

STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

(99 East Broadway, Suite 400, Eugene, OR 97401-3111)

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

August 2, 2007
7:00 p.m.

Annexation of Territory to the City of Eugene (Environ-Metal Properties LLC/River Land Properties LLC)

IV.E. BC File C EU 07 – 37

Initiated by property owner petition

Action under ORS 199.490(1)(c) of the boundary commission law

Received July 3, 2007

Action to be taken by October 1, 2007

Description

As submitted, the annexation area includes one full tax lot and a portion of another located in southeast Eugene, north of 30th Avenue, south of Everglade Street, and northwest of Bloomberg Road

Property owners¹: Environ-Metal Properties LLC (PO Box 834, Sweet Home) and River Land Properties LLC (PO Box 832, Sweet Home)

Tax lots: all of 701 and part of 702, T18S R03W S10

Acres: ± 130

Estimate of existing population: 0

Existing land use: Vacant, forest

Existing zoning in Lane County: AG/WR/UL, agriculture with water resource and urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in August 1982 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Eugene)

Reason for Annexation

The annexation is being requested in order to prepare the annexation area for future residential development. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the

¹ Property owner means the owner of the title of real property or the contract purchaser of real property as shown on the last available complete assessment roll. ORS 199.415(13)

hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on July 12, 2007.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory,² as described in the petition,³ not more than 15 days before the hearing. *In this case, notice of the hearing was sent to the affected property owners (Environ-Metal Properties LLC and River Land Properties LLC, owners of the private property proposed for annexation and initiators of this annexation request) on July 20, 2007.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on July 18, 2007.*

In conformance with OAR 191-005-0065(3), these staff notes are incorporated as part of the record of the boundary commission public hearing of August 2, 2007.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owners—Environ-Metal Properties LLC and River Land Properties LLC. The owners' written consent initiated the annexation request. The statutory provision to receive consent from owners of more than one-half the land area is met. The proposal was filed on July 3, 2007, and boundary commission action must occur by October 1, 2007 (90-day statutory time frame).

This annexation area is located in the South Hills, in an area where the urban growth boundary (UGB) generally follows the ridgeline. At the request of the property owners, the City of Eugene included an interpretation of the UGB location as part of the city's review of the annexation. Based on information provided by the applicants and other factors contained in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), the city interpreted the location of the UGB. The area proposed for annexation is intended to be within the UGB and the easterly boundary of the annexation area will be coterminous with the UGB.

After receipt of this annexation request, concerns were raised regarding the location of the UGB as it was represented in the legal description and on maps submitted in the annexation application. The applicant's representatives have been working with both Eugene and Lane County planning staff to address those concerns.

At the time of the preparation of this staff report, it was unknown if the concerns have been resolved. Until there is resolution to the location of the UGB and its relationship to the annexation area, the boundary commission should not proceed with its deliberations on this request. Staff is hesitant to proceed with the staff analysis until the annexation area is certain and the appropriate legal description and maps are submitted.

² Affected territory means the territory described in the petition. ORS 199.415(3)

³ Petition means the documents required to initiate a boundary change and includes, but is not limited to, an initiating document, legal description, cadastral maps, and information form. ORS 199.415(14), ORS 199.490(4), and OAR 191-006-0000(3)

Therefore, boundary commission staff is recommending that the boundary commission consider postponing consideration of this request at the August 2nd meeting. It could be postponed to the next regularly scheduled meeting on October 4, 2007, or to a special meeting date at the commission's discretion. If the commission agrees to postpone this item to a future meeting, then it would be consistent with past practices of the boundary commission to also postpone the public hearing. The boundary commission can postpone this item to the October 4th meeting, if no one objects to the postponed beyond October 1st, which is the 90th day from receipt of this request. Oregon law requires the boundary commission to take actions on applications in 90 days or the application is approved as submitted.

A status report will be provided at the August meeting. The boundary commission will need to take action to postpone the item at that meeting.

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