

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

December 1, 2005
7:00 p.m.

Annexation of Territory to the City of Eugene (Anderson/Carlson/Ross Lane)

IV.C. BC File C EU 05 – 61

Initiated by property owner petition

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

Received November 1, 2005

Action to be taken by January 30, 2006

Description

The annexation area includes one tax lot and a portion of Ross Lane located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of Lone Oak Avenue, south of Hunsaker Lane—the portion of Ross Lane included in the annexation area is the east one-half of the right-of-way adjacent to tax lot 500

Property owners: Brent Anderson and Scott Carlson (855230 Appletree Court, Eugene)

Tax lot: 500, T17S R04W S12 Map 34

Acres: ± 2.02 (± 1.88 acres in tax lot; ± 0.14 acres of road right-of-way)

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlay

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), water (Santa Clara Water District), fire (Santa Clara RFPD), wastewater (City of Eugene)

Reason for Annexation

The property owners are requesting annexation to prepare for additional 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 hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on November 10, 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 owners (Brent Anderson and Scott Carlson, owners of the private property proposed for annexation and initiators of this annexation request) November 18, 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 Eugene city hall, and at the Lane County courthouse on November 16, 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 December 1, 2005.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(1)(c), initiated by the property owners—Brent Anderson and Scott Carlson. The annexation includes one privately owned tax lot and a portion of Ross Lane. The written consent in the form a petition from Mr. Anderson and Mr. Carlson initiated the annexation request which included tax lot 500 and existing Ross Lane right-of-way. The proposal was filed on November 1, 2005, and boundary commission action must occur by January 30, 2006 (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 lot 500, T17S R04W S12 Map 34. The end of the 45-day remonstrance period on this annexation request, if approved, is January 17, 2006. At this time, there are two inactive electors registered within the annexation area.

The proposed annexation area includes one tax lot (tax lot 500, T17S R04W S12 Map 34) totaling approximately 1.88 acres in size and the east one-half of Ross Lane immediately adjacent to tax lot 500 totaling approximately 0.14 acres (refer to Maps No. IV-C-1 and IV-C-2). The annexation area totals approximately 2.02 acres and is currently developed with one residential unit and existing road right-of-way. The privately owned portion of the annexation area is owned by Brent Anderson and Scott Carlson, who are requesting annexation in order to prepare the private lot for additional residential development.

The annexation area is contiguous to the main body of the City of Eugene. The annexation area includes one privately owned tax lot and a portion of Ross Lane right-of-way.

The annexation area is located within the urban growth boundary (UGB). The UGB is located north of the annexation area approximately 470 feet and approximately one mile to the northeast. The annexation area is designated low-density residential in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the River Road-Santa Clara Urban Facilities Plan. The tax lotted portion of the annexation area is zoned R-1/UL, low-density residential with urbanizable lands overlay, in Lane County. Upon the effective date of the annexation, the urbanizing fringe overlay will automatically be removed and the annexation area will be rezoned to city R-1, low-density residential, zoning district consistent with the plan designation.

The city recently reviewed its annexation practices and determined that inclusion of rights-of-way in requests to annex privately-owned properties would further the implementation of the fundamental growth management principles of the Metro Plan of annexing out to the urban growth boundary. The city reviews all annexation requests to determine the appropriateness of including road right-of-way. This annexation was reviewed by the city prior to submittal to the boundary commission and only a brief review results as the property owners were anxious to submit the annexation by the filing deadline for the boundary commission's December public hearing.

After receipt of the annexation by the boundary commission, Eugene staff determined that it was not logical to annex only one-half of the right-of-way of Ross Lane adjacent to tax lot 500 as submitted by the applicant. Upon further review, city staff determined that all of the existing right-of-way of Ross Lane from the existing city limits to the south right-of-way of Helen Street would be a logical segment of right-of-way to annex to the city. The city notes that nearly 80 percent of the adjacent properties are/or will be within the city limits if this annexation application is approved. This segment of Ross Lane is a local access road and is operationally maintained (i.e., snow and ice control) by Lane County. Consistent with the intergovernmental agreement (IGA) with the county, annexation will not change the county's operational maintenance responsibility. The west half of Ross Lane was improved to city standards in 1997 as part of the St. Vincent de Paul multi-family housing project. Future land use applications for tax lot 500 may require the developer to improve the east half of Ross Lane to ensure consistency with the existing street design.

The City of Eugene is asking the boundary commission to modify the annexation to include the remainder of Ross Lane from the existing city limits to the southern extension of Helen Street, approximately 287 feet. The city's letter is attached as Exhibit IV-C-1 and includes additional reasons for including the right-of-way.

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, Santa Clara Rural Fire Protection District (RFPD), and Santa Clara Water District.

The Santa Clara Water District submitted a letter (attached as Exhibit IV-C-2) objecting to this proposal because the district will lose customers if the property is annexed to the City of Eugene.

The district notes street lighting and the Santa Clara Civic Center as services that could have been supported by funds from existing and future customers. Staff notes that the water district does not currently levy taxes on any property within its boundaries, but derives its revenue directly from user fees. The property is developed with one single-family dwelling. Development to urban densities can only occur with the provision of urban services. Urban services are provided to developing properties through annexation to the City of Eugene. Without annexation to the city, the potential for new development at urban densities does not exist under the existing metropolitan policy framework.

The water district also noted that development in the annexation area will be served by water mains that belong to and are maintained by the water district. The district currently has an intergovernmental agreement with the Eugene Water & Electric Board (EWEB), which contemplates annexations and service transfers in the River Road-Santa Clara area. That agreement addresses the issues of ownership and maintenance of the water transition facilities in annexing areas. Consistent with the agreement, EWEB maintains all lines within the district boundaries. The agreement acknowledges that water service to annexed areas shall become the responsibility of EWEB and EWEB agrees that annexation of portions of the district will not affect supply of water or service to remaining customers of the district. Discussion about compensation to the district for expenses incurred as a result of past water system construction would most appropriately occur between the water district and EWEB. The existing intergovernmental agreement is renegotiated periodically and could provide a forum for the two bodies to discuss this issue.

The Santa Clara Rural Fire Protection District (RFPD) submitted written objections to the annexation (attached as Exhibit IV-C-3) and stated that the annexation of this property would cause severe financial hardship to the district and jeopardize service to the remainder of the district. The district stated that prior to July 1, 2002, the district received funds through an agreement with the City of Eugene to offset losses in tax revenue. The agreement was not renewed and the district estimates the loss of revenues to be more than one-fifth of its annual revenue stream. The district requests that properties be allowed to develop and that annexation be delayed until it is determined that the Eugene city boundary be extended out to the urban growth boundary.

In response to the district's referral comments, prior to the termination of the intergovernmental agreement between the city and the district, the two governments were involved in a cooperative effort to plan for the transition to the provision of fire services by the city. A contract was drafted and proposed by representatives from both agencies to create a joint service area, with the southern portion (south of Irving Road/Hunsaker Road) served by the city and the northern portion (north of Irving Road/Hunsaker Road) served by the district. It would have allowed the district to operate more efficiently by placing all of its resources at its Fire Station 62 (located south of Spring Creek Road) and serving a smaller area. The city was to pay the district an amount based on the difference in the total assessed value of the areas served. Both agencies would have sent fire suppression units to all structure fires in the area, improving the response times and ensuring a high level of fire fighting capability to all properties. During public testimony at the district board meetings, numerous district residents objected to the proposed

agreement on the basis that the city would be providing service to district properties. The board withdrew its support for the proposed contract, and the two parties were unable to reach agreement on a new contract.

The City of Eugene purchased property on Santa Clara Avenue in the Santa Clara area and has built a permanent fire station there. A City of Eugene fire engine, staffed 24 hours a day, has been in place at that location since July 1, 2002, for the purpose of providing primary fire and emergency medical first response to the annexed properties in the Santa Clara area. In addition, the city and the district have negotiated an automatic mutual aid agreement which provides for each agency to respond to emergency calls in the other's jurisdiction in the event the primary engine company is already committed on another call or otherwise unavailable for service.

The Metro Plan requires annexation to the city before urban services and facilities can be extended and development can proceed—without annexation to the city, new development is not possible. This policy document has been in place since 1982 and identifies the ultimate provider of urban services and facilities to be the city. The Metro Plan acknowledges that single service providers will be affected by the growth of the city through annexation and that over time, special districts within the urban growth boundary will be dissolved.

No other referral responses were received as of November 22, 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 December 1, 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, as submitted or if modified by the boundary commission, is within the Santa Clara Water District and the Santa Clara RFPD. If the annexation is approved, the annexation area will be withdrawn from the water district through separate proceedings by the City of Eugene in accordance with ORS 222. The annexation area will automatically be withdrawn from the fire district upon the effective date of the annexation [ORS 199.510(2)(a)].

The Santa Clara Water District contracts with the EWEB for services, including water supply, distribution, storage, maintenance, billing, and administration. The water district does not currently levy taxes on any property within its boundaries. Withdrawal of the annexation area will slightly reduce revenues currently received by the district because the district derives its revenue directly from user fees and the proposal area is developed with one residential unit. In the long term, continued annexations in the Santa Clara area will reduce the service area of the water district. The Metro Plan recognizes that existing service districts within the urban growth boundary will, over time, be dissolved (policy #18, page II-B-6). Intergovernmental agreements are one method that can be used by the district and the city to address transition issues raised by annexation.

Upon the annexation effective date, the proposal area will be automatically withdrawn from the Santa Clara RFPD in accordance with ORS 199.510(2)(a) and the city will provide fire protection and emergency medical services to the proposed annexation area. Prior to July 1, 2002, the district and the City of Eugene had an intergovernmental agreement that provided for an in-lieu-of tax payment to the district when properties were withdrawn due to annexation to the city. The two governments were involved in a cooperative effort to plan for the transition to the provision of fire services by the city. Negotiations for a revised agreement were unsuccessful and the intergovernmental agreement that had existed between the city and district for approximately 20 years terminated on June 30, 2002. As annexations to the city continue, the size of the district will be reduced. At some point in the future, the district likely will be unable to continue to provide fire and emergency medical services efficiently and economically within its boundaries.

The Metro Plan identifies the city as the ultimate provider of urban services within the UGB. Policy #18, page II-B-6, in the Metro Plan recognizes that as annexations to the city occur, existing special service districts within the UGB will be dissolved. The continued annexation of properties to the City of Eugene is consistent with the Metro Plan, which likely will result in the elimination of special districts within the urbanizable area. Perhaps in the future, the city and districts will be able to develop intergovernmental agreements addressing transition issues including the orderly dissolution of the district.

Upon annexation, the area will be annexed automatically into the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)]. This special district was formed to provide the financing for the regional wastewater treatment plant serving wastewater users within the cities of Eugene and Springfield and other users within the urbanizable 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, as submitted or as proposed for modification, is located within the acknowledged urban growth boundary of the Metro Plan. Territory within the UGB ultimately will be within the City of Eugene. Eugene is the unit of government identified in the Metro Plan to provide urban services to territory in this area. The proposed annexation area, as submitted or as proposed for modification, is contiguous to the main body of the City of Eugene. Including the full width of Ross Lane right-of-way south of its intersection with Helen Street in the annexation area would connect territory in/or annexing to the city on both sides of Ross Lane and would be a logical segment of Ross Lane to be in the city.

The incremental process of annexation causes short-term boundaries to be established. The acknowledged comprehensive plan in this area identifies the City of Eugene as the unit of government that will provide urban services to this urbanizable area within the UGB. In the long term, territory within this geographic area will be annexed to Eugene.

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.

As submitted, the annexation area includes the east half of Ross Lane immediately adjacent to tax lot 500. Ross Lane south to Lone Oak Drive is already within the city limits. If modified by the boundary commission, including all of the Ross Lane right-of-way north to the south right-of-way of Helen Street will clarify jurisdictional issues, such as the provision of public safety services as well as other urban services and facilities, for the segment of Ross Lane from Lone Oak Drive and Helen Street.

This proposal to annex territory to the City of Eugene 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 is within the Metro Plan urban growth boundary. The Metro Plan was acknowledged by the Land Conservation and Development Commission (LCDC) in August 1982 and has been subsequently amended. The Metro Plan recognizes annexation as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas (policies #8 and #10, page II-B-4) and recognizes that ultimately, all territory within the urban growth boundary will be annexed to an existing city (policy #16, page II-B-6).

The privately owned portion of the annexation area is designated low-density residential in both the Metro Plan and the River Road-Santa Clara Urban Facilities Plan. If the annexation is approved, the privately owned portion of the annexation area will be rezoned to city R-1, low-density residential, zoning district consistent with the plan designation.

The annexation area will take advantage of urban service delivery systems that are already in place to serve this area. Inclusion of existing road right-of-way will help fulfill the policies in the Metro Plan of annexing out to the urban growth boundary. It will also facilitate with the provision of urban facilities and services to territory already in the city or in the process of annexing to it. If modified by the boundary commission, including the full right-of-way of Ross Lane from the southerly extension of Ross Lane to the existing city limits will bring a logical segment of Ross Lane into the city which will clarify jurisdictional responsibilities for services.

The following facilities and services are either available or can be extended to this annexation area.

Water – Through an intergovernmental agreement with the Santa Clara Water District, EWEB currently provides water service to developed properties in the Santa Clara area. In addition, EWEB is responsible for the day-to-day operations, maintenance, and billing functions of the Santa Clara Water District. The city indicates there is an existing 20-inch water line located in Ross Lane that can serve new development within the annexation area. Following annexation, the City of Eugene will withdraw the property from the Santa Clara Water District in accordance with ORS 222 and EWEB will provide services directly to the annexation area. Inclusion of Ross Lane right-of-way will clarify jurisdictional responsibility and will facilitate the provision of this urban service to new development inside the City of Eugene.

Electricity – EWEB provides electric service to developed properties in this area of north Eugene. New development in the annexation area will be served by EWEB.

Police services – Police protection can be extended to the annexation area upon annexation consistent with service provision throughout the city. Police currently provide service to other

properties in this general area already inside the city. Service will be provided to the annexation area consistent with the call and response method used by the city. After annexation, this proposal area will receive police services on an equal basis with properties inside the city. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services – Fire protection is currently provided to the annexation area by the Santa Clara RFPD. If approved and upon the effective date of the annexation, the proposal area will be withdrawn automatically from the fire district in accordance with ORS 199.510(2)(a) and the city will provide fire protection to the annexation area. The intergovernmental agreement that existed between the city and the fire district for approximately 20 years terminated June 30, 2002.

The City of Eugene purchased property on Santa Clara Avenue in the Santa Clara area and has built a permanent fire station there. A City of Eugene fire engine, staffed 24 hours a day, has been in place at that location since July 1, 2002, for the purpose of providing primary fire and emergency medical first response to the annexed properties in the Santa Clara area. In addition, the city and the district have negotiated an automatic mutual aid agreement that provides for each agency to respond to emergency calls in the other's jurisdiction in the event the primary engine company is already committed on another call or otherwise unavailable for service.

Emergency medical transport (ambulance) services have long been provided on a regional basis by Eugene and Springfield to central Lane County, including the Santa Clara area. On May 1, 2002, a new ambulance service area (ASA) was implemented and is served by Lane Rural Fire/Rescue. The annexation area will continue to be served consistent with the adopted ambulance service area plan. Mutual aid agreements have been adopted by the three regional ASA providers (Eugene, Springfield, and Lane Rural Fire/Rescue) to provide backup coverage for each other's jurisdictions.

Parks and recreation – A minimum level of park services can be provided to the proposal area as prescribed in the Metro Plan. Awbrey Park is located on River Road, just north of Spring Creek Drive; and Arrowhead Park is located on Arrowhead Street, just south of Irvington Drive. The city is continuing to explore possibilities for additional acquisitions of land for future park sites in the River Road-Santa Clara area. There are two city owned regional facilities, Hileman and Whitely boat landings, located along the eastern edge of Santa Clara. Other regional park and recreation facilities are located throughout the metropolitan area. City of Eugene parks, recreation, and cultural services programs are available to city residents in the Santa Clara area on an equal basis with residents throughout the city.

The need for additional park and recreation sites and facilities, after a majority of Santa Clara area is annexed, has been identified in the city's Parks Master Plan. All subdivisions occurring in the Santa Clara area are being reviewed by city parks planning staff to determine if land should be reserved for future park sites. In addition, the Santa Clara area is included in the park land acquisition plan being prepared by city parks planning staff. Systems development revenues

generated by development on these sites will help to fund future park acquisition and development throughout the city.

Schools – Eugene School District 4J serves this area. Existing schools—Awbrey Park elementary, Madison middle, and North Eugene high—serve this neighborhood and can accommodate students resulting from new development occurring within the annexation area. Inclusion of additional Ross Lane in the city will

Wastewater – The city indicates that the wastewater trunk collection system has been nearly completed in the Santa Clara area. There is an existing 8-inch wastewater line located in Ross Lane. This line can serve new development occurring within the annexation area. Upon the annexation effective date, the area will be annexed automatically to the Lane County Metropolitan Wastewater Service District [ORS 199.510(2)(c)].

Stormwater – Site plans for all new development must provide for drainage to an approved system consistent with the adopted Comprehensive Stormwater Management Plan (CSWMP). Eugene public works staff indicates that the nearest inlets to public drywells are less than 100 feet to the north (at Helen Street) and to the south (at Autumn Avenue). The developer will need to submit evidence demonstrating adequate capacity of these systems if considered as the stormwater proposal. Private drywells may be an option, provided that the applicant: has a civil engineer certify the use and design with supporting information such as field-verified soil types and percolation rates; and registers the drywells as an underground injection control facility with the Department of Environmental Quality (DEQ).

Streets – The privately owned portion of the annexation area is adjacent to Ross Lane. Eugene public works staff indicates that Ross Lane is local access road, with an approximate right-of-way width of 50 feet. A local access road is a public road that is not a county road. Additional right-of-way and street improvements will likely be required in order to further develop the tax lot 500. Street connectivity will need to be fully addressed at the time of future development. If modified by the boundary commission, inclusion of Ross Lane right-of-way to the southerly extension of Helen Street will bring this segment of Ross Lane south to Lone Oak Drive inside the City of Eugene.

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 Eugene-Springfield metropolitan 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 Eugene's portion of the urban growth boundary. Through an intergovernmental agreement between Lane County and the City of Eugene, the city already has planning and building jurisdiction for this property. The city will continue to administer land use controls after annexation.

The minimum level of key urban facilities and services, as defined on page V-3 of the Metro Plan, 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, which includes on privately owned tax lot and existing road right-of-way, is consistent with the Metro Plan, as it is an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The proposed residential use was consistent with the long-range plan for the area. Annexing existing road right-of-way will facilitate the provision of urban facilities and services to fulfill the growth policies in the Metro Plan and in Oregon law.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the proposed annexation to the City of Eugene (BC File C EU 05 – 61) be modified to include additional Ross Lane right-of-way from the existing city limits to the southerly extension of Helen Street—approximately 287 feet. Inclusion of the entire width of Ross Lane to its intersection with Helen Street will include a logical segment of this existing right-of-way in the city.

The boundary commission staff recommends that the modified annexation be approved 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 modified. If the boundary commission does not modify the request 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 owner on November 1, 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 one tax lot (T17S R04W S12 Map 34 tax lot 500) comprising about 1.88 acres and was owned by Brent Anderson and Scott Carlson. Tax lot 500 was developed with one single family residence. The request was modified to include all of Ross Lane from the southerly extension of Helen Street to the existing city limits line—approximately 287 feet totaling about 0.31 acres. The

annexation area, as modified, totaled approximately 2.19 acres. The modified annexation area was contiguous to the main body of the City of Eugene.

3. The land use designation for the annexation area was low-density residential in both the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the River Road-Santa Clara Urban Facilities Plan.
4. The tax lotted portion of the annexation area was zoned R-1/UL, low-density residential with urbanizable lands subdistrict, in Lane County. After the annexation effective date, the tax lotted property would be rezoned to city R-1 zoning district consistent with the land use 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 December 1, 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. Upon the annexation effective date, the modified annexation area was withdrawn from the Santa Clara Rural Fire Protection District [ORS 199.510(2)(a)] and fire services were provided by the City of Eugene.
7. Withdrawal of the modified annexation area from the Santa Clara Water District had little financial impact because the water district derives its revenue from user fees and the annexation area was developed with one residential unit. The annexation area would be withdrawn from the Santa Clara Water District through separate proceedings by the City of Eugene in accordance with ORS 222. On behalf of the City of Eugene, the Eugene Water & Electric Board provided service directly to the annexation area.
8. Upon the effective date of the annexation, the area, as modified, was annexed automatically to the Lane County Metropolitan Wastewater Service District in accordance with ORS 199.510(2)(c).
9. 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)

10. Annexation to the City of Eugene was identified in the acknowledged Metro Plan as the preferred method for providing key urban facilities and services to the River Road-Santa Clara area in policies in Chapter II, sections B and D.
11. 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).
12. The proposed annexation was the means of boundary change outlined in the Metro Plan and the boundary commission administrative rules for ultimately providing urban facilities and services to this territory. Annexation of tax lotted property and existing road right-of-way fulfilled the Metro Plan policies of annexing out to the urban growth boundary.
13. 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)

14. The annexation area, as modified, was within the urban growth boundary of the acknowledged Metro Plan [Land Conservation and Development Commission (LCDC) action in 1982 and as subsequently amended]. Annexation of this tax lotted property and existing road right-of-way assisted in fulfilling the Metro Plan policies of annexing out to the urban growth boundary.
15. The Metro Plan recognized annexation to the City of Eugene as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas.
16. The existing and proposed uses (residential/road right-of-way) were consistent with the policies in the Metro Plan and River Road-Santa Clara Urban Facilities Plan requiring urban levels of development within the urban growth boundary.
17. The City of Eugene indicated that the required services outlined in Metro Plan policy #8, page II-B-4 and defined on page V-3, were either available or could be provided in a timely manner.
18. This request was consistent with this standard.

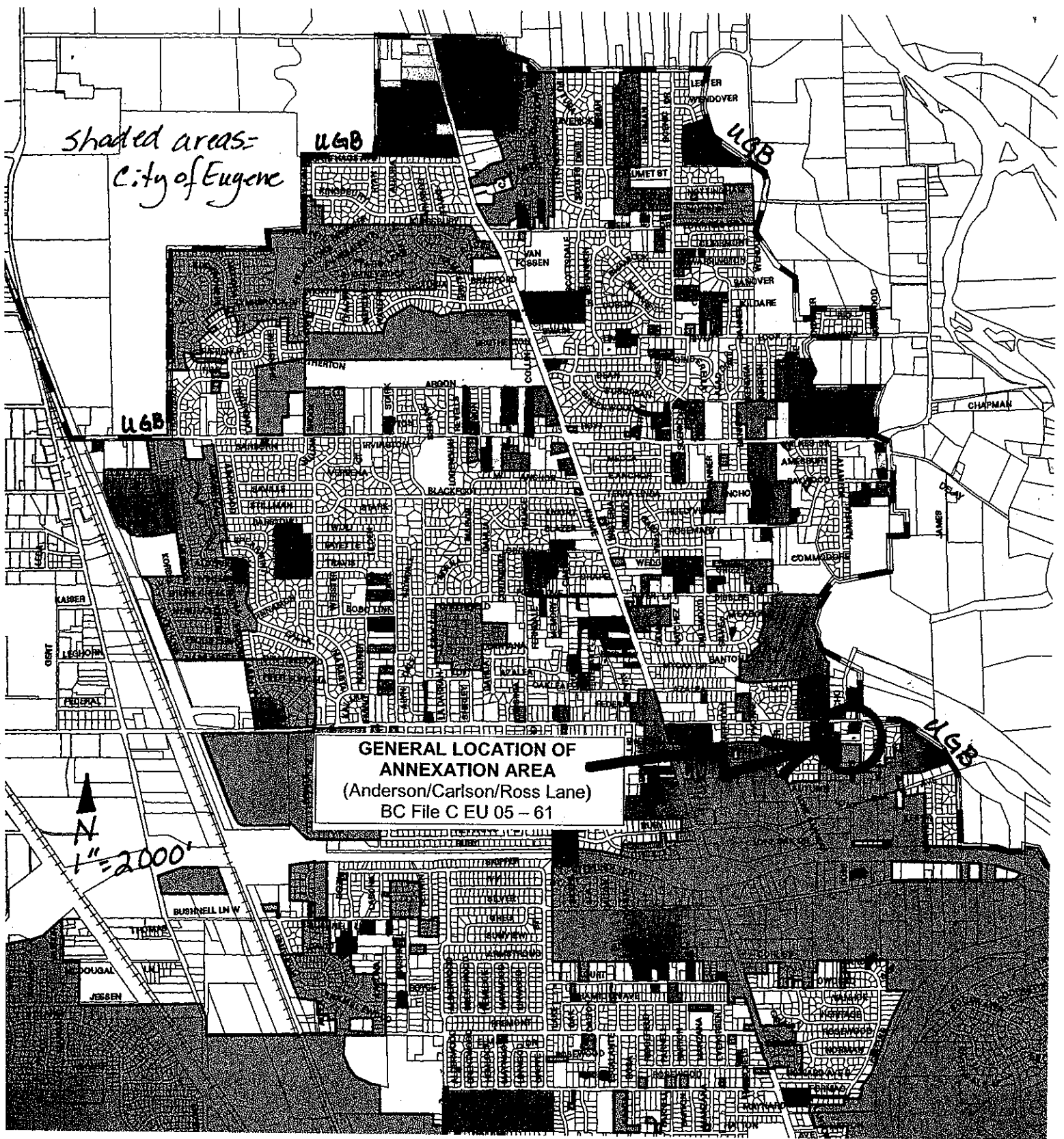
Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

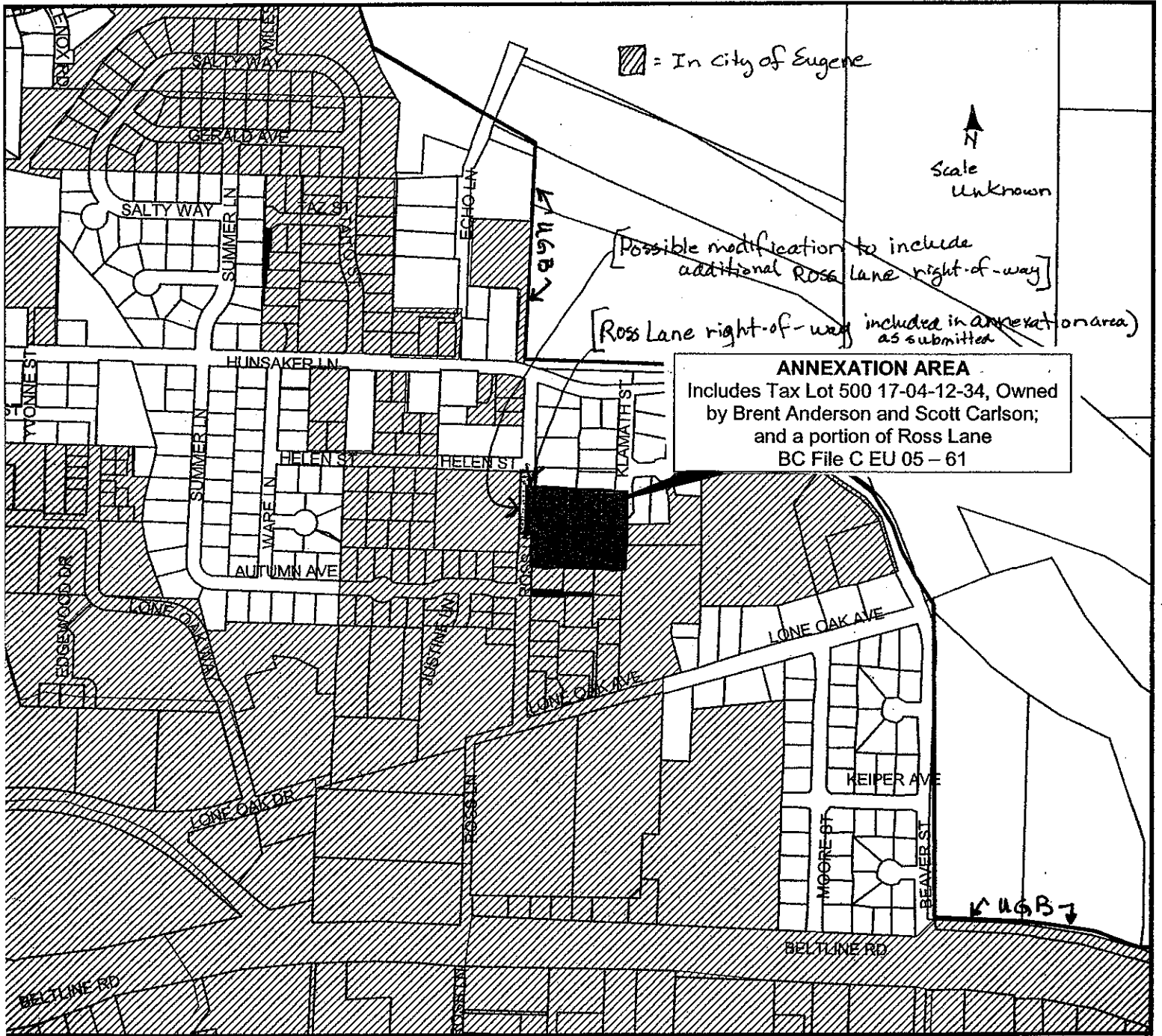
19. The annexation proposal, as modified, was consistent with the Metro Plan, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the Metro Plan were developed to meet the future needs of the metropolitan community. The proposed residential use was consistent with the long-range plan for the area. Annexing existing road right-of-way facilitated the provision of urban facilities and services to fulfill the growth policies in the Metro Plan and in Oregon law.
20. This request was consistent with this standard.

Reasons:

1. The proposal was supported by the City of Eugene and the property owner.
2. The modified proposal was consistent with the LCDC acknowledged Metro Plan.
3. The services required in the Metro Plan were either available or could be provided in a timely manner when needed.
4. The modified proposal was consistent with past boundary commission actions supporting annexation of territory in River Road and Santa Clara to the City of Eugene.
5. The modified proposal was consistent with boundary commission administrative rule policies.

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Last Saved: November 22, 2005*





Ross Lane Right of Way Inclusion
November 22, 2005
Page 2

standards prior to annexation. Therefore the City recommends that appropriate street segments be annexed with the developing property, with the expectation that the eventual product will be a more coordinated and connected system of urban services.

The City's current expectation of an "appropriate" street segment would be, at a minimum, the full street width adjacent to the property being annexed, with logical termini, usually intersection streets or logical block lengths. The City also reviews each application for logical connections to other City streets and urbanized areas. The requested length of right of way to be annexed will extend 287 feet north from the existing city limit line to the southern extension of Helen Street.

Sincerely,



Peggy Keppler, P.E., P.L.S.
Engineering Development Review Manager



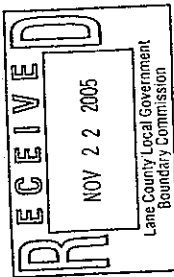
Public Works
Engineering

City of Eugene
388 Pearl Street
Eugene, Oregon 97401
(541) 682-5281
(541) 682-5032 FAX

November 22, 2005

Lane County Boundary Commission
99 East Broadway Avenue, Suite 400
Eugene, OR 97401

Attention Paula Taylor, Executive Officer:



Based on the information provided in the following paragraphs, the City of Eugene would like the Boundary Commission to consider modifying an owner initiated annexation proposal submitted by Anderson/Carlson for property located at 17-04-12-34, TL: 500, City file number A 05-33, for inclusion of Ross Lane right-of-way as described in the attached legal description and resulting in annexation of an additional 0.31 acres.

This segment of right of way is approximately 287 feet long and nearly 80 percent of the adjacent properties are/or will be within the city limits when this application is approved. This segment of right of way is a local access road and is operationally maintained (i.e. snow and ice control) by the county. Per the city's Intergovernmental Agreement with the County, annexation will not change the county's operational maintenance responsibilities. The west half was improved to city standards in 1997 as part of the St. Vincent de Paul Multi-family Housing project (SR96-34). Future land use applications for 17-04-12-34, TL: 500 may require the applicant to construct the east half and as street improvements would be consistent with the existing design.

An objective of our Metro Plan growth management policies (Objective 11, Metro Plan Page II-B-3) is to "Identify methods of establishing an urban transition program which will eventually reduce service delivery inefficiencies by providing for the provision of key urban services only by cities." Our urban transition program continues to evolve as new situations arise and the cumulative effects of our current annexation policies become apparent.

Our practice of allowing noncontiguous annexations, which is necessary to accommodate planned growth in a manner consistent with the Metro Plan, has resulted in a fragmented and inefficient service delivery system. As comprehensive solutions are pursued, the city wants to provide more logical relationships between the streets and properties being annexed to the City. Streets provide physical access to the subject property and often contain easement for the water, sanitary sewer, electricity, cable, and other urban services necessary to serve the property. Jurisdiction of the streets is also a crucial factor in allowing the property to develop per urban (City) standards (e.g., for driveway, sidewalks, street widths, and street connectivity) as new urban development occurs. The City realizes that it is not realistic to expect County-funded improvements of all existing unincorporated streets in the Urban Transition area to City

Exhibit IV-C-1
City of Eugene Request to Modify
Annexation to Eugene (Anderson/Carlson/
Ross Lane)
C EU 05 - 61

SANTA CLARA WATER DISTRICT

P.O. Box 10086 • Eugene, Oregon 97440
(541) 726-0681

November 14, 2005

Lane County Local Government Boundary Commission
99 East Broadway - Suite 400
Eugene, Or 97401

ReCEU 05-58,59 & 61

The Santa Clara Water District has received three notices that the owners of three parcels of real estate have filed petitions to annex their property into the City of Eugene and withdraw the same from our area.

Again, we have several reasons for opposing these withdrawals from our district and some of them are as follows: We would like to have all public officials realize that water that will be supplied to homes that will be constructed on these properties must pass through water mains that belong to and are maintained by Santa Clara Water District. Still, no one has ever made a suggestion or an offer to reimburse us for our cost.

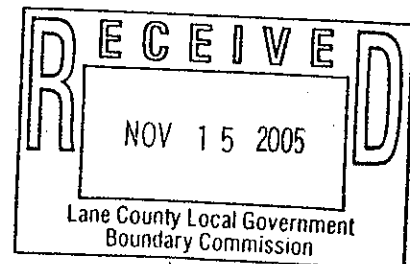
Santa Clara Water District will loose one existing water customer and a minimum of twenty five to thirty new customers that would help us provide funds to continue to expand and maintain the street lighting system we have and these funds would help us continue to maintain the Santa Clara Civic Center building we provide to approximately ten to twelve non profit groups to use in our community.

Santa Clara Water District is hereby going on record as protesting these petitions and we call for public hearings on all of these petitions.

Yours very truly,



Richard E. Rice, Clerk



**SANTA CLARA
RURAL FIRE PROTECTION DISTRICT**

2600 RIVER ROAD
FIRE/EMERGENCY 911

EUGENE, OREGON 97404-2069

BUSINESS (541) 688-3697

November 15, 2005

Lane County Local Government Boundary Commission
99 East Broadway, Suite 400
Eugene, Oregon 97401-3111

SUBJECT: ANNEXATION, File C EU 05-61.

NOTES:


The annexation of these properties reduces the total value of the District and therefore lowers the amount of tax revenue the District can assess under current property tax laws.

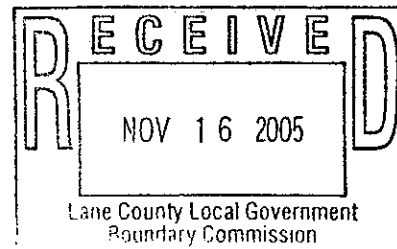
Prior to July 1, 2002, the District received funds through a service contract with the City of Eugene to offset these losses.

When this contract was terminated and those contract funds were lost, the District realized a financial loss of more than one-fifth of revenues that will eventually seriously jeopardize service to those remaining in the District.

We request that the property be allowed to be developed and that annexation be delayed until it is determined that the Eugene city boundary be extended out to the Urban Growth Area as identified in the Urban Facilities Plan.

Sincerely,


Skip Smith, Fire Chief



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