

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

October 6, 2005
7:00 p.m.

Annexation of Territory to the City of Cottage Grove (Emerald Heights LLC)

IV.C. BC File C CG 05 – 45

Initiated property owner petition

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

Received August 9, 2005

Action to be taken by November 7, 2005

Description

The annexation area includes two tax lots located in northwest Cottage Grove, north of Birch Avenue, west of Holly Avenue

Property owner: Emerald Heights LLC (3610 Goodpasture Loop, Eugene)

Tax lots: 1301 and 1900, T20S R03W S28 Map 20

Acres: ± 67.97

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: CZ, contract zoning

Applicable comprehensive plan: Cottage Grove Comprehensive Land Use Plan (acknowledged by LCDC in February 1981 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), fire (South Lane County Fire and Rescue), schools (South Lane School District 45J), roads (City of Cottage Grove), electricity (Emerald Peoples Utility District)

Reason for Annexation

The property owner is requesting annexation to prepare the site for residential development. The Cottage Grove Comprehensive Land Use 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 hearing. *In this case, notice of the public hearing was advertised in the Cottage Grove Sentinel on September 14, 2005.* 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 not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change

[ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Emerald Heights LLC, owner of the properties proposed for annexation and initiator of this annexation request) on September 23, 2005.* 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 Cottage Grove city hall, and at the Lane County courthouse on September 21, 2005.*

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 October 6, 2005.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by property owner petition—Ross Murry consented on behalf of the Emerald Heights LLC. The annexation area includes two privately owned tax lots that have been proposed for annexation by the property owner. The proposal was filed with the boundary commission on August 9, 2005, and boundary commission action must occur by November 7, 2005 (90-day statutory time frame).

When property owners initiate an annexation, the affirmative decision of the boundary commission made at a public hearing is subject, if requested, to a remonstrance within the affected territory. If, within 45 days of the commission's action, 10 percent or 100 whichever is lesser, of the electors in the affected territory sign a remonstrance petition, an election will be conducted within the territory. "Affected territory" as defined by ORS 199 means the territory described in the petition. In this case, it is tax lots 1301 and 1900, T20S R03W S28 Map 20. The end of the 45-day remonstrance period on this annexation request, if approved, is November 21, 2005. At this time, there are no electors registered within the annexation area.

The proposed annexation area includes two tax lots (tax lots 1301 and 1900, T20S R03W S28 Map 20) totaling approximately 68 acres in size (refer to Maps No. IV-C-1 and IV-C-2) and is currently undeveloped. The property owner supports the annexation and consented in writing to the annexation. Annexation to Cottage Grove is being requested in order to prepare the area for low-density residential development.

The annexation area is contiguous to the City of Cottage Grove and is totally surrounded by the city limits. The annexation area does not include any existing road right-of-way.

The annexation area is located within the urban growth boundary (UGB). The UGB is located north of the annexation area about 125 feet. The annexation area is designated low-density residential in the Cottage Grove Comprehensive Land Use Plan. The annexation area is zoned CZ, contract zoning, in Lane County. After annexation to the City of Cottage Grove, the properties will be rezoned by the city to a city zoning district consistent with the plan designation.

The City of Cottage Grove reviewed the annexation request prior to submittal to the boundary commission. The Cottage Grove city council supported the annexation by passage of Resolution No. 1573 on July 11, 2005.

The annexation area is part of an area totally surrounded by the Cottage Grove city limits. This islanded area was created by the approval of an annexation immediately to the west (BC File C CG 05 – 20, SunRise Ridge LLC, approved June 2, 2005). Annexation of the two tax lots in this proposed annexation will reduce the size of this islanded area. There are two other tax lots in this islanded area that are not included in this annexation request and will remain outside the city limits.

BOUNDARY COMMISSION REFERRALS

Boundary commission referrals were sent to the Lane County Land Management Division, Lane County Environmental Health Division, Lane County Board of Commissioners, and South Lane County Fire and Rescue.

No other referral responses were received as of September 28, 2005.

BOUNDARY COMMISSION STANDARDS - STAFF ANALYSIS

In this section of the staff notes, each applicable boundary commission standard is addressed. These standards are derived from ORS 199 and the boundary commission's policy administrative rule (OAR 191, Division 30).

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of governments. ORS 199.410(1)(b) and 199.410(3)(c)

This annexation request was filed in accordance with provisions in ORS 199 and was determined to be a valid filing in accordance with OAR 191-006 (adopted administrative rule on boundary commission filing requirements). The item was placed on the boundary commission's agenda for October 6, 2005. Notice of the boundary commission's public hearing has been published in accordance with Oregon law. Any person may attend and will be given a reasonable opportunity to be heard.

The proposed annexation area is within the South Lane County Fire and Rescue. The annexation area will remain in the fire district after annexation to the City of Cottage Grove, since the annexation is part of the fire district and provided fire services by the fire district. The annexation area is approximately 1¼ miles from the fire station located on Harrison Street southeast of the annexation area.

This request is consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

The area in this annexation proposal is located within the acknowledged urban growth boundary of the Cottage Grove Comprehensive Land Use Plan. The UGB is north of the annexation area. Territory within the UGB ultimately will be within the City of Cottage Grove. The annexation area is contiguous to the Cottage Grove city limits on all sides.

This annexation is consistent with boundary commission administrative rule implementing policies (1), (2), (5), and (7) which recognize annexation to an existing city as the preferred method of servicing urbanizable land.

- (1) This policy recognizes cities as the logical providers of urban levels of service within urban growth boundaries when consistent with the comprehensive plan.
- (2) This policy expresses the commission's preference for providing urban services through annexation to a city in order to provide urban services to urbanizable lands.
- (5) This policy encourages the provision of urban levels of service within urban growth boundaries.
- (7) This policy expresses the commission's preference for annexation to an existing city over all other alternatives as a means of extending services to urbanizable lands.

Implementing policy (3) recognizes that in order to meet the long-term objectives of annexing out to an acknowledged urban growth boundary, short-term boundaries are created which are logical within the context of the future service boundary—the adopted UGB. Approval of the annexation will reduce the size of an islanded area within the UGB.

This proposal to annex territory to the City of Cottage Grove is consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b) and (d)

The proposal area is within the Cottage Grove Comprehensive Land Use Plan UGB, which was acknowledged by the Land Conservation and Development Commission (LCDC) in 1981, and has been subsequently amended.

The proposed annexation area is zoned CZ, contract zoning, in Lane County and is designated low-density residential in the Cottage Grove comprehensive plan. If the annexation is approved, the annexation area will be rezoned to a city zoning district consistent with the plan designation through a separate Cottage Grove zone change process.

Water – The city indicates that according to the 1998 City of Cottage Grove Water Master Plan, a 12-inch water main loop and a reservoir is required to serve property above the 740-foot elevation mark. When needed, it may be necessary to construct an offsite reservoir to serve future potable water and pressure needs for new in this general area. The future reservoir is proposed to be located immediately outside the UGB and city limits adjacent to the SunRise Ridge LLC development area located to the west. Boundary commission approval will be required for the extension of water service outside the city limits. The developer will be responsible for construction of the water system infrastructure required to provide adequate water service to all properties in the development. A local improvement district may be allowed to construct any needed improvements.

The City of Cottage Grove requires “looping” of the water infrastructure wherever possible. New water infrastructure will be designed and constructed to city standards. Development above the 740-foot elevation will require a pump station to be served. All new water lines will be required to be 8-inch minimum in size. An existing 8-inch line in M Street is available to provide water service to the annexation area. Water infrastructure will need to be extended within the road rights-of-way at the time of development.

Electricity – Emerald Peoples Utility District (EPUD) provides electric service to this area. New development in the annexation area will be served by EPUD.

Police services – The Cottage Grove police will provide service to the annexation after the effective date.

Fire and emergency services – Fire and emergency services are currently provided to the annexation area by South Lane County Fire and Rescue. The district will continue to provide these services after annexation to the city because the City of Cottage Grove is a part of the fire district. Fire hydrants will be installed according to city standards as a condition of approval for any proposed development. Water mains for this purpose will be installed at the owner’s expense at the time of subdivision and/or development. The annexation area is located approximately 1¼ mile northwest of the fire station on Harrison Street.

Schools – The annexation area is within the South Lane School District 45J and will continue to be provided service after the area is annexed.

Wastewater – According to the city, the developer will be required for providing a wastewater computer analysis of the “build out” status of the annexation area to determine what improvements onsite as well as offsite are needed to convey the wastewater to the wastewater treatment plant. It is anticipated that this analysis will require replacement of an existing wastewater line in M Street with a line not smaller than 8-inches in size. All wastewater infrastructure will be designed and constructed to city standards. All new wastewater lines will be a minimum of 8-inches in size.

Stormwater – The city indicates that the area west of N Street will be served by constructing a storm drainage system from Silk Creek near R Street to the northeast according to the Cottage Grove Storm Drainage Master Plan, dated November 1985. The developer will provide a hydraulic analysis for stormwater runoff of the “build out” condition within the annexation area to show what improvements onsite as well as offsite are needed to convey the stormwater to Silk Creek or to that portion of the city’s stormwater system that has the necessary capacity to transport the storm runoff. Storm drainage infrastructure will be designed and constructed to city and Army Corp of Engineer’s standards. New stormwater pipes will be a minimum of 12-inches in size.

Streets – The city notes that according to the Cottage Grove Transportation System Plan, a collector street is to be constructed as an extension of M Street. Local streets connecting to the collector street will be classified as residential. The extension of M and O streets will have uniform transitions from the existing portions of those same streets. Streets will be constructed to city standards for street right-of-way widths based on classification, grades, curb and gutter, and sidewalks. Holly Street, located near the northeasterly corner of the annexation area, will also provide access to new development.

Solid waste management – Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

Communication facilities – Various providers offer both wire and wireless communication services in the Cottage Grove area. Existing providers and those entering the market have the capability to provide service to future development in this area.

Land use controls – The property is within the urban growth boundary and is contiguous to the Cottage Grove city limits. After the annexation effective date, the city will administer all land use controls.

The minimum level of required services are either immediately available or can be provided within a reasonable future time frame as needed. This request is consistent with this standard.

Consider the comprehensive plan’s economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The annexation proposal is consistent with the Cottage Comprehensive Land Use plan, as it is an incremental step in implementing the long-range plan for this area. The UGB, land uses, and policies in the plan were developed to meet the future needs of the Cottage Grove community. The proposed use and plan designation is consistent with the long-range plans for the area.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the proposed annexation to the City of Cottage Grove (BC File C CG 05 – 45) be approved as submitted based on the following findings and reasons.

The findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request as submitted. If the boundary commission modifies or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the boundary commission by the property owners on August 9, 2005, in accordance with ORS 199.490(1)(c). The proposal was found to be a valid filing under OAR 191-006.
2. The proposed annexation, as submitted, included two tax lots (T20S R03W S28 Map 20 tax lots 1301 and 1900) comprising about 70 acres. The privately owned properties were owned by the Emerald Heights LLC.
3. The land use designation for the annexation area was low-density residential in the Cottage Grove Comprehensive Land Use Plan.
4. The annexation area was zoned CZ, contract zoning, in Lane County. After the annexation effective date, a separate zone change process would be required by Cottage Grove to zone the properties consistent with the plan designation.

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

5. The boundary commission held a public hearing on October 6, 2005. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
6. The annexation area was within the boundaries of South Lane County Fire and Rescue and remained in the district after annexation to the city.

7. This request was consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

8. Annexation to the City of Cottage Grove was identified in the acknowledged comprehensive plan as the method for providing urban facilities and services to the area.
9. Annexation to an existing city was the method for extending urban facilities and services to urbanizable land in the boundary commission's policy administrative rule, implementing policies (1), (2), (5), and (7).
10. The proposed annexation was the means of boundary change outlined in the comprehensive plan and the boundary commission administrative rules for ultimately providing urban facilities and services to this territory.
11. This request was consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

12. The annexation area was within the urban growth boundary of the acknowledged Cottage Grove Comprehensive Land Use Plan [Land Conservation and Development Commission (LCDC) action in February 1981 and as subsequently amended].
13. The proposed use (residential) was consistent with the comprehensive plan.
14. The City of Cottage Grove indicated that the services needed for residential development were either available or could be provided in a timely manner.
15. This request was consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

16. The annexation proposal was consistent with the Cottage Grove Comprehensive Land Use Plan, as it was an incremental step in implementing the long-range plan for this area.

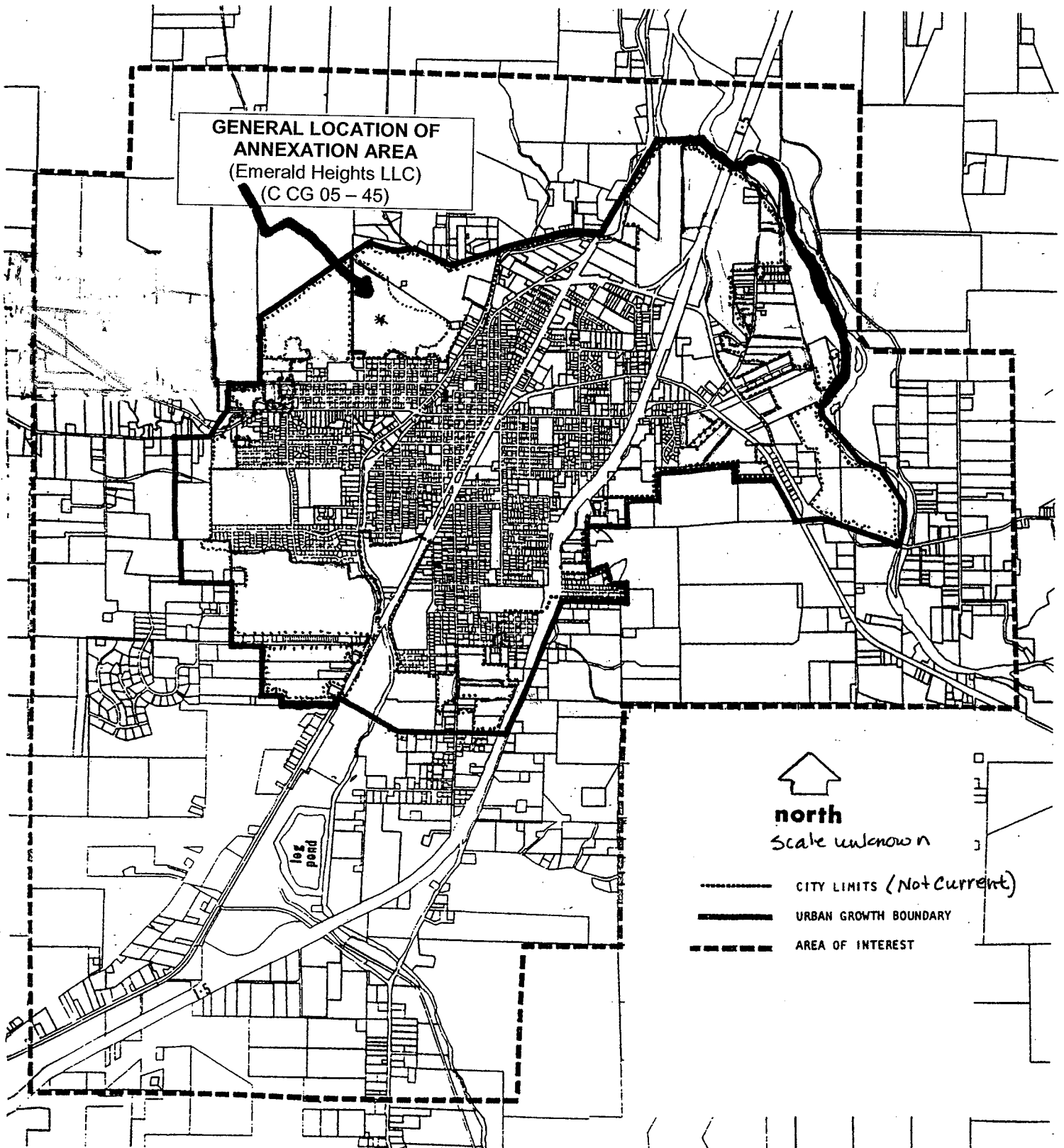
The urban growth boundary, land uses, and policies in the plan were developed to meet the future needs of the community. The proposed use was consistent with the long-range plan for the area.

17. This request was consistent with this standard.

Reasons:

1. The proposal was supported by the City of Cottage Grove and the property owner.
2. The proposal was consistent with the LCDC acknowledged comprehensive plan.
3. The services required for development were either available or could be provided in a timely manner when needed.
4. The proposal was consistent with past boundary commission actions supporting annexation to the City of Cottage Grove.
5. The proposal was consistent with boundary commission administrative rule policies.

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Last Saved: September 29, 2005*



Map No. IV-C-2	Site Map
Annexation to Cottage Grove	
(Emerald Heights LLC)	
C CG 05 - 45	

ANNEXATION AREA
 Includes TLs 1301 and 1900,
 20-03-28-20
 Owned by Emerald Heights LLC
 (C CG 05 - 45)

