engineering

Address: 310 5th St

City/State/Zip: Springfield, OR 97477

Phone: 541.746.0637x102

Fax: _____

E-mail: reneec@branchengineering.com

Signature: Renee Clough Digitally signed by Renee Clough
Date: 2023.04.14 16:03:37 -07'00'

Date: 4-14-23

REPRESENTATIVE (If different from Surveyor):

Attachment C

Name (print):

Company/Organization:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Signature:

Date:

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

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

PETITION

Petition Signature Sheet
Annexation by Individuals

RECEIVED
APR 04 2023
Lane County
Assessment & Taxation

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
1. <i>[Signature]</i> - Trustee	4/4/23	Christian Lampman Trustee of ACAK Irrevocable Trust	7466 Rainford St Las Vegas NV 89148	18-03-03-40-01001	✓	X	20.01
2.							
3.							
4.							
5.							

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

I, Christian Lampman (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X *[Signature]* (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

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

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 10 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

[Signature]
Lane County Department of Assessment and Taxation
4/4/2023
Date Certified

[Signature]
Lane County Clerk or Deputy Signature
4/4/23
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: 18-03-03-40-01001 Address: VACANT LAND

Legal Description: Attached "Exhibit A"

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

DATED this 4th day of April, 2023.

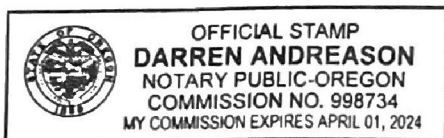
Christian Lampman

STATE OF OREGON)

County of LANE)ss
)

On this 4th day of April, 2023, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Christian Lampman, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



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

[Signature]
Notary Public for Oregon

My Commission Expires April 1, 2024

Apr 4, 2023

Christian Lampman
Trustee of ACAK Irrevocable Trust
7466 Rainford St
Las Vegas NV 89148

To whom it may concern,

I am submitting this written statement to describe how the annexation request for Parcel 1001 is consistent with the applicable criteria outlined in Section 9.7825 of the Eugene Code.

Criterion 1: The land proposed to be annexed is within the city's urban growth boundary and is contiguous to the city limits or separated only by a public right of way, stream, bay, lake, or other body of water.

Parcel 1001 is located within and/or contiguous to the urban growth boundary of Eugene, Oregon. This parcel meets the requirements of Criterion 1 as it is either directly adjacent to the city limits or separated only by a public right of way or a body of water.

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

The annexation request for Parcel 1001 aligns with the Metro Plan's policies related to orderly urban development, efficient use of land, and provision of urban facilities and services. By annexing this parcel, the City of Eugene can ensure that future land use decisions for the property adhere to the Metro Plan's goals of promoting compact and efficient urban development and preventing urban sprawl.

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

The annexation of Parcel 1001 will allow for the efficient and orderly provision of key urban facilities and services as defined in the Metro Plan. As the parcel is located within the urban growth boundary and contiguous to the city limits, the annexation will not create any significant new demand for city resources or strain existing infrastructure. As such, the annexation aligns with the Metro Plan's goals of providing urban facilities and services in an orderly, efficient, and timely manner.

In conclusion, the annexation request for Parcel 1001 is consistent with the criteria outlined in Section 9.7825 of the Eugene Code. The parcel is located within the urban growth boundary and meets the requirements for contiguity to the city limits. The annexation is consistent with the Metro Plan's policies related to efficient urban development and provision of urban facilities and services. Finally, the annexation will enable the efficient and orderly provision of key urban facilities and services, ensuring that these resources can be provided in an orderly, efficient, and timely manner. Thank you for your consideration in this matter.

Sincerely,

Christian Lampman



Summary of Urban Service Provision

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

Property Owner(s) Name:

ACAK Irrevocable Trust

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

Map 18-03-03-40, Tax Lot 01000

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

The property(ies) in this annexation request:

_____ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

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

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

8' Line at Rockcress Rd and Cascara Dr

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

Is the site currently served by an approved stormwater system?

No

If yes,
location? _____

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

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. _____

Glenwood Dr, Rockcress Rd, Henderson Ave, and E 24th Ave

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

_____ Yes _____ No _____^x Unknown

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

_____ Yes _____ No _____^x 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:

Laurel Hill Park is located 0.9 Miles SW of the property boundary
Moon Mountain City Park is located approximately 0.9 miles S of the property boundary

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

Public Safety

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

For River Road/Santa Clara area-

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

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

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

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

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

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

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

Electric Service – Which electric company will serve this site?

EWEB (Eugene Water and Electric Board) _____.

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

8' Line at Rockcross Rd and Cascara Dr

_____.

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.

**LAND ANNEXATION FOR
ACAK IRREVOCABLE TRUST
TAX MAP 18-03-03-40, TAX LOT 1001
EUGENE, LANE COUNTY, OREGON**

BOUNDARY COURSES

1	S00°23'22"W 550.14
2	S89°45'00"E 961.05
3	N56°49'45"E 529.44
4	N46°08'11"W 471.44
5	L: 316.23, R: 1132.4, CH: N39°27'00"W 315.2
6	N42°33'00"E 150.00
7	N57°48'30"W 429.73
8	S00°07'30"W 647.48
9	N89°45'00"W 596.64

RIGHT-OF-WAY STATION AND OFFSET

A	267+00 100.0 W'LY
B	262+00 300.0 W'LY
C	258+00 300.0 W'LY
D	258+00 150.0 W'LY
E	253+16.35 155.01 SW'LY

SCALE: 1"=500'



ROCKCRESS RD

SHEET 2 OF 2

ANNEXATION MAP

APRIL 11, 2023

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

Project No: 23-160

ASSESSOR'S MAP(S) TAX MAP 18-03-03-40, TAX LOT 1001

Z:\2023\23-160 Lampman\Land Use\Annexation\Drawings\23-160-1 Annexation Map.dwg 4/11/2023 3:34 PM EMILYP



April 11, 2023

LEGAL DESCRIPTION

ANNEXATION

TM 18-03-03-4, TL 1001

Branch Engineering Inc. Project No. 23-160.01

Lying in the Easterly $\frac{1}{2}$ of Section 3, Township 18 South, Range 3 West of the Willamette Meridian, being those lands conveyed as Parcel 1 of that Warranty Deed from Castle Ridgetop Investments, LLC to the ACAK Irrevocable Trust recorded on September 20, 2022 as Reception Number 2022-039893 in the Lane County Oregon Official Records, said lands being more particularly described in said deed as follows:

BEGINNING at the West Northwest corner of the Daniel McVey Donation Land Claim No. 63 in Township 18 South, Range 3 West of the Willamette Meridian;

THENCE South $00^{\circ}23'22''$ West along the West line of said Claim No. 63 a distance of 550.14 feet;

THENCE leaving said Claim line and run South $89^{\circ}45'$ East 961.05 feet;

THENCE run North $56^{\circ}49'45''$ East 529.44 feet, more or less, to a point on the Westerly right-of-way line of Pacific Highway No. I-5, said point being 100.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 267+00;

THENCE run Northwesterly along said right-of-way line North $46^{\circ}08'11''$ West 471.44 feet, more or less, to a point that is 300.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 262+00;

THENCE continuing along said right of way line along the arc of a 1132.4 foot radius curve left (the chord of which bears North $39^{\circ}27'$ West 315.2 feet) a distance of 316.23 feet to a point that is 300.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

THENCE North $42^{\circ}33'$ East along said right of way line 150.0 feet to a point that is 150.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

THENCE North $57^{\circ}48'30''$ West along said right of way line a distance of 429.73 feet, more or less, to a point on the East line of the Chas. B. Sweet Donation Land Claim No. 38, said point being 155.01 feet Southwesterly of (when measured at right angles) Engineers Centerline Station 253+16.35;

THENCE leaving said right of way line and run South 00°07'30" West along the East line of said Sweet Donation Land Claim line a distance of 647.48 feet, more or less, to the Southeast corner of said Sweet Donation Land Claim No. 38;

THENCE North 89°45' West along the South line of said Sweet Donation Land Claim a distance of 596.64 feet to the point of beginning, in Lane County, Oregon.

This legal description has been checked for consistency with the vesting deed and tax map. This legal description is suitable for use in annexation proceedings, but is not suitable for activities needing a surveyed boundary.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/23

Certification of Description

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

Signature: Renee Clough
Registered Land Surveyor

Print Name: Renee Clough

Date: April 13 2023

Seal:



PLANNING RECEIPT

DATE 4/17/2023

☐ Cash
☐ Check
☐ Visa/MC

Name	ACAK Irrevocable Trust
Address	7466 Rainford Street Las Vegas, NV 89148
Project	Annexation 18-03-03-40 01001

\$5,155.70

Staff Receiving Application

=====

CITY OF EUGENE
 BUILDING & PERMIT SERVICE
 99 WEST 10TH AVE 682-5086
 REG-RECEIPT:1-0000935 Apr 17 2023
 CASHIER: RXS

=====

Annexation Fee	\$4,730.00
Admin Fee-Auto Calc	\$425.70

TOTAL DUE:	\$5,155.70
------------	------------

RECEIVED FROM:
 CHRISTIAN LAMPMAN

Credit:	\$5,155.70
---------	------------

Total tendered:	\$5,155.70
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Change due:	\$.00
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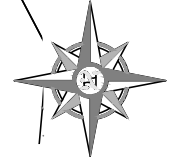
www.eugene-or.gov/bldgpermittracking

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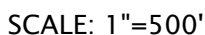
Please take our customer survey at:
www.surveymonkey.com/s/COEPermitSurvey

=====

EUGENE, LANE COUNTY, OREGON



APRIL 25, 2023



July 10, 2023 Meeting — Item 5B

**LAND ANNEXATION FOR
ACAK IRREVOCABLE TRUST
TAX MAP 18-03-03-40, TAX LOT 1001
EUGENE, LANE COUNTY, OREGON**

BOUNDARY COURSES

1	S00°23'22"W 550.14
2	S89°45'00"E 961.05
3	N56°49'45"E 529.44
4	N46°08'11"W 471.44
5	L: 316.23, R: 1132.4, CH: N39°27'00"W 315.2
6	N42°33'00"E 150.00
7	N57°48'30"W 429.73
8	S00°07'30"W 647.48
9	N89°45'00"W 596.64

RIGHT-OF-WAY STATION AND OFFSET

A	267+00 100.0 W'LY
B	262+00 300.0 W'LY
C	258+00 300.0 W'LY
D	258+00 150.0 W'LY
E	253+16.35 155.01 SW'LY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

EXPIRES: December 30, 2023

SCALE: 1"=500'



ROCKCRESS RD

SHEET 2 OF 2

ANNEXATION MAP

APRIL 25, 2023



Atrium Building
99 west 10th Avenue
Eugene, Oregon 97401
Phone: 541-682-5453
Fax: 541-682-5572

www.eugene-or.gov/planning

May 16, 2023

Renee Clough
Branch Engineering
310 5th Street
Springfield OR, 97477

RE: ACAK (A 23-2)

Thank you for your application for Annexation. I have reviewed the additional materials submitted and have determined the application can be deemed **complete** as of today.

I will contact you next week with a tentative date on the City Council's consent calendar public meeting schedule.

If you have any questions, I can be reached at (541) 682-5453 or via e-mail: ngioello@eugene-or.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas R. Gioello".

Nicholas R. Gioello
Associate Planner

**Land Use Referral
City of Eugene**

Date: April 26, 2023
Number: A23-2 Acak Irrevocable Trust
From: Victoria Doyle
Referral Group: Public Works Engineering, Development Review Team
Tax Map / Lot: 18-03-03-40-01001

City of Eugene Public Works finds the annexation petition to be consistent with urbanization policies specific to key urban services, as determined below.

Wastewater

There is an 8" public Wastewater line located at the SW corner of the subject lot designed during the construction of the Moon Mountain Subdivision PEPI 370005 in 2019.

Stormwater

12" Public Stormwater facilities are available within Rockcress and Cascara rights-of-way, aprox 138' to the west. MH Cleanout # 83830 is the closest and all were designed via a privately engineered project. It will be necessary to check the downstream capacity during the Land Use or Development stage of any future projects.

Streets

The only viable public access to the subject lot appears to be to the west. At the west end of the parcel, Rockcress Rd terminates, and Cascara Road intersects 138' SW. Designed in 2007 with PEPI project 4668 and PEPI project 370005 in 2019. Rockcress Road makes a connection to Brackenfern westerly and then onto main collector and arterials. Fire and emergency access and future connections will be reviewed at the time of future development.



Eugene Water & Electric Board
4200 Roosevelt Blvd.
Eugene, OR 97402

Attachment C

May 23, 2023

City of Eugene Planning Division
Attn: Nick Gioello
99 W 10th Ave.
Eugene, OR 97401

Re: A-23-2 Rockcress Rd.

Dear Nick,

EWEB staff has reviewed the Land Use Referral: A-23-2 Rockcress Rd. and have no objections to the proposed land-use action assuming the following comments and conditions are required to be addressed by the applicant prior to obtaining electric, water, and/or Fiber services from EWEB.

General Comments:

Utility services for development are provided in accordance with EWEB policies and procedures which are available at our main office or online at <http://www.eweb.org/policies>.

Electric Comments:

EWEB electric has no objection to the proposed annexation on Rockcress Rd. as described.

Electric comments or questions can be directed to:

Roxy Satterfield
Distribution Engineering Technician IV
Eugene Water & Electric Board
Office/fax 541-685-7166; roxy.satterfield@eweb.org

Water Comments:

EWEB water has no objections to the proposed annexation along Rockcress Rd.

Water comments or questions can be directed to:

Bill Johnson
Water Engineering Technician IV
Eugene Water & Electric Board
Office/Fax 541-685-7377; bill.johnson@eweb.org



Eugene Water & Electric Board
4200 Roosevelt Blvd.
Eugene, OR 97402

Right-of-Way Comments:

EWEB Property has no objections to the proposed annexation of the property identified as map and tax lot 18-03-03-40-01001.

Right-of-Way comments or questions can be directed to:

Rafael Sebba
Right-of-Way Associate
Eugene Water & Electric Board
Office/Fax 541-685-7710; rafael.sebba@eweb.org

As always, EWEB recommends property owners and contractors call for locates before digging for installation of any underground supports to verify that no utility facilities will be affected by this construction.

Sincerely,

Crystal Williams
Distribution Engineering Supervisor
Eugene Water & Electric Board
(541) 685-7427
crystal.williams@eweb.org

Wally McCullough
Water Engineering Supervisor
Eugene Water & Electric Board
(541) 685-7435
wallace.mccullough@eweb.org

From: [MILLS Cassidy M](#)
To: [GIOELLO Nick R](#)
Cc: [VARTANIAN Sasha L](#); [PAUGH Jennifer A](#); [LCTPReferrals](#)
Subject: Response: Land Use Referral for file: A-23-2
Date: Thursday, June 15, 2023 3:05:02 PM

[EXTERNAL]

Hello Nick,

In response to file number A-23-2, Rockcress Rd. Annexation, Lane County Transportation Planning supports annexation with the understanding that no connection to Henderson Avenue will be granted.

Thank you,

Cassidy Mills (*she/her*)

Engineering Associate

Lane County Public Works

Transportation Engineering Services

3040 N Delta Hwy, Eugene, OR 97408

Office: 541.682.6996



NOTICE OF CONSIDERATION OF ANNEXATION REQUEST

Notice Date: June 9, 2023

File Name (#): ACAK IRREVOCABLE TRUST (A 23-2)
Location: Eastern terminus of Rockcress Road
Meeting Date: **Monday, July 10, 2023**
Meeting Time: 7:30 p.m.
Meeting Location: Hybrid Meeting. Materials and information about how to access these meetings will be available at: <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Proposed Action/Location:

This notice is being sent to inform you that the City Council is considering the Planning Director's preliminary recommendation to approve a request to annex an approximately 19.66 acre site into the boundaries of the City of Eugene. A full Planning Director's recommendation will be available in the City's online land use tracking application (link below). The property is located on a vacant lot at the eastern terminus of Rockcress Road and is identified as Tax Lot 01001 of Assessor's Map 18-03-03-40. A vicinity map showing the affected area is included on the back side of this notice for reference. All other evidence relied upon by the applicant is available for review at the City's Planning Division offices which are open from 12 pm to 4 pm Monday-Friday, or online (link below). Hard copies can also be obtained at cost. Please contact the listed staff representative for other alternatives to review materials.

<http://www.eugene-or.gov/3208/Land-Use-Application-Information>

Approval Criteria & Decision Process:

The City Council's decision on this annexation request will be based on the application's consistency with the applicable annexation approval criteria which are addressed at Section 9.7825 of the Eugene Code, as follows:

- (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.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans, which in this case is the Laurel Hill Plan.
- (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.

At the public meeting the City Council will either approve, modify and approve, or deny the annexation application; or vote to defer action until after holding a public hearing on the proposed annexation. A public hearing is not currently scheduled for this item; please send your written comments to the City Planner listed below at least 10 days before the meeting to ensure they are included in the City Council's agenda packet.

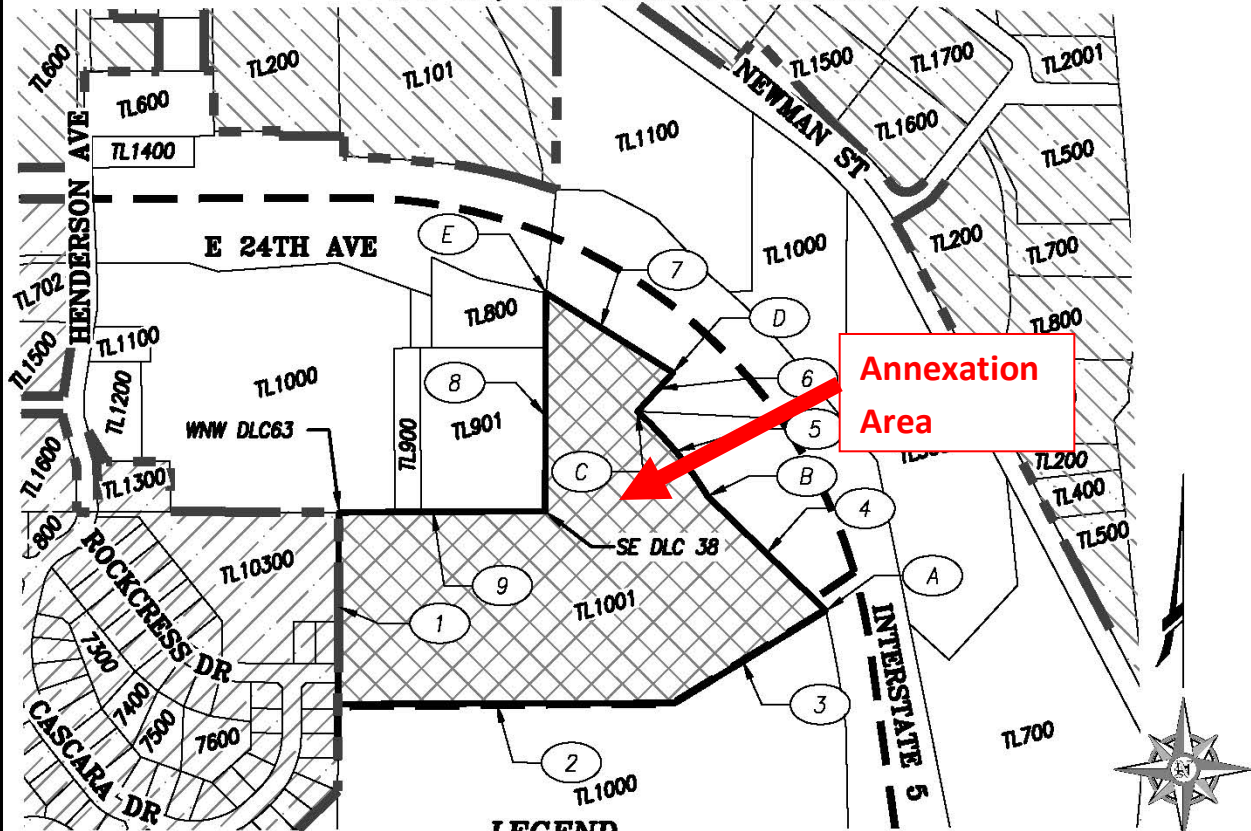
To submit comments or for more information, please contact:

Nick Gioello, Associate Planner
City of Eugene Planning Division
99 West 10th Avenue
Eugene, OR 97401
E-mail: NGioello@eugene-or.gov **Phone:** (541) 682-5453

LAND ANNEXATION FOR ACAK IRREVOCABLE TRUST

TAX MAP 18-03-03-40, TAX LOT 1001

EUGENE, LANE COUNTY, OREGON



LEGEND

- CITY LIMITS, EUGENE
- CITY LIMITS, SPRINGFIELD
- LANDS TO BE ANNEXED
- URBAN GROWTH BOUNDARY
- BOUNDARY COURSE. SEE SHEET 2.
- RIGHT-OF-WAY STATION AND OFFSET. SEE SHEET 2.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

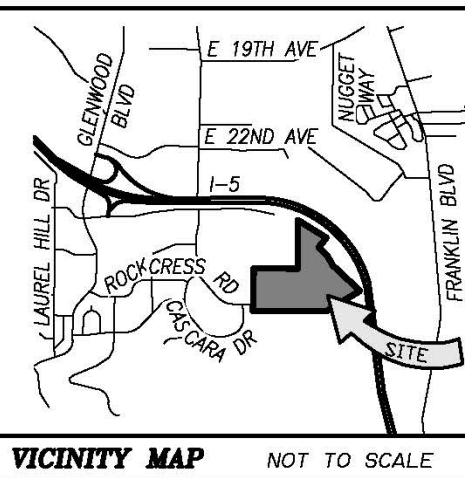
DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

EXPIRES: December 30, 2023

NOTES

- CITY LIMITS BOUNDARIES SHOWN PER THE LANE COUNTY ONLINE MAPS APPLICATION AS OF APRIL 2023.
- NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



VICINITY MAP NOT TO SCALE

SCALE: 1"=500'



ROCKCRESS RD

SHEET 1 OF 2

ANNEXATION MAP

APRIL 25, 2023

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

Project No: 23-160

ASSESSOR'S MAP(S) TAX MAP 18-03-03-40, TAX LOT 1001

\\be-ops\data\2023\23-160 Lampman\Land Use\Annexation\Drawings\23-160-1 Annexation Map.dwg 4/25/2023 9:18 AM EMILY P

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Administration and Adoption of a Technical Code for Construction; Amending Sections 8.001, 8.002, 8.003, 8.005 and 8.010 of the Eugene Code, 1971; and Repealing Sections 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, 8.310, 8.905 And 8.915 of That Code; and Providing an Effective Date.

Meeting Date: July 10, 2023
Department: Building & Permit Services
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Mark Whitmill
Contact Telephone Number: 541-682-5128

ISSUE STATEMENT

This meeting is an opportunity for the City Council to take action on an Ordinance (Attachment A) adopting proposed housekeeping updates to the portion of the Eugene Code Chapter 8 that pertains to the building code. These updates remove obsolete language; replace outdated terminology; and clarify the City's authority to continue to regulate certain structures no longer covered under the State building code authority. A public hearing was held on June 20, 2023. No testimony was received.

BACKGROUND

Changes to Oregon Administrative Rules and adopted State building codes have made parts of the Eugene Code obsolete. Other changes have drawn a distinction between the State's authority to regulate buildings and structures and the authority of cities. Specifically, the State has announced that unoccupied structures, such as freestanding tanks, towers, billboard signs, and retaining walls, will not be regulated by the State codes, requiring that cities adopt the previously applicable State regulations to continue to regulate such unoccupied structures. These types of structures are currently subject to permits and inspections in Eugene. The proposed changes authorize the City Manager to maintain the level of regulation in place for many decades. There are no new regulations or regulated structures resulting from the new Ordinance.

Many of the proposed updates are administrative in nature. Obsolete language is being removed and terminology is being updated. Examples include:

1. Section 8.005(7), which directed the City Manager to establish a Construction Code Board of Appeals, is proposed to be deleted. The local appeals board has not been in place for over 25 years. Oregon law allows a person to appeal a building official's decision related to the administration and enforcement of the State building code directly to the State Building Codes Division, making a local process unnecessary. A new section 8.005(25) is proposed

to reflect the fact that the City relies on the State Building Codes Division for appeals and references the City code's standard appeal procedures for any issues that do not fall within the State codes.

2. Sections 8.265-8.310, "the Weatherization Code," are deleted. These sections were added to the code in the early 1980s. It applied to residential buildings built before 1974 and required certain weatherization upgrades to be made by 1989. More than twenty-five years later, the Weatherization Code is no longer relevant or administered.
3. Sections 8.905-8.915, "Swimming and Other Pools," are deleted. Regulation of pools is now addressed and enforced through a few different State codes, making these City code provisions unenforceable.

RELATED CITY POLICIES

None.

PREVIOUS COUNCIL DIRECTION

[June 20, 2023 Public Hearing](#)

Council received no testimony during the public hearing on this subject.

COUNCIL OPTIONS

The Council may choose to:

1. Adopt 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 Administration and Adoption of a Technical Code for Construction; Amending Sections 8.001, 8.002, 8.003, 8.005 AND 8.010 of the Eugene Code, 1971; Repealing Sections 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, 8.310, 8.905 and 8.915 of that Code; and Providing an Effective Date, as provided in Attachment A to this AIS.

SUGGESTED MOTION

Move to adopt the Ordinance Concerning Administration and Adoption of a Technical Code for Construction as set forth in Attachment A.

ATTACHMENT

- A. Draft Ordinance: An Ordinance Concerning Administration and Adoption of a Technical Code for Construction; Amending Sections 8.001, 8.002, 8.003, 8.005 AND 8.010 of the Eugene Code, 1971; Repealing Sections 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, 8.310, 8.905 and 8.915 of that Code; and Providing an Effective Date.

FOR MORE INFORMATION

Staff Contact: Mark Whitmill, Building Official
Telephone: 541-682-5128
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ORDINANCE NO. _____

AN ORDINANCE CONCERNING ADMINISTRATION AND ADOPTION OF A TECHNICAL CODE FOR CONSTRUCTION; AMENDING SECTIONS 8.001, 8.002, 8.003, 8.005 AND 8.010 OF THE EUGENE CODE, 1971; REPEALING SECTIONS 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, 8.310, 8.905 AND 8.915 OF THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A new heading, is added immediately before section 8.001 of the Eugene Code, 1971, and section 8.001 of the Eugene Code, 1971, is amended to provide as follows:

Construction

8.001 Construction -- Definitions.

For the purposes of ~~this chapter~~ sections 8.001 through 8.010 of this code, the following words and phrases, except where the context clearly indicates a different meaning, ~~shall mean:~~

~~*Building inspector.* A person acting under the authority and direction of a building official and charged with the responsibility for enforcement of any specialty code.~~

~~*Building official.* A person designated by the city manager with the responsibility for administration and enforcement of the Administrative Code or any specialty code or his/her designee.~~

~~*Building service equipment.* The plumbing, mechanical, and electrical equipment that is essential to the occupancy of a building or structure for its designated use, including but not limited to piping, wiring, fixtures, and other accessories which provide sanitation, power, lighting, heating, ventilation, cooling, refrigeration, or fire protection facilities.~~

~~*Chief.* The city manager, or his/her designee.~~

~~*City or City manager.* The city manager or the manager's designee.~~

~~*Code.* The term "the code" or "this code" shall mean a particular specialty code herein mentioned, e.g., Structural Specialty Code, Mechanical Specialty Code, etc. The term Eugene Code, 1971 includes all of this chapter and all the other chapters.~~

~~*Electrical Code.* The regulations adopted by section 8.010.~~

~~*Fire Code or Fire Prevention Code.* The regulations adopted by section 8.010.~~

~~*Fire marshal.* A person designated by the city manager to administer and enforce the fire prevention code or his/her designee.~~

~~*Mechanical Code.* The regulations adopted by section 8.010.~~

~~*One and Two Family Dwelling Code.* The regulations adopted by section 8.010.~~

Oregon specialty code. A code prescribing standards for construction which is adopted by the State of Oregon pursuant to OAR chapter 918, division 8. Collectively, the Oregon Specialty Codes are referred to as the State Building Code.

Permit. ~~The term “permit” shall mean~~ A building permit, electrical permit, etc., as the context may require. The term shall also include a combination permit, when appropriate.

Person in charge of property. An agent, occupant, lessee, tenant, contract purchaser, owner, or other person having possession or control of property or the supervision of any construction project.

Plumbing Code. ~~The regulations adopted by section 8.010.~~

Specialty code. ~~Any or all of the following codes: Electrical Code, One and Two Family Dwelling Code, Fire Code, Mechanical Code, Plumbing Code, Structural Code, and Swimming Pool, Spa & Hot Tub Code.~~

Structural Code. ~~The regulations adopted by section 8.010.~~

Swimming Pool, Spa and Hot Tub Code. ~~The regulations adopted by section 8.010.~~

Technical code. The Oregon Specialty Codes, the Fire Code, and other regulations prescribing standards for construction of buildings, structures, building elements, components or equipment that have been adopted by the city pursuant to the authority granted by section 8.010.

Working day. ~~For purposes of section 8.005, working day is that period of time from 8:00 A.M. to 5:00 P.M. on any day from Monday through Friday.~~

Section 2. Section 8.002 of the Eugene Code, 1971, is amended to provide as follows:

8.002 Construction -- Application of Regulations to Public Property.

Pursuant to ORS 227.286, ~~all ordinances heretofore and hereinafter adopted regulating the location, construction, maintenance, repair, alteration, use and occupancy of land and buildings and other structures~~ the technical code shall apply to school district, county, state and other publicly owned or occupied property located within the city except property of the United States.

Section 3. Section 8.003 of the Eugene Code, 1971, is amended to provide as follows:

8.003 Construction -- State Standards For Fire Safety.

It is the policy of the city that standards of fire safety in the city be at all times as high as the standards of fire safety prescribed by or under the laws of the State of Oregon. Notwithstanding any lesser standard of fire safety indicated by ~~the Eugene Code, 1971~~ this code or regulations adopted pursuant to it, any standard of fire safety now or hereafter prescribed by ORS Chapter 476 or by the State Fire Marshal in the Oregon Administrative Rules under ORS 476.030 shall apply in the city, and no person shall engage in any construction or other activity not meeting the state standard.

Section 4. The heading immediately preceding section 8.005 of the Eugene Code, 1971, is deleted and section 8.005 is amended to provide as follows:

~~Administrative and Technical Codes~~

8.005 Construction -- Administrative Code Administration.

(1) *Scope and authorization to adopt rules and fees.* The provisions of ~~this code~~ section 8.005, and the regulations administratively adopted by the city manager as authorized by this ~~code~~ section, shall serve as ~~the~~ administrative and enforcement rules for construction pursuant to chapter 8 of ~~the Eugene Code, 1971~~ this code. Consistent with section 2.019, the city manager is authorized to adopt regulations, procedures, forms, interpretations, and written policies to implement the provisions of sections 8.005 through 8.010. Pursuant to section 2.020, the city manager is authorized to adopt fees pertaining to the activities authorized or required by sections 8.005 through 8.010.

(2) *Purpose.* The purpose of ~~this code, and of the technical codes,~~ sections 8.005 through 8.010 is:

(a) To provide uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security, by regulating and controlling the design, construction, materials, use, occupancy, location and maintenance of ~~all~~ structures, buildings, and building service equipment; and

(b) To protect life and property from the hazards of fire, panic and explosion arising from conditions hazardous to life or property in the use or occupancy of buildings, structures or premises, and for the storage, handling and use of hazardous substances, materials and devices.

(3) *Conflicting provisions.* Whenever conflicting provisions or requirements occur between an administrative provision in an Oregon Specialty Code adopted by the city manager pursuant to section 8.010 and this section or an administrative rule adopted pursuant to this section, this section or the administrative rule shall govern unless the Oregon Specialty Code explicitly preempts. ~~the technical codes as adopted by the city, and other provisions of the Eugene Code, 1971, the most restrictive shall govern. Where conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts, where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern. Where in any specific case different sections within any of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Notwithstanding any of the foregoing, where any provision of the One and Two Family Dwelling Code conflicts with any provision of any other technical code, the former shall govern. Where conflicts occur between any specific provision of this administrative code or regulations adopted pursuant to this code, and any administrative provisions in any technical code, this administrative code and the regulations shall govern.~~

(4) *Enforcement generally.* The city manager is hereby authorized to administer and enforce all provisions of ~~this code~~ sections 8.005 through 8.010, any rules issued thereunder, and the technical codes. ~~For such purposes he/she shall have the powers of a law enforcement officer.~~

~~(5) —Enforcement powers nonexclusive.~~ The enforcement powers adopted by this administrative code are not exclusive, and they are not intended to preclude the use of all other enforcement powers and penalties authorized elsewhere by the Eugene Code, 1971.

~~(6) *Regulations.* The city manager is authorized to render interpretations of this code and the technical codes, and to adopt and enforce regulations to clarify the provisions of this code and the technical codes. Such interpretations and regulations shall be consistent with the provisions and purpose of this code and the technical codes. The regulations shall have the force of law.~~

~~(7) *Appeals.*~~

~~(a) *General.* Any person who disagrees with a finding or decision made pursuant to this code, and who is adversely affected by that finding or decision, may appeal it pursuant to the provisions of this subsection. Applications for all such appeals shall be filed with the city, upon forms supplied by the city, and shall be accompanied by an appeal fee set pursuant to section 2.020 of the Eugene Code, 1971.~~

~~(b) *Code violations.* Any person who disagrees with the city's finding of a violation of one or more of the technical codes or administrative enforcement action taken by the city may appeal to a hearings officer. The appeal must be filed within ten days of written notice of the violation or enforcement action. The sole question to be determined is whether the findings are supported by a preponderance of evidence, and whether the city had authority to impose the sanction chosen. The hearings officer shall not substitute his/her judgment as to the most appropriate sanction. Hearings shall be governed by the provisions of section 2.021 of the Eugene Code, 1971.~~

~~(c) *Code interpretations and permit denials.*~~

~~1. *Creation.* The city manager or designee shall create a Construction Code Board of Appeals consisting of members who are qualified by experience and training to act upon matters pertaining to building construction and building service equipment and who are not employees of the city. The city manager, or designee, shall adopt rules of procedure for conducting the board's business. The board shall have no authority to interpret the provisions of this administrative code, be empowered to waive requirements of the technical codes, nor render a decision which conflicts with a written decision or interpretation issued by a state agency.~~

~~2. *Grounds for appeal to the construction code board of appeals.* A person may appeal to the board when the person claims that the city has denied, suspended or revoked a permit based on the application of the technical codes, or that the city has misinterpreted the true intent of a technical code. The owner of a building or structure or property also may appeal from a decision of the city manager refusing to grant a modification to the provisions of a technical code covering the design or method of construction or materials to be used in the erection, alteration or repair of the building or structure or building service equipment when it is the applicant's belief that he/she has proposed an equally good or better material or method of construction or installation than that required by a technical code.~~

~~3. *Membership of construction code board of appeals.* The city manager or designee shall establish by administrative order the number of members of the construction code board of appeals, the manner of appointment, and the terms of office.~~

~~(85) *Modifications, waivers, and interpretations.*~~

~~(a) Modifications and waivers. Wherever there are practical difficulties involved in carrying out the provisions of the technical codes, the city manager may grant modifications for individual cases, provided he/she shall first find that a special individual reason makes the strict letter of~~

the technical code impractical and that the modification is in conformity with the intent and purpose of this code and the technical code. Where strict compliance would not meet the intent of the technical code, the city manager may grant a waiver of a technical code requirement. This subsection does not create a right to such waiver. and that such. A modification or waiver shall not be granted if doing so would does not lessen any fire protection requirements or any degree of structural integrity create an unsafe or dangerous condition regarding fire and life safety. The city manager's determination shall be final and not subject to appeal under EC 2.021.

(b) Interpretations. The city manager may render interpretations of the technical code and adopt policies and procedures in order to clarify the application of technical code provisions.

~~(96)~~ *Liability.* Neither this code nor ~~any of the technical codes~~ relieves or lessens the responsibility of any person owning, operating, constructing or controlling any building, structure or premises for any damages to persons or property caused by defects, nor shall the city or any of its agencies, officers, employees or agents be held as assuming any such liability by reason of the inspections authorized by, or any permits issued under this code or the technical codes.

~~(107)~~ *When permits required.* Except as otherwise provided by regulation ~~promulgated~~ adopted by the city manager, no change of occupancy of a building shall be made, no site may be cleared or graded, and no building, structure or building service equipment regulated by any of the provisions of chapter 8 of the Eugene Code, 1971 sections 8.005 through 8.010 and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure, ~~or~~ building service equipment, or site has first been ~~obtained from~~ approved by the city. The limitations of ORS 455.020 notwithstanding, permits are required to construct, alter, repair, move or demolish any structure as identified in sections 8.005 through 8.010 or the technical code except as exempted by a rule adopted by the city manager pursuant to this section or 8.010. Such permit shall be in addition to any other permit specifically required elsewhere by ~~the Eugene Code, 1971~~ this code.

~~(118)~~ *Applications for permit.* To obtain a permit, the applicant shall complete and file an application and related materials as required by the city manager in regulations ~~developed~~ adopted pursuant to ~~this code~~ sections 8.005 and 8.010.

~~(129)~~ *Alternate materials and methods.* The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the technical codes, provided any alternate has been approved and its use authorized by the city manager. The city manager may approve any ~~alternate provided he/she finds~~ alternate upon a determination that:

(a) That the proposed design is satisfactory and complies with the provisions of the technical codes, and

(b) That the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

~~(1310)~~ *Determination and issuance of pPermits.*

(a) Permit Issuance. If work described in the application and related materials conforms to the requirements of ~~this code~~ sections 8.005 through 8.010, the technical codes, other pertinent laws,

and regulations adopted by the city manager, and the required fees have been paid, the city manager shall issue a permit to the applicant. Approved plans and specifications shall not be changed, modified or altered without authorization from the city manager, and all work shall be done in accordance with the approved plans. Notwithstanding any other provision of this code, the city manager may deny or refuse to issue a permit under this section if the applicant has not obtained an erosion prevention permit under section 6.635, where required.

(b) *Partial permit issuance.* The city manager may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications of the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building, structure or building service will be granted.

(c) *Validity of permit.* The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of ~~this code sections 8.005 through 8.010~~, the technical codes, ~~or~~ state statutes, or of any other ordinance or regulation of the city. Permits presuming to give authority to violate or cancel any of those provisions shall not be valid. The issuance of a permit based upon plans, specifications and other data shall not prevent the city manager from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of ~~these codes~~ those provisions or of any other ordinances or regulations of the city.

(d) *Expiration of a permit.* Unless the holder of a permit requests ~~from~~ and is granted an extension by the city manager, every permit issued under the provisions of ~~this code and the technical codes sections 8.050 through 8.010~~ shall automatically expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within ~~180~~ 360 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of ~~180~~ 360 days, or if the owner or builder fails to call for an inspection at a minimum every ~~180~~ 360 days. Before such work can be recommenced, a new permit shall be obtained.

(e) *Suspension or revocation of a permit.* The city manager may suspend or revoke a permit issued under the provisions of ~~this code this section~~ and the technical codes whenever the permit ~~is~~ was issued in error or on the basis of incorrect information supplied, or ~~in violation of any ordinance or regulation, or any provision of this code or the technical codes that the issuance violates a city regulation.~~

~~(14) Fees. Fees for all permits, plan reviews, inspections, reinspections and appeals authorized or required by this administrative code or the technical codes shall be set pursuant to section 2.020 of the Eugene Code, 1971.~~

~~(15)~~ 11 *Inspections.*

(a) All construction or work for which a permit is required shall be subject to city inspection ~~by the city manager~~ and all such construction or work shall remain accessible and exposed for inspection

purposes until approved. The city manager shall specify, by ~~regulation~~ administrative rule, the types and timing of inspections.

(b) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of ~~this code~~ sections 8.005 through 8.010, the technical codes, or other ~~ordinances or~~ regulations of the city. Inspections presuming to give authority to violate or cancel such provisions shall not be valid.

(c) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the city manager nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(d) A survey of the lot may be required by the city manager to verify that the structure is located in accordance with the approved plans and ordinances and regulations of the city.

(e) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the city manager.

(f) All building service equipment for which a permit is required by this code shall be subject to inspection by the city manager. No portion of any building service equipment shall be concealed until inspected and approved. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the city manager.

(g) *Existing ~~buildings~~ structures.*

1. In addition to inspections authorized elsewhere in this ~~code~~ section, the city manager may enter a building or premises whenever the city manager has reasonable cause to believe that there exists in such building or upon such premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous.

2. The city manager also may enter all buildings and upon all premises, except private residences, for the purpose of conducting routine or periodic inspections to ascertain if fire hazards exist therein or thereon. For purposes of this paragraph, a private residence means a single family dwelling, a duplex, triplex, town house, or individual dwelling units within an apartment or condominium building; private residence ~~shall~~ does not include common areas in apartment or condominium buildings, or in other multi-family dwellings. The city manager also may enter any building or premises wherein fire has occurred, and other buildings or premises adjoining or near the same. The city manager may enter any building or premises where there is probable cause to believe that a condition of nonconformity with a fire safety standard or order exists.

3. The city manager may enter such buildings or premises at all reasonable times to inspect the same.

4. If a building or premises is occupied, the city manager shall first present proper credentials and request entry; and if such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. No person shall deny a request for, or interfere with or prevent, any inspection authorized by this section. Should entry be refused, the city manager shall have

recourse to every remedy provided by law to secure entry, including the issuance of search warrants.

~~(1612)~~ *Special inspections.*

(a) In addition to the inspection requirements contained in subsection ~~(15)(11)~~ above, the city manager may prescribe by ~~regulation~~rule special inspections for which the owner of a construction project or the engineer or architect of record acting as the owner's agent shall be responsible for obtaining from one or more special inspectors.

~~(b) The special inspector shall be a qualified person who shall demonstrate his/her competence, to the satisfaction of the city manager, for inspection of the particular type of construction or operation requiring special inspection.~~ The city manager ~~shall~~may prescribe by ~~regulation~~rule the specific qualifications, duties, and responsibilities of ~~the~~ special inspectors.

~~(1713)~~ *Tests.* Whenever there is (a) insufficient evidence of compliance with any of the provisions of this ~~code~~section or the technical codes, or (b) evidence that any material or construction does not conform to the requirements of this ~~code~~section or ~~any~~the technical code, the city manager may require tests as proof of compliance to be made at the expense of the owner, occupant or permit holder.

~~(1814)~~ *Connection to utilities.* Until approved by the city manager, no person shall make connections from a source of energy, fuel or power to any building or building service equipment regulated by the technical codes (a) for which a permit is required by this code, (b) which has been disconnected or ordered disconnected by the city manager, or (c) the use of which has been order discontinued by the city manager.

~~(1915)~~ *Certificate of Occupancy.*

(a) No person in charge of property shall use or occupy, or shall cause to be used or occupied, any building or structure, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made by any person in charge of property, until the city manager has inspected the building or structure or portion thereof as part of the final inspection and has issued a certificate of occupancy.

(b) If the city manager finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, he/she may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

(c) The certificate of occupancy shall be posted in a conspicuous place on the premises. No person shall remove, deface, or tamper with any notice or order posted upon a building pursuant to this code, unless first authorized by the city manager.

(d) The city manager may deny a certificate of occupancy if permits necessary for the building's intended use, such as hazardous materials or fire safety permits, have not been obtained. The city manager may suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof, or the use of a building or structure or portion thereof is in violation of any ordinance or regulation or any provision of this

code or the technical codes. Such denial, suspension or revocation may be appealed to a hearing officer pursuant to ~~subsection (7)(b)~~ of this section.

(e) *Transfer of ownership.*

~~1. Outstanding code violations. Prior to selling, transferring or granting a building or premises for which the city manager has issued any permit, notice, or order pursuant to this code, No the owner or person in charge of a the building or premises or person in charge of property, upon whom any permit, notice, or order pursuant to this code has been given in connection with the property shall sell, transfer, or grant such property to another until compliance shall comply with the provisions of the permit, notice, or order has been secured; or until the owner or person in charge of property shall have furnished to the purchaser, transferee, or grantee, prior to such sale, transfer, or grant, a true copy of the permit, notice, or order, and at the same time have given adequate notice to the city manager of his/her the intent to sell, transfer, or grant, and supplyed the city manager with the name and address of the person to whom the sale, transfer, or grant is proposed. A purchaser, transferee, or grantee who has been informed of the existence of such a permit, notice, or order shall be bound thereby and shall secure a certificate of occupancy as provided by this code section.~~

~~2. Transfer of certificate of occupancy. The owner of every new building, structure, or new use established in an existing building pursuant to a change of occupancy inspection and review or structural permit, and for which a certificate of occupancy is required, shall not sell, transfer, or grant such property to another without furnishing and thereby transferring the certificate of occupancy to the purchaser, transferee, or grantee.~~

~~(20) Moving Structures Procedures.~~

~~(a) No person shall move a structure until he/she obtains a moving permit from the city manager.~~

~~(b) The city manager shall adopt regulations governing the issuance of such moving permits, including provisions for posting bonds, obtaining insurance, paying inspection fees, filing plans, using dollies, protection of trees, and removing of litter.~~

~~(c) No person moving a building or structure shall leave the same standing on the streets. He/she must keep the same moving with due diligence, and a failure to do so for a period in excess of 24 hours, Sundays and legal holidays excepted, shall be deemed a nuisance. The city manager is authorized to dismantle and remove from the street a building left standing in excess of 24 hours. In order to carry out the provisions of this section, the city manager is authorized to employ such assistance as may be necessary for the removal of such building or structure without unreasonable delay. The cost and expense of dismantling and removing a building or structure shall be a charge against the person owning the structure. The city manager shall hold the lumber and other materials of which the building was composed and shall have a lien thereon in the amount of the expense and cost of dismantling and removing the same.~~

~~(d) If the building and the proposed move meet all the terms, conditions, and restrictions as set forth in chapter 8 of the Eugene Code, 1971, and the regulations adopted hereunder, the city manager shall issue the permit.~~

~~(216)~~ *Numbering of Structures and Premises.* All numbering of structures and premises shall be done after assignment of a number by the city manager ~~and under his or her direction~~ according to the following system:

(a) The numbering of dwellings and business buildings shall be done by providing 100 numbers in each block. On streets running east and west, the odd numbers shall be on the north side of the street, and the even numbers on the south side of the street. On streets running north and south, the odd numbers shall be on the east side of the street, and the even numbers on the west side of the street.

(b) All numbers used on dwellings and business buildings shall comply with standards adopted by the city manager ~~by regulation~~.

(c) Owners of all apartment units, mobile home parks, and other multiple-unit dwellings shall submit or cause to be submitted to the city manager a legible map indicating the locations and numbers of apartments/spaces.

(d) No owner, agent or other person having control of a dwelling or business building shall refuse or neglect to permanently number the same prior to the request for a final building inspection required by ~~Chapter 8 of the Eugene Code, 1971~~ this section.

(e) Dwellings and business buildings in annexed areas shall be numbered in accordance with this section and to conform to the city's block numbering system.

~~(2217)~~ *Notification of violations.* Upon finding a violation of any provision of this ~~code~~section, the technical codes, or any regulation adopted ~~hereunder by the city manager pursuant to sections 8.005 or 8.010~~, the city manager shall notify the occupant or owner of the building or premises or his or her agent, of the violation. As part of the notice, or separately, enforcement action authorized by this code, or elsewhere in ~~the Eugene Code, 1971~~ this code, may be taken.

~~(2318)~~ *Reinspection.* In addition to other enforcement actions taken, the city manager may set a time and date for a reinspection to determine whether the violations identified have been corrected.

~~(2419)~~ *Stop work orders.* Whenever ~~any~~the city manager determines that work is being done ~~contrary to in violation of~~ provisions of ~~the administrative code~~this section, ~~of the technical codes to which the administrative code applies~~, or ~~of the regulations~~ administratively adopted ~~thereunder pursuant to sections 8.005 through 8.010~~, or whenever the city manager has probable cause to believe that any other provision of ~~the Eugene Code, 1971~~ this code, is being violated in connection with ~~the~~a project ~~for~~ which the ~~work being performed is a part~~ city manager has issued a permit pursuant to those code provisions or regulations, the city manager may order the work stopped by ~~notice in writing~~, issuing a written stop work order that is posted on the project site, or served on any person engaged in ~~the~~ doing the work or causing ~~of such~~the work to be done, ~~and a~~Any such person shall immediately stop ~~such~~the work until authorized by the city manager to proceed.

(20) Stop use order. Whenever the city manager determines that any building, structure, or premises is being used in violation of the provisions of this section, the technical code, or other regulations administratively adopted pursuant to section 8.005 or 8.010, the city manager may order, by written notice, that such use be discontinued, and may further order that the structure, premises or portion thereof be vacated. The notice shall be served on any person causing such use to be continued. Whenever the city manager determines that any equipment or system, or portion thereof, regulated by the technical code has become hazardous to life, health or property, the city manager may order that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The notices described in this subsection shall fix a time limit for compliance with such order. No person shall

use a building, structure, premises, equipment or system after receiving such notice until authorized by the city manager.

(2521) Abatement of Dangerous Buildings.

(a) No person in charge of property upon which a dangerous building exists shall knowingly suffer or permit such building or unsafe appendage to be or remain dangerous for more than ten (10) days after receipt of notice of the dangerous condition.

(b) The city manager shall specify, by ~~regulation~~rule, conditions under which a building shall be considered dangerous for purposes of this section. Such conditions shall include any structure, building or portion thereof, or any building service equipment which:

1. Is deficient in terms of life safety, including but not limited to, inadequate exit way facilities,
2. Is structurally unsound and could lead to its partial or entire collapse so as to endanger other properties or human life, or
3. Is especially liable to cause fire, electrical shock, asphyxiation, or spread of contagious or infectious disease.

(c) Whenever the city manager concludes that a dangerous building exists, he/she shall post upon each exit of the building a notice which declares the building unsafe; prohibits entry; describes the property by address; and informs the owner, occupant or other responsible person that the unsafe conditions must be remedied within a set period of time, or that the city may proceed to make the building safe or demolish the building and charge the cost to the owner. The notice also must state that it can be appealed within ten days from the date of posting.

(d) In addition to posting the dangerous building, the city manager shall send a copy of the posting to all persons identified by the records of the county Department of Assessment and Taxation as the owners of the property, and notify them of the emergency and the conditions which necessitated the determination and posting. The notice shall be personally served or sent by certified mail no later than two working days following the date of posting.

(e) No person shall remain in or enter any building which has been posted as dangerous, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued by the city manager.

(f) Either an owner or tenant of the property may appeal to a hearing official as provided in subsection (7)(b) of this section. In addition to the other authority delegated to the hearing official, the hearing official may order it removed and abated if in his/her judgment such removal or abatement is necessary to remove the dangerous condition. The hearing official also shall have the power to order the building made safe or to prescribe what acts must be done to render the same safe.

(g) Every building or part thereof which is found to be a dangerous building is hereby declared to be a public nuisance, and the same may be abated either summarily under section 6.110 ~~of the~~

~~Eugene Code, 1971~~ or through the procedures specified in this section, or by a suit for abatement thereof brought in a court of competent jurisdiction.

~~(26) Stop use order. Whenever the city manager determines that any building, structure or premises is being used contrary to the provisions of a technical code, the city manager may order, by written notice, such use discontinued, and the structure, premises or portion thereof vacated. The notice shall be served on any person causing such use to be continued. Whenever the city manager determines that any equipment or system, or portion thereof, regulated by any technical code has become hazardous to life, health or property, the city manager may order that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The notice shall fix a time limit for compliance with such order. No person shall use or occupy a building or premises, or use or maintain the defective equipment or system after receiving such notice.~~

~~(2722)~~ *Utility disconnect.* The city manager may disconnect any utility service or energy supplied to any building, structure or building service equipment therein where necessary to eliminate an immediate hazard to life or property, where work has been performed without a required permit, where work is being done in violation of ~~any provision of this code sections 8.005 through 8.010~~ or the technical codes, and where the building is being occupied in violation of ~~this code sections 8.005 through 8.010~~ or the technical codes. Whenever possible, the city manager shall notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter. The city manager shall thereupon place a notice on the premises in a manner to reasonably apprise those coming on the property of the disconnection. It shall be unlawful for any person to remove the notice of disconnection. The city manager shall authorize reconnection of utility service when he/she is satisfied the condition which led to the disconnection will be expeditiously corrected or is corrected.

~~(2823)~~ *Administrative civil penalty.*

(a) In addition to, and not in lieu of any other enforcement mechanism authorized by this code, upon a determination by the city manager that a person has violated ~~this administrative code any provision of sections 8.005 through 8.010~~ or any provision of a rule adopted under section ~~8.005 or 8.010 of the Eugene Code, 1971~~, the city manager may impose upon the violator and any other responsible person, an administrative civil penalty as provided by section 2.018 ~~of the Eugene Code, 1971~~. For purposes of this section, a responsible person includes:

1. The owner of the building, and
2. Where the violator works for a contractor, either as an employee, subcontractor, or independent contractor, the contractor and/or other employer.

(b) In addition to enforcement mechanisms authorized elsewhere in ~~the Eugene Code, 1971~~ this code, failure to pay an administrative penalty imposed pursuant to subsection (a) ~~of this section~~ shall be grounds for:

1. Withholding issuance of any requested permits or inspections for the property at which the violation occurred, and
2. Issuance of a stop work order or stop use order.

~~(2924)~~ *Enforcement mechanisms non-exclusive.* No enforcement mechanism is exclusive. The city manager may employ one or more of the enforcement mechanisms authorized above or elsewhere in ~~the Eugene Code, 1971~~ this code.

(25) Appeals.

(a) An appeal of an order, decision, or determination concerning the application of an Oregon Specialty Code adopted by the city manager pursuant to the authority in section 8.010 shall be filed with the state specialty code chief pursuant to ORS 455.475 and any state administrative rules adopted to implement that law.

(b) A person aggrieved by a city manager order, decision, or determination concerning the application of a portion of the technical code that is not described in subsection (a), and that is not otherwise appealable pursuant to ORS 455.475, may file an appeal pursuant to section 2.021, except that the hearing officer shall issue a written decision within 20 days of the hearing date notwithstanding subsection 2.021(6).

Section 5. Section 8.010 of the Eugene Code, 1971, is amended to provide as follows:

8.010 Construction -- Technical Codes ~~—Manner of Adoption.~~

~~(1) Following the procedures set forth in section 2.019 of this code, the city manager, or his or her designee, is authorized to adopt a technical code to regulate the construction of buildings, structures, building elements, components and equipment. The technical code shall include but is not limited to, a structural specialty code, one and two family dwelling specialty residential code, mechanical specialty code, plumbing specialty code, electrical code, standards for work within the right of way, standards for site work, and a fire code, and swimming pool, spa and hot tub code by following the procedures set forth in section 2.019 of this code and this section.~~ The city manager is also authorized to adopt fees related to these technical codes pursuant to section 2.020 of this code.

~~(2) In addition to the notice requirements of section 2.019 of this code, prior to the adoption, amendment or repeal of any technical code pursuant to subsection (1) of this section, the city manager or designee shall provide copies of the notice required thereunder to the council and, to the extent required by state law, to the state and Lane County.~~

(2) Conflicting provisions. Whenever conflicting provisions or requirements occur between this section or an administrative rule adopted pursuant to this section, and a provision in an Oregon Specialty Code, this section or the administrative rule shall govern unless the Oregon Specialty Code explicitly preempts.

(3) In making rules and regulations establishing minimum standards for the protection of life and property against fire, the city manager shall consider the fire code adopted by the state fire marshal, and national standards adopted by the National Fire Protection Association. The city manager shall adopt rules which provide the same or greater degree of safety as the state fire code. The new fire code adopted by the city manager may include requirements for fire safety permits and hazardous materials permits, as well as provisions for payment of fees for such permits. In the new rules, the city manager also shall address issues related to wild/and/urban interface hazards.

~~(4) In adopting building codes, the city manager shall provide reasonable safeguards for health, safety, welfare, comfort and security of the residents. The building codes adopted by the city manager may~~

~~include one or more of the following: structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; standards for prefabricated structures; one and two family dwelling code; electrical code; and swimming pool, spa and hot tub code. In adopting one or more of these codes, the city manager shall comply fully with the requirements of state law.~~

~~(5) The city manager or designee shall file one copy of each technical code adopted pursuant to this section with the city recorder, and maintain a copy in the office of the department charged with enforcement thereof as set forth in the order adopting the technical code.~~

~~(64) Violation of any provision of athe technical code or administrative rule adopted in accordance with this section shall constitute a violation of this code, subjecting the violator to the penalties set forth in section 8.990 of this code. Those penalties are not the exclusive. The city manager may employ one or more of the enforcement mechanisms authorized in EC 8.005 or elsewhere in the Eugene Code, 1971.~~

Section 6. The heading immediately preceding section 8.265 of the Eugene Code, 1971, is deleted and sections 8.265, 8.270, 8.275, 8.280, 8.285, 8.290, 8.295, 8.300, 8.305, and 8.310 are repealed as follows:

~~Weatherization Code~~

~~8.265 ——— Weatherization Code — Title.~~

~~Sections 8.270 to 8.310 shall be known as the “City Weatherization Code.”.~~

~~8.270 ——— Definitions.~~

~~For the purposes of this code, the following words and phrases shall have these meanings:~~

~~*Approved.* Approved as to materials, method of construction and other requirements of this code, refers to approval by the building official as the result of investigation and tests conducted by him or by reason of accepted principles or tests by national authorities, technical or scientific organizations.~~

~~*Attic.* The space between the ceiling joists and the roof deck.~~

~~*Basement.* That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.~~

~~*Building.* A building or structure, or portion thereof, which is used, designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or a combination thereof.~~

~~*Building, existing.* A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.~~

~~*Building official.* The person designated by the city manager to enforce the provisions of the city weatherization code.~~

~~*Caulking.* Pliable materials used to reduce the passage of air and moisture by filling small gaps, including:~~

~~(a) —at fixed joints on a building;~~

~~(b) —underneath baseboards inside a building;~~

- ~~(c) exterior walls at electric outlets;~~
- ~~(d) around pipes and wires entering a building; and~~
- ~~(e) around dryer vents and exhaust fans in exterior walls.~~

~~Caulking includes, but is not limited to, weather-resistant materials commonly known as “sealants,” “putty,” and “glazing compounds.”~~

~~Conditioned space. An area, room, or place normally occupied, heated or cooled.~~

~~Covered residential building. An existing building used for habitation, either seasonally or permanently, by one or more persons, containing four or fewer dwelling units, which was constructed with a building permit issued prior to July 1, 1974, or which was built prior to July 1, 1974.~~

~~Crawlspace. The enclosed space between the first floor and the surface of the ground.~~

~~Domestic water heater. An appliance designed primarily to supply hot water and equipped with automatic controls limiting water temperature to a maximum of 210 degrees Fahrenheit.~~

~~Dwelling unit. One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.~~

~~Family. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.~~

~~Habitable room. A room meeting the requirements of this code for sleeping, living, cooking or eating purposes; excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, utility rooms and similar spaces.~~

~~Insulation. Any material or assembly of materials used primarily to provide resistance to heat flow in buildings, including, but not limited to mineral fibrous, mineral cellular, organic fibrous, organic cellular, or reflective materials, whether in loose fill, flexible, or semi-rigid form.~~

~~Joist. A series of parallel framing members used to support floor or ceiling loads and supported in turn by larger beams, girders, or bearing walls.~~

~~Owner. The owner or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.~~

~~“R” value. Measure of resistance to heat flow through a material or the reciprocal of the heat flow through a material expressed in British Thermal Units per hour per square foot per degree Fahrenheit at 75 degrees Fahrenheit mean temperature. This definition is intended to produce the same results as Section 5202 of the State Structural Specialty Code.~~

~~Structure. That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

~~*Weather stripping.* Narrow strips of material placed over or in movable joints of windows and doors to reduce the passage of air and moisture.~~

~~*Window.* A glazed opening, including glazed doors, which open upon a yard, court or recess from a court, or a vent shaft open and unobstructed to the sky.~~

~~8.275 Scope.~~

~~(1) The provisions of this code shall apply to all covered residential buildings, or portions thereof, used or designed or intended to be used for human habitation.~~

~~(2) Covered residential buildings now existing which are altered or enlarged after February 9, 1981 shall at that time be made to conform to this code and all other applicable laws.~~

~~8.280 Enforcement.~~

~~The building official is hereby authorized and directed to administer and enforce the provisions of this code.~~

~~8.285 Right of Entry for Inspection.~~

~~Upon presentation of proper credentials, the building official, or his/her duly authorized representative, during normal business hours, or at any time mutually agreeable to the inspector and owner, shall request permission of the owner or occupant in lawful possession of any covered residential building to enter and inspect the same in order to perform a duty imposed by this code upon him/her. Neither the building official, nor his/her duly authorized representative, shall enter a covered residential building where an owner or occupant in possession shall object to such entry, except where the building official, or representative, shall have first obtained an order authorizing the entry after submitting evidence indicating efforts by the building official to obtain entry for inspection adequate to justify such an order.~~

~~8.290 Building Official, Duties.~~

~~(1) The inspection of all covered residential buildings, or portions thereof, subject to this code for the purpose of determining whether the requirements of this code have been met. Such inspections may be on an area basis, on the basis of reports to or observations by authorized representatives of the building division or any other authorized city official.~~

~~(2) The inspection of a covered residential building, or portion thereof, subject to this code about which complaints have been made by any person.~~

~~(3) The preparation of written reports containing details of each inspection, including the nature of any violations of this code which may have been observed.~~

~~(4) The enforcement of the provisions of this code in any court of competent jurisdiction.~~

~~(5) The presentation at all hearings conducted by the weatherization board of appeals of evidence relevant to the condition of the covered residential building, and other evidence that may be considered relevant by the board.~~

~~8.295 Notice by Building Official.~~

~~Inspection reports issued by the building official on any covered residential building shall be sent either by registered or certified mail, or served personally, on all persons having an interest in and to such property, as shown by the records of the county assessor. The report shall contain among other things the following information:~~

- ~~(a) The name of the owner or other persons interested, as provided herein above.~~
- ~~(b) The street address or legal description of the property on which the covered residential building is located.~~
- ~~(c) In what respects the covered residential building or portion thereof does not comply with the requirements of this code.~~
- ~~(d) The finding of the building official as to what steps it will be necessary to take to comply with the requirements of this code.~~

~~8.300 Duties of Owners and Others — Notices.~~

~~(1) The owner of a covered residential building shall be responsible for compliance with this code, any findings of the building official and orders of the weatherization board of appeals. All other persons in possession of any covered residential building or portion thereof shall comply with this code, any findings of the building official and orders of the weatherization board of appeals, insofar as this code, the findings or orders shall affect the possessors.~~

~~(2) No owner of any covered residential building to whom any notice of a violation of this code has been given shall sell, transfer or grant such property to another until compliance with the provisions of this code has been secured; or unless the owner shall furnish to the purchaser, transferee or grantee, prior to such sale, transfer or grant, a true copy of the notice and, at the same time, give adequate notification to the building official of his/her intent to sell, transfer or grant, and supply the name and address of the person to whom the sale, transfer or grant is proposed. A purchaser, transferee or grantee, who has been informed of the existence of any violation of this code, shall be bound thereby.~~

~~8.305 Board of Appeals.~~

~~(1) The Construction Code Board of Appeals, as created pursuant to section 8.005 of the Eugene Code, 1971, shall act as the Weatherization Code Board of Appeals.~~

~~(2) Procedures.~~

~~(a) A fee for each appeal, as established by the city manager pursuant to section 2.020 of this code, shall be paid to the building official.~~

~~(b) The building official may waive payment of the appeal fee in cases of economic hardship to the applicant.~~

~~(c) All hearings shall be public, and the appellant, his/her representatives, the building official and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.~~

~~(d) The board shall affirm, modify or reverse the decision of the building official by a concurring vote of three members.~~

~~(e) The board shall adopt reasonable rules and regulations for conducting its investigations, shall render all decisions, findings and orders in writing to the building official with a duplicate copy to the appellant and may recommend to the council such new legislation as is consistent herewith.~~

~~(3) Duties.~~

~~(a) Upon receipt of notice of appeal from the findings of the building official filed by the owner or party in interest within 30 days from the date of delivery of such findings, entertain such appeal, conduct a hearing thereon as provided in subsection (b), or upon receipt of a request in writing from the building official to review his/her decision, entertain such request and conduct a hearing as herein provided.~~

~~(b) Hold a hearing in order that evidence may be presented by the building official or the owner, occupant, mortgagee, lessee or any other person having an interest in the matter.~~

~~(c) Resolve all matters submitted to it within 60 days from the date of filing of the appeal. In the event the board fails to resolve all matters within 60 days as above provided, the findings of the building official shall be deemed affirmed in full on the sixtieth day and the parties may appeal therefrom as provided by law.~~

~~8.310 Weatherization Required.~~

~~All covered residential buildings built prior to July 1, 1974, or constructed pursuant to a building permit issued prior to July 1, 1974, shall, after January 1, 1989, have the following weatherization:~~

~~(a) Plaster shall be free of cracks, holes, crumbling or other deterioration.~~

~~(b) Exterior windows and doors shall be water and wind proof, free of cracks, rot or other deterioration.~~

~~(c) Exterior walls, roofs and foundations shall be water and wind proof, free of cracks, splits, buckling, breaks, rot, crumbling or deterioration.~~

~~(d) Exterior wall coverings shall be adequately painted or otherwise weatherproofed and free of weathering and other deterioration.~~

~~(e) Exterior window and door frames providing access from unconditioned to conditioned space shall be properly caulked.~~

~~(f) Exterior windows and doors providing access from unconditioned to conditioned space shall be properly weatherstripped.~~

~~(g) Attics shall be insulated to an R value of 30 or greater except those:~~

~~(1) that were insulated to an R value of 11 prior to January 1, 1989;~~

~~(2) that have a vertical clear height of 30 inches or less;~~

~~(3) that have structural obstructions which prevent installation of R-30 insulation, so long as it has been insulated to the highest R-value reasonably possible; or~~

~~(4) where placing of insulation would cause otherwise lawfully installed electrical wiring to become unsafe or would create a fire hazard.~~

~~(h) Attics shall be constructed so as to have:~~

~~(1) cross ventilation for each separate space;~~

~~(2) ventilation openings constructed to prevent entrance of rain and snow;~~

~~(3) net free ventilation openings of 1/150 of the area of the space ventilated or openings of 1/300 of the area of the space ventilated provided 50 percent of the required openings are located in the upper portion of the space ventilated at least three feet above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.~~

~~(i) Floors shall be insulated to an R value of 19 or more where the crawl space has a vertical clear height of 18 inches or more, except where insulation exists that was installed prior to January 1, 1989.~~

~~(j) Crawl space shall have a vapor barrier with a performance at least equivalent to 6 mills thick polyethylene, except where the crawl space has a vertical clear height of less than 18 inches or where the installation of such a vapor barrier would create deteriorating conditions such as poor drainage or decreased soil bearing capacity.~~

~~(k) Domestic water heaters shall be insulated to a total R value that is equivalent to R-16 or more if possible without modifying existing plumbing.~~

~~(l) Heating and return air ducts in unconditioned spaces shall be insulated to an R value of 11 or more and if the unconditioned space has a vertical clear height of 18 inches or more, except where insulation exists that was installed prior to January 1, 1989.~~

Section 7. The heading immediately preceding section 8.905 of the Eugene Code, 1971, is deleted and sections 8.905 and 8.915 are repealed as follows:

Swimming and Other Pools

~~8.905 Swimming Pools—Fences or Walls.~~

~~(1) Every person in possession of land within a residential district, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping or immersion purposes of a depth of more than 18 inches, shall maintain an enclosure on the lot and completely surrounding the pool or other body of water. The enclosure shall consist of a fence which, if constructed with woven wire, shall be of a pattern and type and, if built of wood, to be built of a vertical member type, such as to discourage children from climbing over. The enclosure must be acceptable to the building official. The enclosure may also consist of a wall not less than four feet in height above the underlying ground or base. All enclosures must be incapable of being crawled under, and sufficient to make the body of water inaccessible to small children, with openings, holes or gaps therein no larger than four inches in any dimension except for doors or gates. In the event a picket fence is used, the openings between the pickets shall not exceed~~

~~four inches in width; provided, that a dwelling house or accessory building may be used as a part of an enclosure.~~

~~(2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device installed at least 40 inches above the ground or base, capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any occupied dwelling forming any part of the enclosure herein above required need not be so equipped.~~

~~8.915 Inapplicability of Sections.~~

~~Sections 8.895 and 8.905 shall not apply to public swimming pools and/or wading pools maintained and operated by the city.~~

Section 8. 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.

Section 9. Notwithstanding Section 32 of the Eugene Charter 2002, this ordinance will become effective on September 1, 2023.

Passed by the City Council this

___ day of _____, 2023

Approved by the Mayor this

___ day of _____, 2023

City Recorder

Mayor