



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 21, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCDD offices in Salem, the applicable field office, and at the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 4, 2008

This amendment was submitted to DLCDD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCDD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCDD Urban Planning Specialist
Marguerite Nabeta, DLCDD Regional Representative
Steve Nystrom, City Of Eugene

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 – Division 18

DEC 17 2007

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Eugene Local File No. : CA 07-2
(If no number, Use none)

Date of Adoption: December 10, 2007 Date Mailed: December 14, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 9, 2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input checked="" type="checkbox"/> New Land Use regulation | <input type="checkbox"/> Other: |
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
On December 10, 2007, the Eugene City Council adopted Ordinance No. 20400 which established the procedures for processing annexations, extra-territorial extensions and public service district withdrawals. Passage of this ordinance was necessary in response to Senate Bill 417 which abolished the Lane County Boundary Commission, thereby transferring the responsibility to local jurisdictions. Adoption of this ordinance is based on, and consistent with the provisions of ORS 222.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same."
If you did not give notice for the proposed amendment, write "N/A."
Only minor edits were made by the City Council

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: citywide Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 14

Was an Exception Adopted: Yes: No:

DLCD No: 002-07 (16377)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, did the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Steve Nystrom Area Code + Phone Number: (541) 682-8385

Address: 99 West 10th Avenue City: Eugene

Zip Code + 4: 97401 E-mail Address: steven.a.nystrom@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

Per ORS 197.610, OAR Chapter 660 – Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the “Notice of Adoption” is sent to DLCD.
6. In addition to sending the “Notice of Adoption” to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8 ½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or E-mail your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.



City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.ci.eugene.or.us

NOTICE OF DECISION

December 14, 2007

On December 10, 2007, the Eugene City Council adopted Ordinance No. 20400 amending Chapter 9 of the Eugene Code in order to establish the procedures for the processing of requests for annexations, extra-territorial extensions and public service district withdrawals.

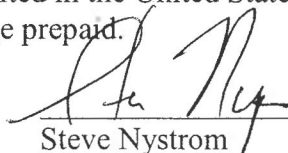
The ordinance can be reviewed at 1st Floor Reception, Atrium Building, 99 West 10th Avenue, between 9:00 a.m. and 5:00 p.m., Monday through Friday.

All decisions of the elected officials are final. Persons who participated either orally or in writing in the local government proceedings leading to adoption of the amendments may appeal the decision to the Land Use Board of Appeals within 21 days of the decision. Appeals to the Oregon Land Use Board of Appeals are governed by ORS 197.825 to 197.845.

For additional information, please contact Steve Nystrom, Eugene Planning Division, telephone: (541) 682-8385; e-mail: steven.a.nystrom@ci.eugene.or.us

CERTIFICATE OF MAILING

I certify that on December 14, 2007, I mailed a true and correct copy of the attached Notice of Decision by causing the same to be deposited in the United States Mail at Eugene, Oregon, enclosed in a sealed envelope with postage prepaid.



Steve Nystrom
Principal Planner
Eugene Planning and Development Department

ORDINANCE NO. 20400

AN ORDINANCE CONCERNING ANNEXATION, EXTRA-TERRITORIAL WATER AND SEWER EXTENSIONS, AND PUBLIC SERVICE DISTRICT WITHDRAWAL PROCEDURES; AMENDING SECTIONS 2.212, 9.7055, 9.7205, AND 9.8035 OF THE EUGENE CODE, 1971; REPEALING EXISTING SECTIONS 9.7800 TO 9.7885 OF THAT CODE; ADDING NEW SECTIONS 9.7800, THROUGH 9.7835 AND SECTIONS 9.8115 THROUGH 9.8121 TO THAT CODE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.212 of the Eugene Code, 1971, is amended to provide:

2.212 **Extraterritorial Water and Sewer Service Extensions.** The city, including EWEB, shall not provide water, water service or sewer service outside the city limits except as authorized pursuant to the city charter, this code, and adopted resolutions. The city manager or the manager's designee is hereby authorized to receive on behalf of the city requests for the extra-territorial extensions of water service or sewer service from inside the city limits to serve property located outside the city limits or for the provision of water or sewer service to special service districts. Such requests shall be accompanied by the application fee established by the city manager as provided by section 2.020 of this code. Requests for the extra-territorial extension of water service or sewer service shall be processed and approved or denied as provided in section 9.8115 to 9.8121 of this code.

Section 2. The definition of "Owner" set forth in Section 9.0500 of the Eugene Code, 1971, is amended to provide:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Owner. An individual, association, partnership, or corporation having legal or equitable title to land other than legal title held only for purpose of security. For the purpose of notice, the owner may be determined using the latest Lane County assessment roll. For purposes of Annexation Application Procedures and Criteria (EC 9.7800 through 9.7835), See definition at EC 9.7805.

Section 3. The entry for “Annexations” in the Table set forth in Section 9.7055 of the Eugene Code, 1971, is amended, and a new entry for “Extra-Territorial Extension of Water or Sewer Service” is added in alphabetical order thereto, to provide:

9.7055 Applications and Review Authorities. Table 9.7055 Applications and Review Authorities, lists applications and the review authorities for the decision and the appeal of the decision.

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Annexations (See EC 9.7800)						<i>D</i>
Extra-Territorial Extension of Water or Sewer Service	II	D	A			

Section 4. Table 9.7205 set forth in Section 9.7205 of the Eugene Code, 1971, is amended by adding an entry for “Extra-Territorial Extension of Water and Sewer Service” in alphabetical order therein, to provide:

9.7205 Type II Application Requirements and Criteria Reference. The following applications are reviewed under the Type II review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7205:

Table 9.7205 Type II Application Requirements and Criteria	
Type II Applications	Beginning Reference
Extra-Territorial Extension of Water or Sewer Service	EC 9.8115

Section 5. The current sections 9.7800 through 9.7885 of the Eugene Code, 1971 are repealed, and the following caption, and Sections 9.7800, 9.7805, 9.7810, 9.7815, 9.7820, 9.7825, 9.7830 and 9.7835 are added to the Eugene Code, 1971, to provide:

ANNEXATION APPLICATION PROCEDURES AND CRITERIA

9.7800 Annexation – Purpose. The provisions of EC 9.7800 – 9.7835 are intended to implement state law, the Statewide Planning Goals and the Metro Plan by providing

procedures for the review of proposals to annex land to the city and the subsequent withdrawal of such land from public service districts.

9.7805 Annexation – Applicability.

- (1) The provisions of EC 9.7800 - 9.7835 apply to annexation applications for which there is owner and elector consent as described in EC 9.7810. Other annexation proposals permitted by state law, including annexations to abate a health hazard pursuant to ORS Chapter 222, shall be processed as provided in state law.
- (2) For purposes of EC 9.7800 through 9.7835:
 - (a) An “owner” is a legal owner of record or, where there is a recorded land sale contract which is in force, a purchaser under the land sale contract.
 - (b) An “elector” is an individual qualified to vote under section 2, Article II, of the Oregon Constitution.

9.7810 Annexation – Application Requirements. An application for annexation under the provisions of EC 9.7800 – 9.7835 may be initiated by motion of the city council or by the filing of an application for an annexation. In addition to the provisions in EC 9.7010 Application Filing, an application for annexation shall include the following:

- (1) A list of all owners, including partial owners, of land in the area proposed for annexation, indicating for each owner:
 - (a) The affected tax lot(s), with the township, section and range numbers of the affected tax lots identified;
 - (b) The street address(es) of the affected land as recorded on county assessment and tax rolls;
 - (c) The electors residing on the land, if any.
- (2) Consent to Annex forms that are completed and signed by:
 - (a) All of the owners of land in the area proposed for annexation; and
 - (b) Not less than fifty percent of the electors, if any, residing on the land proposed for annexation.
- (3) Instead of the Consent to Annex forms as described in subsection (2) above, an application may include Consent to Annex forms that are completed and signed in accordance with state law, by:
 - (a) More than fifty percent of the owners of the land in the area proposed for annexation, who also own more than fifty percent of the land in the area proposed for annexation and of real property therein representing more than fifty percent of the assessed value of all the real property in the area proposed for annexation; or
 - (b) More than fifty percent of the electors registered in the area that is proposed for annexation and the owners of more than fifty percent of the land in that area proposed for annexation.
- (4) In lieu of a Consent to Annex form described in sections (2) or (3) above, an owner’s consent may be indicated on a previously executed, and still valid, annexation agreement consenting to the annexation of the subject land.
- (5) Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.
- (6) A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department.
- (7) A legal description of the land proposed for annexation prepared by a registered land surveyor consistent with ORS 308.225.
- (8) A county assessor’s cadastral map of the land proposed for annexation.

- (9) A list of the public service districts presently providing services to the land proposed for annexation (See EC 9.7835).
- (10) A written narrative addressing the proposal's consistency with the approval criteria set out at EC 9.7825.

9.7815 Annexation – City Modification of Application. At any time prior to council action, and with notice consistent with EC 9.7820, the city may modify an application to include contiguous road right-of-way or to include other contiguous public land. For annexation applications in the River Road/Santa Clara area, the city shall not modify an annexation application to include road right-of-way if, by doing so, annexation would cause unincorporated property to be surrounded as described in ORS 222.750.

9.7820 Annexation – Procedures.

- (1) For an application submitted pursuant to EC 9.7810(2):
 - (a) No public hearing is required.
 - (b) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.
 - (c) At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:
 - 1. The applicant;
 - 2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
 - 3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
 - (d) The city council may:
 - 1. Adopt a resolution approving, modifying and approving, or denying the application for annexation; or
 - 2. Vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation.
 - (e) When the city council elects to hold a public hearing, the procedures that apply are those in (2)(d) below.
- (2) For an application submitted pursuant to EC 9.7810(3), or an application described in EC 9.7820(1)(c), above:
 - (a) A public hearing is required.
 - (b) The city council shall set a date, time and place for it to conduct a hearing to consider the application.
 - (c) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied.
 - (d) Notice of the public hearing shall be:
 - 1. Mailed at least 14 days prior to the public hearing to those listed in subsection (1)(c) above;

2. Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date; and
 3. Posted in four public places in the city for two successive weeks prior to the hearing date. One of the postings shall be located on the application site and two more posted at the nearest intersections of arterials and/or collectors within the boundaries of the affected neighborhood organization(s).
- (e) The city council may adopt a resolution approving, modifying and approving, or denying the application for annexation.
- (3) Land annexed to the city according to the procedures in EC 9.7800 – 9.7835 shall be automatically rezoned as of the effective date of the annexation from Lane County land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7820 Equivalent Zones and Overlay Zones. For purposes of this section, land that is also within an area identified as a Nodal Development Area on the Metro Plan Diagram shall be automatically included in the Eugene /ND Nodal Development Overlay Zone. The official city zoning map shall be amended to reflect the change of zone.

Table 9.7820 Equivalent Zones and Overlay Zones			
Urbanizable Land Zones		Eugene Zones	
AG/UL	Agricultural	AG	Agricultural
PL/UL	Public Land	PL	Public Land
R-1/UL	Low-Density Residential	R-1	Low Density Residential
R-2/UL	Medium-Density Residential	R-2	Medium Density Residential
GO/UL	General Office	GO	General Office
C-1/UL	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2/UL	Community Commercial	C-2	Community Commercial
I-2/UL	Light-Medium Industrial	I-2	Light-Medium Industrial
I-3/UL	Heavy Industrial	I-3	Heavy Industrial
Urbanizable Land Zoning Overlay		Eugene Overlay Zones	
/SR	Site Review	/SR	Site Review
/CAS	Commercial Airport Safety	/CAS	Commercial Airport Safety
/WR	Water Resources Conservation Overlay Zone	/WR	Water Resources Conservation Overlay Zone

- (4) The city will not deem an application complete for a change in the zoning of land proposed for annexation until the annexation has been approved by the city.
- (5) Withdrawals of annexed land from a public service district serving the land shall be processed as provided in EC 9.7835.

9.7825 Annexation – Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application’s consistency with the following:

- (1) The land proposed to be annexed is within the city’s urban growth boundary and is:
 - (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (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.

9.7830 Annexation – Effective Date and Notice of Approved Annexation.

- (1) **Effective Date.** The effective date of an approved annexation shall be set in accordance with state law.
- (2) **Notice of Approved Annexation.**
 - (a) Not later than 10 working days after the passage of a resolution approving an annexation, the city shall:
 - 1. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the city. The notice shall include:
 - a. Each site address to be annexed as recorded on county assessment and tax rolls;
 - b. A legal description and map of the proposed boundary change; and
 - c. A copy of the resolution approving the annexation.
 - 2. Mail a notice of the annexation to the Secretary of State that includes a copy of the resolution approving the annexation and a copy of the statement(s) of consent.
 - (b) Within 20 days from the passage of a resolution approving an annexation, the city shall mail a notice of the annexation to the county clerk, county assessor, and owners and electors in the annexed area. The notice shall include a legal description of the new city boundaries.
 - (c) If the effective date of an annexation is more than one year after the city passes the resolution approving it, the city shall mail a notice of the annexation to the Lane County clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

9.7835 Annexation – Withdrawal from Public Service Districts Following Annexation.

- (1) **Council Public Hearing on Withdrawal.** Generally on an annual basis, the city council shall set a date, time and place for it to conduct a hearing to consider an ordinance to withdraw annexed land from the following public service districts serving that land:
 - (a) A rural fire protection district;
 - (b) A water district, including a domestic water supply corporation;
 - (c) A park and recreation district;
 - (d) A highway lighting district;
 - (e) A county service district;
 - (f) A special road district;
 - (g) A road assessment district; or
 - (h) A sanitary district or authority.
- (2) **Notice of Public Hearing.** Notice of the hearing, including the date, time, place and purpose of the hearing shall be:
 - (a) Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date;

- (b) Posted in four public places in the city for two successive weeks prior to the hearing date; and
- (c) Mailed to the affected public service districts.
- (3) **Criteria.** In determining whether to withdraw the land, the city council shall determine whether the withdrawal is in the best interest of the city.
- (4) **Effective Date.** The effective date of the withdrawal shall be set in accordance with state law.
- (5) **Notice of Withdrawal.** Not later than March 31 of the tax assessment year to which the withdrawal of land applies, the city shall mail notice to the County Assessor and Department of Revenue including the legal description of the boundary change and an accurate map showing the change, prepared consistent with ORS 308.225.

Section 6. Section 9.8035 of the Eugene Code, 1971, is amended to provide:

9.8035 **Annexation Application Requirements and Criteria.** The provisions for processing annexation applications are found in EC 9.7800 through 9.7835, Annexation Application Procedures and Criteria.

Section 7. The following caption, and Sections 9.8115 – 9.8121 are added to the Eugene Code, 1971, to provide:

EXTRA-TERRITORIAL EXTENSION OF WATER OR SEWER SERVICE

9.8115 **Extra-Territorial Extension of Water or Sewer Service – Purpose.** Sections 9.8115 through 9.8121 govern the approval of requests that the city extend water service or sewer service from inside the city limits to serve property located outside of the city limits. Except as specifically permitted in EC 9.8121, extensions may not go beyond the urban growth boundary. These regulations are intended to accomplish the orderly development of land within the urban growth boundary, ensure the adequate provision of public facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the Metro Plan. Terms and criteria may be more specifically explained in adopted city resolutions concerning extra-territorial extensions.

9.8117 **Extra-Territorial Extension of Water or Sewer Service – Applicability.** The provisions of EC 9.8115 through 9.8121 apply to applications requesting the extension of water service or sewer service from inside the city limits to serve property located outside of the city limits.

9.8119 **Extra-Territorial Extension of Water or Sewer Service – Application Requirements.** In addition to the provisions of EC 9.7010 Application Filing, an application for extra-territorial extension of water or sewer service shall include the following:

- (1) A list of all tax lots proposed to be served, including street addresses;
- (2) The proposed number of service connections and their locations;
- (3) A written narrative addressing the proposal’s consistency with the approval criteria in EC 9.8121.

- 9.8121** **Extra-Territorial Extension of Water or Sewer Service – Approval Criteria.** The planning director shall consider an application for extra-territorial extension of water or sewer service in accordance with the Type II application procedures contained in EC 9.7200 through 9.7230. The planning director shall approve, approve with conditions, or deny the application based on compliance with the following criteria:
- (1) The property proposed for service is located within the city's urban growth boundary, is located within the property boundaries of the Mahlon Sweet Airport, or, for purposes of water extension only, Lane Community College;
 - (2) In no case shall the city extend services extra-territorially to a property that could, instead, be annexed. Further, to receive extra-territorial water or sewer service an applicant must demonstrate the inability to satisfy either EC 9.7825(2) or (3);
 - (3) The applicant has entered into an annexation agreement on forms provided by the city pertaining to the property proposed to be served or will enter into such an annexation agreement as a condition of approval;
 - (4) The property proposed for service is not vacant;
 - (5) The provision of service will not prolong uses which are nonconforming uses under the Eugene Code, 1971;
 - (6) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;
 - (7) The proposed extension is consistent with adopted resolutions, policies, plans and ordinances concerning extra-territorial extensions; and
 - (8) Even if a proposed extension is inconsistent with the criteria above, the city may approve an extra-territorial extension of water or sewer service consistent with adopted city resolutions, policies, plans and ordinances:
 - (a) Where a communicable disease hazard exists and the extension is the only practical remedy; or
 - (b) To property within a dissolved water district within which EWEB is providing service to some properties.

Section 8. This Ordinance is intended to address the City's increased responsibilities due to the State Legislature's passage of SB 417 abolishing the Lane County Boundary Commission. The provisions of this Ordinance are intended to carry forward, to the extent applicable, adopted City policies regarding annexations, extra-territorial extensions, and public service district withdrawals. The legislative findings attached hereto as Exhibit A are adopted in support of this Ordinance.

Section 9. The City Recorder, at the request of, or with the concurrence of the City Attorney, may correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended, or repealed herein.

Section 10. The State Legislature has abolished the Lane County Local Government Boundary Commission, effective January 1, 2008. The City's ability to accept and process annexation applications serves an important public purpose, and it is therefore necessary that the provisions contained in this Ordinance establishing procedures for the City to effect annexations and withdrawals of territory from public service districts become effective on January 1, 2008, which is less than 30 days from its date of adoption.

Section 11. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective on January 1, 2008.

Section 12. Notwithstanding the effective date of this Ordinance as provided in Section 11, in order to ensure the City's ability to accept and process annexation applications on January 1, 2008, the City Manager is specifically authorized to establish fees necessary for implementation of the provisions contained herein, in accordance with the provisions of Section 2.020 of the Eugene Code, 1971, to become effective on January 1, 2008.

Passed by the City Council this
10th day of December, 2007

Approved by the Mayor this
_____ day of December, 2007

City Recorder

Mayor

Exhibit A FINDINGS

The following criteria from EC 9.8065 shall be applied to the proposed code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complies with Goal 1 because it is consistent with the citizen involvement provisions. Specifically, the Planning Commission held a public hearing followed by a similar public hearing process before the City Council. Based on this information, the process followed is consistent with Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

The Eugene Land Use Code specifies the procedure and criteria that were used in considering these amendments to the code. The record shows that there is an adequate factual basis for the amendments. Specifically, Senate Bill 417 mandates that local jurisdictions assume the responsibility of annexations. Therefore, there is a need for the city to establish local provisions for future annexation applications.

The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this amendment with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands. To Preserve Agricultural Lands.

The amendments are for property located within the urban growth boundary and do not affect any

land designated for agricultural use. Therefore, Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

These amendments do not create or amend the city's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not allow new uses that could be conflicting uses with a significant Goal 5 resource site. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, the amendment is consistent with Goal 5.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

The amendments do not affect the City's ability to provide for clean air, water or land resources. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, this amendment is consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

The amendments do not effect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does not allow for new development that could result in a natural hazard. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, this amendment is consistent with Goal 7.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The plan amendments do not effect the city's provisions for recreation areas, facilities or recreational opportunities. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code

amendment will not result in any action affecting compliance with this goal. Therefore, this amendment is consistent with Goal 8.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The amendments do not impact the supply of industrial or commercial lands. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, the amendments are consistent with Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

The amendments do not impact the supply of residential lands. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, the amendments are consistent with Goal 10.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The cities of Eugene, Springfield and Lane County have adopted the Public Facilities and Services Plan (PFSP) which serves as a primary tool for implementing a regional strategy consistent with this goal. The proposed ordinance will not impact the PFSP, and in fact, will compliment this plan as a means to carry out many of its principles.

The proposed ordinance includes approval criteria which require that annexation applications are consistent with adopted plans, such as the PFSP. In addition, the criteria require that annexation sites will have services which can be provided in an orderly, efficient and timely manner. Therefore, it is concluded that the proposed ordinance is not only consistent with Goal 11, it helps to further its implementation.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

The proposed code amendment does not affect the provision of safe, convenient and economic transportation systems and do not significantly affect any transportation facilities. The purpose of the proposed ordinance is to reply to a state mandate requiring local jurisdictions in Lane County to assume responsibility for processing annexation requests.

The proposed ordinance involves a legislative amendment establishing city-wide procedures for annexation applications. There are no amendments proposed to other adopted plans, nor are

there any geographically specific amendments that would change the functional classification of an existing or planned transportation facility, or change the standards implementing a functional classification system. As a citywide legislative action focused on procedural requirements, this ordinance does not include any provisions that would affect the functional classification or performance of any transportation facility at the end of the planning period (2015).

For the reasons described above, the proposed ordinance is consistent with Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment will not result in any action affecting compliance with this goal. Therefore, this amendment is consistent with Goal 13.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The proposed code provisions ensure that future annexations will be undertaken to provide for an orderly and efficient transition of urbanizable land to urban land. The City's acknowledged comprehensive plan contains substantive policies that, under the code amendments, will continue to guide the city's future determinations as to whether to annex specific territory. As such, the proposed code amendments are consistent with Goal 14.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. The proposed ordinance involves a legislative action which establishes procedures for review of specific applications. As such, the proposed code amendment has no material impact related to this goal. Therefore, this amendment is consistent with Goal 15.

Goals 16 - 19. *Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.*

These Statewide Planning Goals do not apply to the actions taken.

(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposed ordinance shifts the procedural requirements of annexation applications from the

Boundary Commission to the local jurisdictions of Lane County, as required in Senate Bill 417. This ordinance will maintain and enhance the City's ability to implement Metro Plan policies such as the following:

The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB. (Metro Plan policy 1, page II-C-3)

Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:

- a. *A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.*
- b. *There will be 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. (Metro Plan policy 8, page II-C-4)*

Annexation to a city through normal processes shall continue to be the highest priority. (Metro Plan policy 10, page II-C-4)

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. (Metro Plan policy 16, page II-C-5).

The proposed ordinance requires that all annexations be consistent with the Metro Plan and other adopted refinement plans. This criterion of approval will ensure that each application for annexation individually demonstrate compliance with these adopted plans. Based on this requirement and the fact that no amendments are proposed to any adopted plans, the proposed code amendment will be consistent with this criterion.¹

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

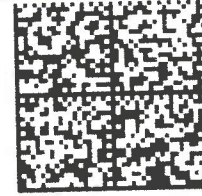
The proposed amendments do not establish a special area zone. Therefore, this criterion does not apply to this code amendment.

¹ With the abolition of the Lane County Boundary Commission, annexations in Lane County will be subject to different statutory criteria and procedures than those applied by the Boundary Commission. The co-adopters of the Metro Plan will, through a future action, consider changes to the Metro Plan to address the differences.



Planning & Development
Planning
City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401

**FIRST
CLASS**



049J82040141

\$01.310

12/14/2007

Mailed From 97401
US POSTAGE

ATTENTION: PLAN AMENDMENTS SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM OR 97301-2540