



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

12/18/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Creswell Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 31, 2008

This amendment was submitted to DLCD for review prior to adoption. 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).

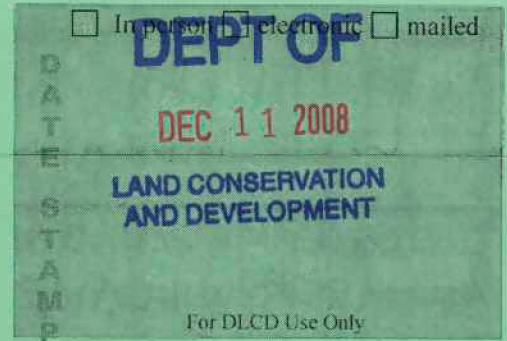
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Megan Banks/Denise Walter, City of Creswell
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/ph

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: CITY OF CRESWELL Local file number: ANNEX 2008.01

Date of Adoption: 12.8.08 Date Mailed: 12.10.08

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment - NA
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

ANNEXATION INTO THE CITY OF CRESWELL

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: NA to: _____
 Zone Map Changed from: GENERAL RURAL to: LOW DENSITY RES
 Location: EAST CRESWELL Acres Involved: 14.2
 Specify Density: Previous: NA New: NA

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-08 (17065) [15297]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

SOUTH LANE RFPD, CRESWELL SCHOOL DISTRICT,
LANE LIBRARY DISTRICT

Local Contact: MEGAN BANKS

Phone: (541) 682-7413 Extension:

Address: 859 WILLAMETTE ST, STE

Fax Number: 541-682-4099

City: EUGENE

Zip: 97401

E-mail Address: mbanks@lcoag.org

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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

CRESWELL CITY COUNCIL

AGENDA ITEM SUMMARY

Agenda Item Number and Title: **Item 1A (MOTION) – Annexation of Territory to the City of Creswell (Valley Development LLC/Chapman Annexation (C CR 2008 – ANNEX-2008-01))**

Date: December 8, 2008

Staff Contact: Megan Banks, Denise Walters, Mark Shrives

AGENDA ITEM SUMMARY

This agenda item provides information about the Valley Development LLC/Chapman proposed annexation. The ordinance proposes modifying and approving annexation of certain territory to the City of Creswell.

BACKGROUND

In January 2008, the City of Creswell began processing boundary changes within the Creswell urban growth boundary subject to the provisions of ORS Chapter 222. New Creswell Comprehensive Land Use Plan policies and Creswell Development Code amendments addressing annexations were adopted in December 2007. This is the first annexation request subject to those requirements and policies to come before the City Council.

ISSUE STATEMENT

The property owner has requested annexation of two tax lots (19-03-13, Tax Lots 600 and 1302). The estimated total acreage of the annexation area, as submitted, is 4.22 acres—approximately 1.90 acres in Tax Lot 1302 and approximately 2.32 acres in Tax Lot 600. The annexation area is developed with one single-family residence on Tax Lot 600 (addressed as 34121 East Cloverdale Road). The owners are not proposing to develop at this time if the annexation is approved.

Staff is recommending the addition of a portion of Tax Lot 1800, Assessor's Map 19-03-13-24, adjacent to and north of Tax Lot 600. Without annexation, the property would continue to be split by the city limits (0.06 acres outside the city and 0.19 acres inside the city) and the owners would continue to receive two tax statements for the single ownership. The City is proposing to include these 0.06 acres in this annexation application in order to avoid an "islanded" area totally surrounded by the city. No change to existing property is proposed; the purpose is to make jurisdictional boundaries clear for the owner and city. The property owners, Eli and Audrey Olsen, have granted the City permission to include 0.06 acres with the proposed annexation.

RESOURCE CONSIDERATIONS/FINANCIAL IMPACTS

The attached Annexation Agreement outlines the agreement between the City and the owner for the provision of urban services and financing responsibility for the annexation area. The subject annexation is located within the acknowledged urban growth boundary (UGB) of the Creswell Comprehensive Land Use Plan. The annexation area is contiguous to the Creswell city limits along its northern and southern boundaries.

Lane County Assessor's records attribute a combined assessment value of \$256,022 to the properties. As new development occurs, the assessed value will increase and additional revenue will be added to the City's tax base. Annexation of these properties to the City of Creswell means the owners pay taxes to the city in the amount of \$2.6705 per \$1,000 of assessed value.

OPTIONS

1. Postpone action on the annexation request until the final Annexation Agreement is signed by the applicant.
2. Approve the annexation request as submitted (without modifying to add 0.06 acres of Tax Lot 1800).
3. Approve the annexation request as modified (recommended by staff).
4. Request more information as needed.

STAFF RECOMMENDATION

Staff recommends Ordinance 458 be adopted as suggested below.

SUGGESTED MOTION

I MOVE TO ADOPT ORDINANCE 458, MODIFYING AND APPROVING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF CRESWELL AND DIRECT THE CITY ADMINISTRATOR TO SIGN THE ANNEXATION AGREEMENT.

ATTACHMENTS

1. Legal description and Assessor's map
2. Draft Annexation Agreement (final on 12-08-08)
3. Staff Report

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Last Saved: December 1, 2008

ORDINANCE NO 458

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN
TERRITORY TO THE CITY OF CRESWELL**

THE CITY OF CRESWELL ORDAINS AS FOLLOWS:

WHEREAS, a request to annex certain territory was submitted on July 13, 2008 (City File Number C CR 2008 – ANNEX 2008-01), said territory being described as follows:

Township 19 South, Range 03 West, Section 13, Tax Lots 600 and 1302, as submitted;
and,

WHEREAS, the Common Council of the City of Creswell was authorized by Creswell Development Code (CDC) Chapter 4.10 and ORS Chapter 222 to accept, process, and act on annexations to the City; and,

WHEREAS, consistent with CDC 4.10.130, CDC 4.10.140.B, and ORS 222.170(1), the written consents from the property owners constituted more than half the owners of land in the territory to be annexed, who also owned more than half of the land in the contiguous territory, and of the real property therein representing more than half of the assessed value of all real property in the contiguous territory (**Exhibit B**); and,

WHEREAS, this annexation was initiated in accordance with CDC 4.10.140.B and ORS 222.170(1) and based on this method of initiation, an election on the question of annexation was not required; and,

WHEREAS, the territory proposed to be annexed was within the *Creswell Comprehensive Land Use Plan* (more commonly known as the *Creswell Comp Plan*) urban growth boundary and was contiguous to the City limits (CDC 4.10.160.A); and,

WHEREAS, the request to annex territory was consistent with Policies (a) and (e) in the *Creswell Comp Plan* (CDC 4.10.140.B), recognizing that ultimately all territory will be annexed to the City of Creswell; and,

WHEREAS, the minimum level of key urban facilities and services can be provided in an orderly and efficient manner as required in *Creswell Comp Plan* Policy (m), and where there will be a logical area and time within which to deliver urban services and facilities (CDC 4.10.140.C); and,

WHEREAS, the proposed annexation area was modified to include 0.06 acres of Township 19 South, Range 03 West, Section 13, Map 24, Tax Lot 1800 to ensure the entirety of the property was within the city limits of the City of Creswell and Lane County; and

WHEREAS, a Staff Report (**Exhibit C**) was presented to the Common Council of the City of Creswell with the City Administrator's recommendation to modify and approve the modified annexation area; and,

WHEREAS, on December 8, 2008, the City Administrator was directed to sign the final Annexation Agreement (**Exhibit D**), as described in and on file in City File Number C CR 2008 – ANNEX-2008-01 (CDC 4.10.140.D), which memorializes the owner’s commitment, agreement, and obligation to meet the City’s requirements for the provision of the minimum level of key urban services and facilities; and,

WHEREAS, on December 8, 2008, the Common Council of the City of Creswell conducted a public hearing and was ready to take action on the application based on the recommendation and findings in support of approving the annexation request as set forth in the aforementioned Staff Report to the Council, incorporated herein by reference, and the evidence and testimony presented at the public hearing held in the matter of adopting this Ordinance.

NOW THEREFORE, THE COMMON COUNCIL OF CITY OF CRESWELL ORDAINS AS FOLLOWS:

SECTION 1. The Common Council of the City of Creswell does hereby modify and approve annexation of the territory to the City of Creswell, said territory being described as follows:

Township 19 South, Range 03 West, Section 13, Tax Lots 600 and 1302, and a portion of Township 19 South, Range 03 West, Section 13, Map 24, Tax Lot 1800, as generally depicted and more particularly described in **Exhibit A** of this Ordinance.

SECTION 2. The City Administrator shall send notice of this annexation in the form of a copy of this Ordinance and its exhibits, as required by CDC 4.10.180.

SECTION 3. This Ordinance shall become effective per the requirements of CDC Section 4.10.180, ORS 222.040, ORS 222.180 or ORS 222.465, as applicable.

ADOPTED by the Common Council of the City of Creswell this ____ day of December, 2008, by a vote of ____ for and ____ against.

APPROVED by the Common Council of the City of Creswell this ____ day of December, 2008.

ATTEST:

Mayor

City Recorder

EXHIBIT A

LEGAL DESCRIPTION FOR VALLEY DEVELOPMENT LLC/CHAPMAN ANNEXATION

A tract of land in the west one-half of Section 3, Township 19 South, Range 13 West, Willamette Meridian, Lane County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 7, PARSONS AND BUTLER'S RIVER ROAD TRACTS, as platted and recorded in Book 6, Page 4, Lane County Oregon Plat Records; Thence North 40.00 feet m/l to the north r/w of State Highway 222 (also known as Cloverdale Road 40 feet r/w North of centerline) to the True Point of Beginning; Thence North 110.00 feet along the West line of said Lot 7; Thence East 177.00 feet parallel with the North line of said Lot 7; Thence North 467.20 feet parallel with the West line of said Lot 7; Thence West 177.00 feet along the North line of said Lot 7; Thence South 8 feet m/l to the south line of Lot 33 of FIRST ADDITION TO THE VILLAGE AT EMERALD VALLEY RESORT subdivision (as platted and recorded in Book 6, Page 4), said point being the initial point of said subdivision Thence along said South line North 89°47'00" West, 135.87 feet to a point; Thence along the South line of said subdivision North 89°30'00" West, 99.88 feet to a point; Thence leaving said South line South 268.77 feet to a point; Thence South 89°30'00" East, 105.00 feet to a point; Thence South 308.94 feet to a point on said North right-of-way line of said state Highway 222 (also known as Cloverdale Road); Thence along said North right-of-way line South 89°29'05" East 130.75 feet to the True Point of Beginning, all in Lane County, Oregon.

EXHIBIT A (continued)

Township 19 South, Range 03 West,
Section 13, Tax Lots 600 and 1302 and a
portion of Township 19 South, Range 03
West, Section 13, Map 24, Tax Lot 1800

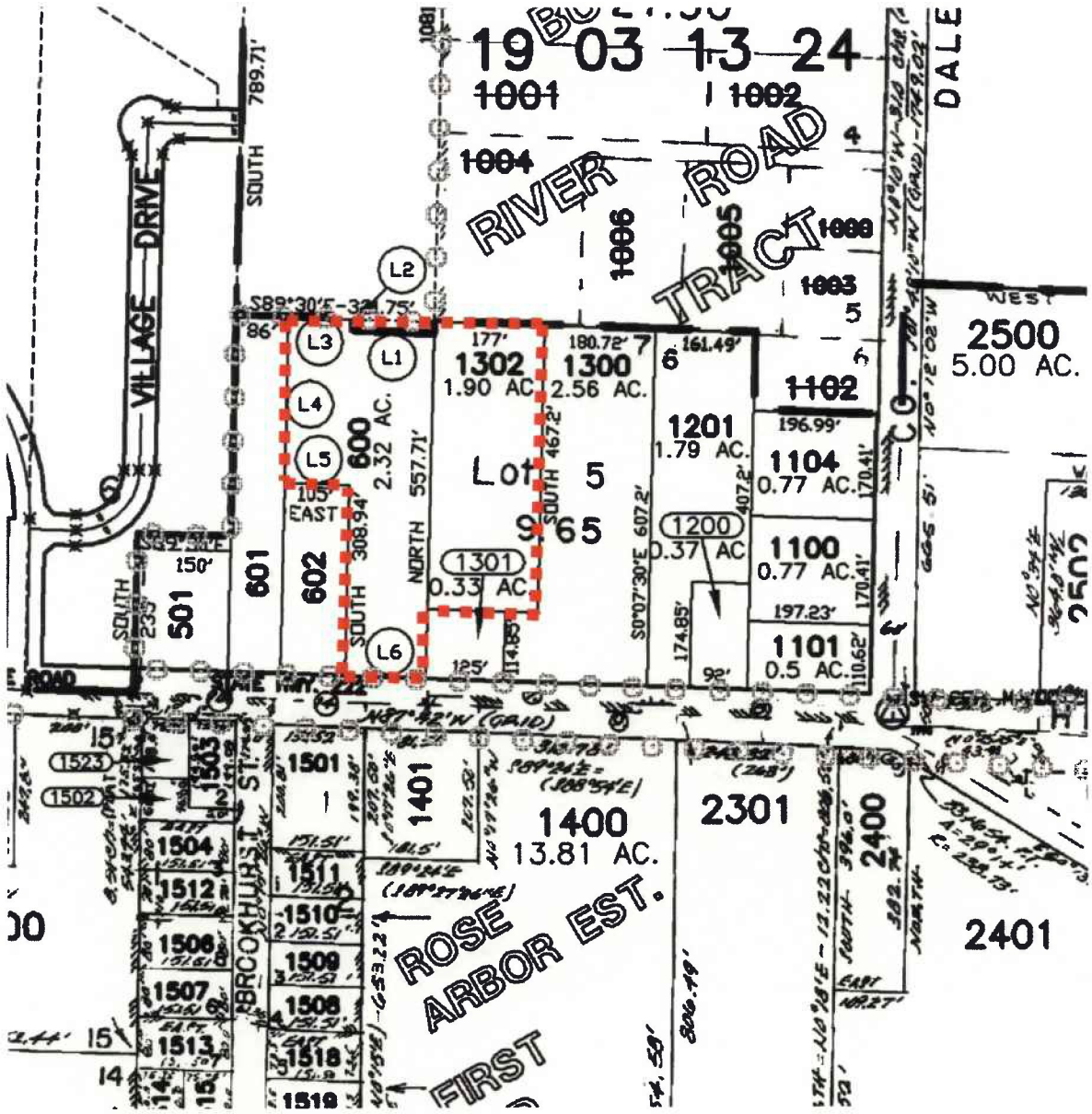


EXHIBIT B
PROPERTY OWNER CONSENTS

FORM 3

PETITION/PETITION SIGNATURE SHEET
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of Creswell:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
1. <i>Matt Chapman</i>	5/1/08	MATT CHAPMAN	34121 ^{E.} Cloverdale Rd	19-03-13- 6002	✓	NO	2.32
2. <i>Anthony U Chapman</i> <i>Fong Chapman</i>	5-5-08	VALLEY Development ANTHONY CHAPMAN	NA	19-03-13-1302	✓	NO	1.9
3.							
4.							
5.							

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

I, *Anthony CHAPMAN* (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X *Matt Chapman* (signature of circulator)

CERTIFICATION OF OWNERSHIP

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

Alan H. Marks
 Lane County Department of Assessment and Taxation
5-7-08
 Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation. 200%

Smith & Newingham
 Lane County Clerk or Deputy Signature
5-14-2008
 Date Certified

EXHIBIT C

STAFF REPORT AND FINDINGS OF FACT/RECOMMENDATION

**CRESWELL CITY COUNCIL
STAFF REPORT AND FINDINGS OF FACT/RECOMMENDATION
VALLEY DEVELOPMENT LLC/CHAPMAN ANNEXATION
(C CR 2008 – ANNEX-2008-01)**

Application Received: July 13, 2008 (supplemental information received October 27, 2008)

File Name: Valley Development LLC/Chapman
Case Number: C CR 2008 – ANNEX-2008-01

Referrals Provided to: Ron Staehlin, City Engineer
Kristina Deschaine, Fire Marshal
Roy Sprout, Public Works Director
Lane County Land Management Division
Lane County Elections
Lane County Board of Commissioners

Report Date: December 1, 2008

BASIC DATA

Applicant(s): Tony Chapman on behalf of Valley Development LLC
and Matthew Chapman

Owner(s): Valley Development LLC (Assessor's Map 19-03-13, Tax
Lot 1302); Matt Chapman (Assessor's Map 19-03-13,
Tax Lot 600)

Assessor's Map, Tax Lots: 19-03-13, Tax Lots 600 and 1302

Proposal Location: Two tax lots adjacent to each other north of and adjacent
to East Cloverdale Road; tax lot 600 is municipally
addressed as 34121 East Cloverdale Road

Existing Zoning (Lane County): General Rural District

City Zoning after Annexation: Low Density Residential

Comprehensive Plan Designation: Residential

Associated Applications: Not applicable

VICINITY MAP



REQUEST AND BACKGROUND

Tony Chapman, on behalf of Valley Development LLC, and Matthew Chapman have submitted a request to annex two tax lots on the east side of Creswell per Creswell Development Code (CDC) Chapter 4.10 and Creswell Comprehensive Land Use Plan Section 12, Urbanization Policies.

The annexation area, as submitted, includes two tax lots. The owners are not proposing to develop at this time if the annexation is approved. The estimated total acreage of the annexation area, as submitted, is 4.22 acres—approximately 1.90 acres in Tax Lot 1302 and approximately 2.32 acres in Tax Lot 600. The annexation area is developed with one single-family residence on Tax Lot 600. Existing rights-of-way and services are provided by the following public entities: police (Oregon State Police, Lane County Sheriff), schools (Creswell School District 40), roads (Lane County, City of Creswell), fire (South Lane County Fire and Rescue) and library (Lane Library District). There is no established water district within the area. The residence at 34121 East Cloverdale is served by a private well system. After the annexation is effective, the property owner can request connection to the City of Creswell water system in conjunction with a development application.

The City received permission from Eli and Audrey Olsen, property owners of Tax Lot 1800, Assessor's Map 19-03-13-24, adjacent to and north of Tax Lot 600, to include 0.06 acres with the proposed annexation (letter dated 8-30-08). Without annexation, the property would continue to be split by the city limits (0.06 acres outside the city and 0.19 acres inside the city) and the owners would continue to receive tax statements for the single ownership. The City is proposing to include these 0.06 acres in this annexation application in order to avoid an "islanded" area totally surrounded by the city. It also avoids having the property subject to City and County regulations, depending on whether it is inside or outside the city limits. No change to existing property is proposed; the purpose is to make jurisdictional boundaries clear for the owner and city.

Staff Reponse: The City of Creswell received written consents from the property owners (Tony Chapman on behalf of Valley Development LLC and Matthew Chapman) initiating the annexation consistent with Creswell Development Code Chapter (CDC) 4.10.130. As initiated, the annexation area includes two tax lots).

Finding: The method of initiation meets the requirements of CDC 4.10.130 and ORS 222.170(1), which requires written consents from more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the contiguous territory and of the real property therein representing more than half of the assessed value of all real property in the contiguous territory.

Finding: This application was originally submitted in January 2007 with the expectation that it would be processed under the provisions of ORS Chapter 199, the Boundary Commission law. The application was not filed with the Boundary Commission prior to abolishment, and is now governed by ORS Chapter 222 and the implementing provisions in the Creswell Development Code.

Finding: The applicant submitted the necessary annexation application forms as required in CDC 4.10.140 and the application was determined to be complete for the purposes of CDC review on August 14, 2008.

Conclusion: The application requirements in CDC 4.10.130 have been met.

CDC 4.10.140 Application Requirements.

In addition to the provisions specified in other sections of this Code, an annexation application shall include the following:

- A. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:**
- 1. The affected tax lots, including the township, section and range numbers;**
 - 2. The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);**
 - 3. A list of all eligible electors registered at an address within the affected territory; and**
 - 4. Signed petitions, as may be required.**

Finding: The applicant has provided a list of all owners (Tony Chapman on behalf of Valley Development LLC and Matthew Chapman) and electors (2 total). The electors are not required to sign petitions. Tax Lot 600, Assessor's Map 19-03-13, includes a residence addressed as 34121 East Cloverdale Road.

Conclusion: The proposal meets this criterion.

- B. Written consents on City approved petition forms that are:**
- 1. Completed and signed, in accordance with ORS 222.125, by;**
 - a. All of the owners within the affected territory; and**
 - b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or**
 - 2. Completed and signed, in accordance with ORS 222.170, by:**
 - a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory [ORS 222.170(1)]; or**

- b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land. [ORS 222.170(2)]
- c. Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.
- C. A City Council resolution to initiate a boundary change, including but not limited to rights-of-way.
- D. In lieu of a petition form described in Subsection 2 above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.
- E. Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.
- F. A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department including the name and address of each elector.
- G. An ORS 197.352 waiver form signed by each owner within the affected territory.
- H. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.
- I. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.
- J. A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.
- K. A list of the special districts providing services to the affected territory.
- L. A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.
- M. A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.
- N. A written narrative addressing the proposal's consistency with the approval criteria specified in Section 4.10.160.

Finding: The applicant's submittal substantially meets the requirements of CDC 4.10.140 and was determined to be complete for the purposes of CDC review on August 14, 2008. Supplemental information was requested August 25, 2008 and provided by the applicants on October 27, 2008.

Conclusion: The application requirements in CDC 4.10.1430 have been met.

CDC 4.10.150 Notice.

In addition to the requirements of Section 4.1.500.D.2, Legislative notification requirements, the following are also required for annexations:

- A. **Mailed Notice.** Notice of the annexation application shall be mailed to:
 1. The applicant, property owner and active electors in the affected territory;
 2. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;
 3. Affected special districts and all other public utility providers; and
 4. Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners.
- B. **Posted Notice.** Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the City for two successive weeks prior to the hearing date.

Finding: the City provided notice as detailed below:

- Mailed Notice. Notice of the annexation application was mailed on or before November 14, 2008, to the affected property owner(s); owners and occupants of properties located within 300 feet of the perimeter of the affected territory; affected special districts and all other public utility providers; and the Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners, which meets CDC notice requirements for annexations and zone changes, as well as state statutory requirements.
- Notice was provided to special districts and public utility providers including Emerald People's Utility District, South Lane County Fire and Rescue, Lane Library District, and Creswell School District.
- Notice was provided to Ron Staehlin, City Engineer; Kristina Deschaine, Fire Marshal; Roy Sprout, City Public Works Director; Stephanie Schulz, Lane County Land Management Division; Annette Newingham, Lane County Elections; and the Lane County Board of Commissioners.
- Newspaper Notice. Notice of the December 8, 2008, public hearing was published in *The Creswell Chronicle* on November 20 and 26, 2008.
- Posted Notice. Notice of the December 8, 2008, public hearing was posted in four public places in the City [Creswell City Hall, Creswell post office, City of Creswell website and in the annexation area] on November 24, 2008, for two successive weeks prior to the hearing date.

Finding: Upon annexation to the City, the annexation area will convert from General Rural county zoning to Low Density Residential city zoning. Due to this change, the Oregon Department of Land Conservation and Development (DLCD) was notified in writing of the annexation proceedings on August 7, 2008, which is more than 45 days prior to the public hearing in compliance with CDC Section 4.1.500.D.2(d). DLCD was subsequently notified on November 17, 2008, with an updated public hearing date.

Conclusion: Notice of the public hearing was provided consistent with CDC 4.10.150.

CDC 4.10.160 Criteria.

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

- A. The affected territory proposed to be annexed is within the City's urban growth boundary, and is: 1. Contiguous to the City limits; or 2. Separated from the City only by a public right-of-way or a stream, lake or other body of water.**

Finding: The subject annexation is located within the acknowledged urban growth boundary (UGB) of the Creswell Comprehensive Land Use Plan (Creswell Comp Plan). The UGB is located approximately 500 feet southeast of the annexation area. The annexation area is contiguous to the Creswell city limits along its northern and southern boundaries.

Conclusion: The proposal meets this criterion.

- B. The proposed annexation is consistent with applicable policies in the Creswell Comprehensive Plan and in any applicable refinement plans;**

Finding: The Creswell Comp Plan was acknowledged by the Land Conservation and Development Commission (LCDC) in 1982 and has been subsequently amended. The annexation area is located within the acknowledged UGB of the Creswell Comp Plan.

Territory within the UGB ultimately will be within the City of Creswell. Future development will need to meet refinements to the Creswell Comp Plan including but not limited to the Creswell Development Code, Parks and Open Space Master Plan, and Transportation System Plan.

Finding: The Creswell Comp Plan recognizes that, ultimately, all territory within the UGB will be annexed to the City of Creswell [Policies (a) and (e)].

Conclusion: The proposal meets this criterion.

C. The proposed annexation will result in a boundary in which key services can be provided.

Finding: The developable portion of the annexation area will take advantage of service delivery systems that are already in place to serve this area. An Annexation Agreement will be executed between the City and the property owner, which memorializes the obligations of the developer to extend utilities to serve the development area. In addition to utilities, the following facilities and services are either available or can be extended to this annexation area:

Water – The City of Creswell provides water service to developed properties in this area of east Creswell. There is an existing 8-inch water line located in Sunday Drive. Upon annexation, water service can be provided by this water line to the existing house and annexation area. The residence at 34121 East Cloverdale is currently served by a private well system.

Electricity – Emerald People's Utility District (EPUD) provides service to properties in this area of Creswell. EPUD will continue to provide electric service to properties annexed to the City.

Police Services – Police protection is currently provided by the Oregon State Police and Lane County Sheriff. Following annexation, police services will continue to be provided by Lane County Sheriff under contract to the City of Creswell to the annexation area without jeopardizing service in other parts of the city.

Fire and Emergency Services – Fire protection services are currently provided to the area by South Lane County Fire and Rescue. Because the City is a part of the fire district, the properties proposed for annexation will remain in the fire district after they become a part of the City of Creswell. The annexation area is approximately three miles from the fire station located in downtown Creswell.

Parks and Recreation – The City of Creswell provides park and recreation services. Indoor recreation facilities, including the Community Center in downtown Creswell and future Recreation/Civic Center on Cobalt Lane, will be available to residents as new development occurs. The City offers various after-school and other programs for children at schools and parks throughout the community. Several categories of parks are available, including mini-parks, neighborhood parks and community parks. Garden Lake Park, a 33-acre community park located on Melton Road, is approximately two miles from the annexation area. A neighborhood park developed as part of the Emerald Valley Planned Unit Development is located along Emerald Parkway approximately one and one-half miles from the annexation

area. A neighborhood park will be developed as part of The Reserve at Emerald Valley subdivision, approximately one-half mile east of the annexation area.

Schools – Creswell School District 40 serves this area. Existing schools—Creslane elementary, Creswell middle, and Creswell high—serve this area and can accommodate students resulting from new development occurring within the annexation area.

Sanitary Sewer – Sewer service will be provided to the annexation area from the Emerald Valley Sewer Treatment Plant. The applicant has provided evidence that the wastewater system owned by McDougal Brothers, Inc. can provide one sewer hookup to Tax Lots 600 and 1302 (letter dated 12-12-07; signed by Larry O. Gildea, applicant's representative). Sewer service to serve future development may be provided through the existing subdivision to the north of the annexation area. Existing wastewater in Sunday Drive is current 8-inch in diameter and may accommodate the new development.

Stormwater – An existing 15-inch stormwater system on Sunday Drive runs west to Melton Road about 200 feet from the south end of Sunday Drive. This system may be extended to the subject properties or a new system will be put in place.

Streets – Transportation access to the subject properties can be provided from East Cloverdale Road and Sunday Drive. Any existing or proposed streets, public or private, that are improved or created will be addressed in the land development process.

Solid Waste Management – P & J Disposal, a private firm holding an exclusive franchise agreement with the City of Creswell, and individuals collect and transport solid waste to the Lane County administered landfill.

Communication Facilities – Various providers offer both wired and wireless communication services in the Creswell area. Existing providers and those entering the market have the capability to provide service to future development in this area.

Land Use Controls – The annexation area is within the UGB and is contiguous to the Creswell city limits. After the annexation effective date, the City will administer all land use controls. This complies with Policy (m) of the Creswell Comp Plan, which transfers land use action and decision responsibility to the City of Creswell upon annexation unless otherwise specified in the Annexation Agreement or Urban Growth Management Agreement between Lane County and Creswell.

Finding: The minimum level of key facilities and services are either immediately available or can be provided within a reasonable future time frame as needed.

Conclusion: The proposal meets this criterion.

D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

Finding: An Annexation Agreement outlining the agreement between the City and the owner for the provision of urban services and financing responsibility is in the process of being executed for the annexation area. An Annexation Agreement is also required per Policy (i) of the Creswell Comp Plan.

Conclusion: The proposal meets this criterion.

4.10.170 Application of Zoning Districts

- A. Currently, all urbanizable land within the City's Urban Growth Boundary is designated in compliance with the Creswell Comprehensive Plan. Upon approval of the annexation by the City Council, the underlying Comprehensive Plan designation and current zoning consistent with the Comprehensive Plan designation shall apply.**
- B. An applicant may submit for a zoning map and Comprehensive Plan map amendment. The City Administrator will not deem an application complete for a zoning map amendment until the annexation has been approved by the City Council and becomes effective, as that term is described in Chapter 1.3, Definitions, and Section 4.10.180 that follows.**

The annexation area is designated Residential in the Creswell Comp Plan and is currently county zoned GR10 (General Rural). No change in zoning has been proposed by the applicant.

Finding: Upon the effective date of the annexation, the County zoning is automatically removed and the subject property is zoned city residential consistent with the Creswell Comp Plan designation. This complies with Policy (I) of the Creswell Comp Plan.

Conclusion: The proposal meets this criterion.

4.10.180 Effective Date and Filing of Approved Annexation

- A. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465. See also Section 4.10.500.K, Final Decision and Effective Date.**
- B. Filing of Approved Annexation.**
 - 1. Not later than 10 working days after the passage of an Ordinance approving an annexation, the City Administrator shall:**
 - a. 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; and**
 - b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:**
 - (1) A copy of the Ordinance approving the annexation;**
 - (2) A legal description and map of the annexed territory;**
 - (3) The findings; and**
 - (4) Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.**
 - c. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.**
 - 2. If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City Administrator 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.**

If the modified annexation is approved by the City Council on December 8, 2008, the Ordinance will become effective a minimum of 30 days after the date of the reading as required by the CDC and Oregon law. The Ordinance must be filed with the Secretary of State, Department of Revenue, Lane County Clerk, Lane Count Assessor, affected districts, and Owner/electors in the affected territory per CDC 4.10.180.

If the modified annexation is approved by the City Council on December 8, 2008, Notice of the Decision must be sent to DLCDC and those parties who participated in proceedings or requested notice five (5) working days after the public hearing per CDC 4.1.500.J.

If the modified annexation is approved by the City Council on December 8, 2008, Notice of the Decision must be sent to public utilities, electric cooperatives, telecommunications carriers, etc., 10 working days after the public hearing per CDC 4.10.180.B.1.a.

Conclusion: The proposal meets this criterion.

4.10.190 Withdrawals Authorized by ORS 222.510 – 222.580

- A. Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The City Administrator shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.**
- B. Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in this Section and Section 4.1.500, Type IV Procedure (Legislative).**
- C. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.**
- D. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.**
- E. Notice of Withdrawal. Notice will be provided in the same manner as specified in this Section and Section 4.1.500, Type IV Procedure (Legislative).**

Finding: No withdrawals are necessary from existing special districts, therefore, this requirement is not applicable.

4.10.200 Appeals.

Appeals of any City Council decision made under Chapter 4.10 shall be to the Land Use Board of Appeals, as specified in Section 4.1.600.H, Appeal Process.

Finding: The applicant or person with standing may appeal the City Council decision to the Land Use Board of Appeals.

RECOMMENDATION

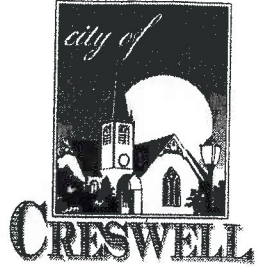
Modify the annexation area to include 0.06 acres of Tax Lot 1800, Assessor's Map 19-03-13-24 north of and adjacent to the proposed annexation area; approve the modified annexation of territory to City of Creswell.

Attachments

1. Application

L:\COG: L:\BC\2008 BOUNCHANGE TRANSITION\CRESWELL\2008 APPLICATIONS\CCR 2008-ANNEX-2008-01 VALLEY DEV'T-CHAPMAN ANNEXATION\VALLEY DEV'T-CHAPMAN SN.DOC Last Saved: December 1, 2008

FORM 2



DEVELOPMENT APPLICATION- TYPE IV

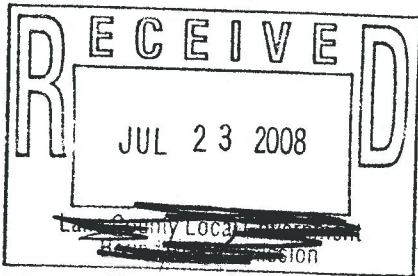
The following information must be fully completed in order to process your application. Some types of applications also require supplemental information, as noted below. Thank you for your cooperation.

Applicant's Name (print) Valley Development, LLC Phone No. 541-895-4987
 (Daytime)
 Applicant's Address (in full) 1934 Pine Ridge Ct, Jonesville, OR 97135 Fax: 541-736-0311
 Property Owner's Name (print) SAME Phone No. _____
 Owner's Address (in full) See Attached (write "SAME" if Applicant owns the property) (Daytime)
 Site Address SAME
 (write "SAME" if Owner's address)

Check one box: Supplemental Form Required?

TYPE IV: LEGISLATIVE
(Public Hearing; req'd 60 days prior)

- Annexation yes
- Comprehensive Plan Amendment and/or Designation Changes yes
- Development of Code Amendment (Multiple properties zoning change) yes
- Vacation yes
- Zone of Benefit (reimbursement district) yes



and buildings
is, or

Legal Location/Assessor's Map Number:
 Township: 19 Range: 13 West
 Section: 3 Quarter Section: _____
 Lot Number(s): 600, 1302

Total Area: 4.18 acres (indicate whether square feet or acres)

Current Zoning: Rural Residential

Present Property Usage: 600 Res. 1302 - Vacant
Proposed Property Usage: Residential

List Affected Roads and Jurisdiction (local, county, state, etc.)
Cloverdale ~~Dave~~ Road and Sunday Drive

I am the (check one):
 Owner (as filed with the Lane County Assessor)
 Owners' Authorized Representative*
 *requires authorization letter signed by Owner as an attachment to this document

I understand that any false statements on this application or on any supplemental attachments may cause subsequent approval to be null and void.

Applicant's Signature: Anthony V. Chapman
Matt Chapman

Date: 5-5-08
5/1/08

INFORMATION FORM

Valley Development, LLC
(Petitioner's Name)

1934 Pineridge Court
(Address)

Janesville, WI
(City)

53545
(Zip)

(541) 895-4987
(Phone)

The attached petition is for annexation into the City of Creswell, Oregon.

FORM 3

PETITION/PETITION SIGNATURE SHEET
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of Creswell:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
1. <i>Matt Chapman</i>	5/1/08	MATT CHAPMAN	E. 34121 Cloverdale Rd	19-03-13- 600	✓	NO	2.32
2. <i>Anthony Chapman</i>	5-5-08	VALLEY Development ANTHONY CHAPMAN	NA	19-03-13-1302	✓	NO	1.9
3.							
4.							
5.							

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

I *Anthony Chapman* (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X *Matt Chapman* (signature of circulator)

CERTIFICATION OF OWNERSHIP

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

Alan Adams
 Lane County Department of Assessment and Taxation
5-7-08
 Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 2 (two). Thereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation. 200%

Smith & Newberry
 Lane County Clerk or Deputy Signature
5-14-2008
 Date Certified

Registered voters a/o 5-14-2008

516370
300114255

RODRIGUEZ, CASSANDRA N... 34121 E CLOVERDALE RD, CRESWELL OR 97426
RODRIGUEZ, JOSHUA WATS... 34121 E CLOVERDALE RD, CRESWELL OR 97426

W. Cronham

Exhibit "B"

VICINITY MAP

ANNEXATION TO THE CITY OF CRESWELL

TAXLOT 19-03-13: 600, 1302

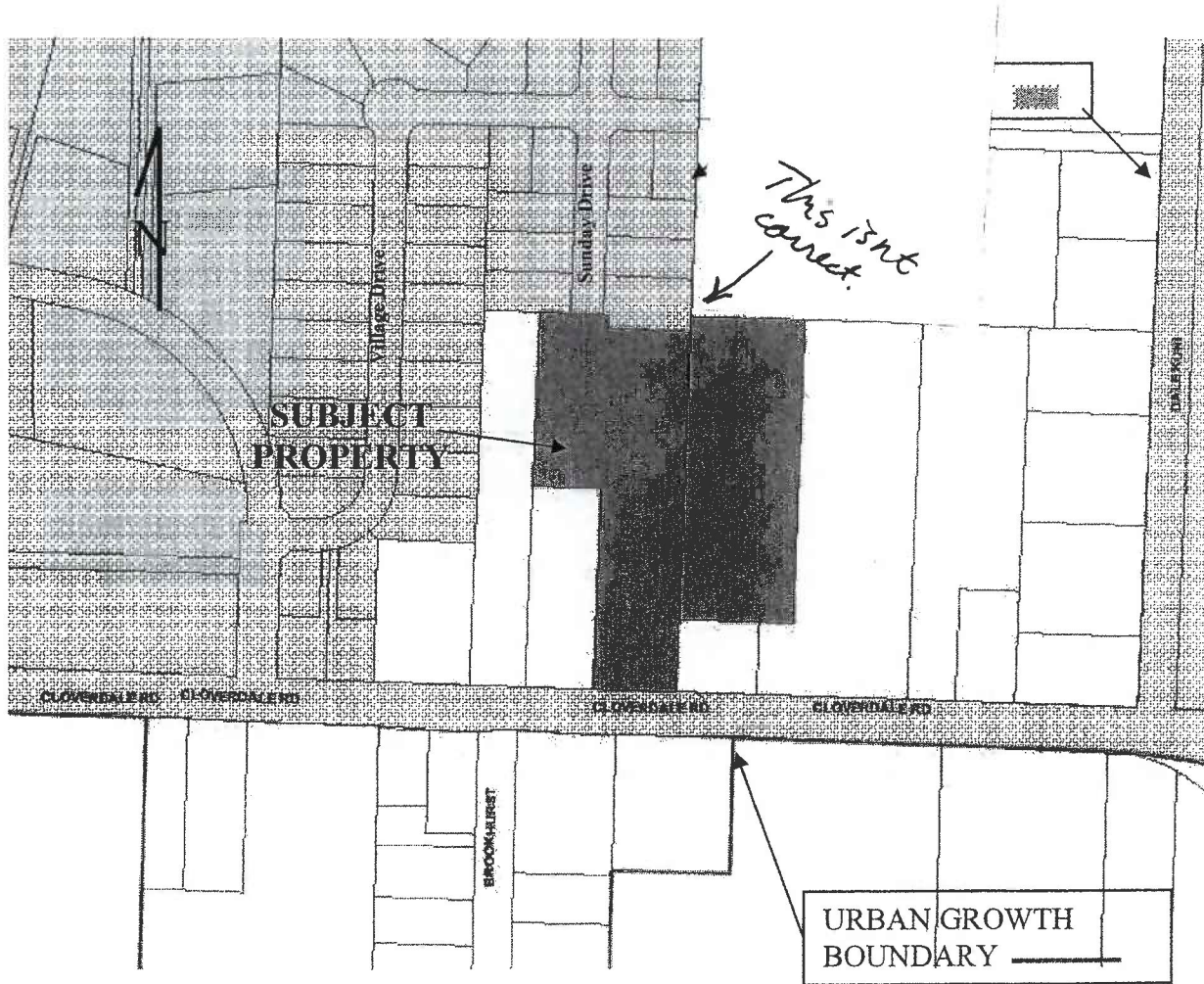


EXHIBIT THREE

ALL OWNERS OF PROPERTY WITHIN 100 FEET OF SUBJECT PROPERTY

(This form is NOT the petition)

Name of Owner/Elector	Address	City	Property Designation (TAX LOT, SECTION & RANGE)
MANKER RONDA LEANN	34070 CLOVERDALE RD	CRESWELL, OR 97426	1903130001523
ROBINETT RONALD F & LINDA J	34073 CLOVERDALE RD	CRESWELL, OR 97426	1903130000501
ARCEO PEDRO MANUEL	34093 E CLOVERDALE RD	CRESWELL, OR 97426	1903130000601
ADAMS LYLE & LORENE	34096 E CLOVERDALE RD	CRESWELL, OR 97426	1903130001501
ARCEO PEDRO M & MARIA G	34093 E CLOVERDALE RD	CRESWELL, OR 97426	1903130000602
COX ROYCE A & BRENDA M	34118 E CLOVERDALE RD	CRESWELL, OR 97426	1903130001401
CHAPMAN MATTHEW J	34121 E CLOVERDALE RD	CRESWELL, OR 97426	1903130000600
RODRIGUEZ JOSHUA W	34121 E CLOVERDALE RD	CRESWELL, OR 97426	1903130001301
HELTMAN CHARLOTTE	42 VILLAGE DR	CRESWELL, OR 97426	1903132303600
HOGG WILLIAM S	42 VILLAGE DR	CRESWELL, OR 97426	1903132303600
HOGG WILLIAM S	1765 S 4TH ST	COTTAGE GROVE, OR 97424	1903132303700
MCOMBER MICA S & NICOLE C	54 VILLAGE DR	CRESWELL, OR 97426	1903132303800
BARNES LORI I	PO BOX 487	CRESWELL, OR 97426	1903132303900
HOLT CHRISTOPHER L & JANNA F	66 VILLAGE DR	CRESWELL, OR 97426	1903132304000
FRANCISCO J GREGOSO & PABLA	71 SUNDAY DR	CRESWELL, OR 97426	1903132401700
FICEK JESS A & SUZANNE R	72 VILLAGE DR	CRESWELL, OR 97426	1903132304100
OLSEN ELI R & AUDREY ANN	74 SUNDAY DR	CRESWELL, OR 97426	1903132401800
GOULD CINDI D	78 VILLAGE DR	CRESWELL, OR 97426	1903132304200
FLAHERTY DAVID A & JOANNE R	82950 BROOKHURST ST	CRESWELL, OR 97426	1903130001503
SPENCER WILLIAM T & BARBARA A	83 SUNDAY DR	CRESWELL, OR 97426	1903132401600
KREHBIEL SERENA G	83064 DALE KUNI RD	CRESWELL, OR 97426	1903132401104
WEST HOWARD E II & LINDA L	84 VILLAGE DR	CRESWELL, OR 97426	1903132304300
HAGER SHARLA J	86 SUNDAY DR	CRESWELL, OR 97426	1903132401900
OLSEN ELI R & AUDREY ANN	74 SUNDAY DR	CRESWELL, OR 97426	1903132401800
VALLEY DEVELOPMENT LLC	PO BOX 1030	CRESWELL, OR 97426	1903130001302
PACKER ANGELA DEE	34073 E CLOVERDALE RD	CRESWELL, OR 97426	1903130000501
ROBINETT RONALD F & LINDA J	34073 CLOVERDALE RD	CRESWELL, OR 97426	1903130000501
ROBINETT RON	34073 E CLOVERDALE RD	CRESWELL, OR 97426	1903130000501

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: **34121 E CLOVERDALE RD**
 Map & Tax Lot #: **19-03-13-00-00600**
 A & T Account #: **0831410**

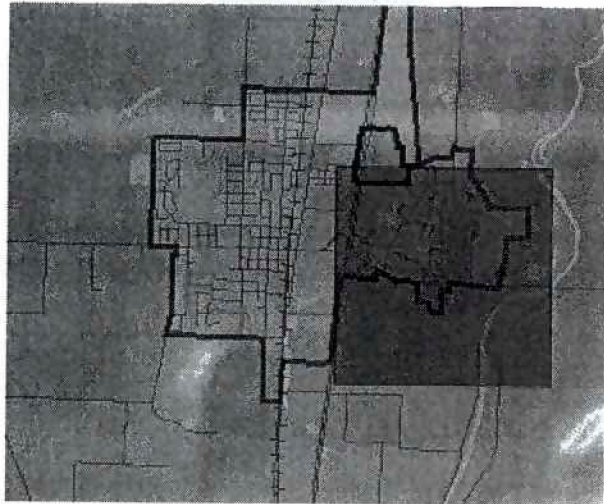
Special Interest Code:

[Convert to PDF Document](#)

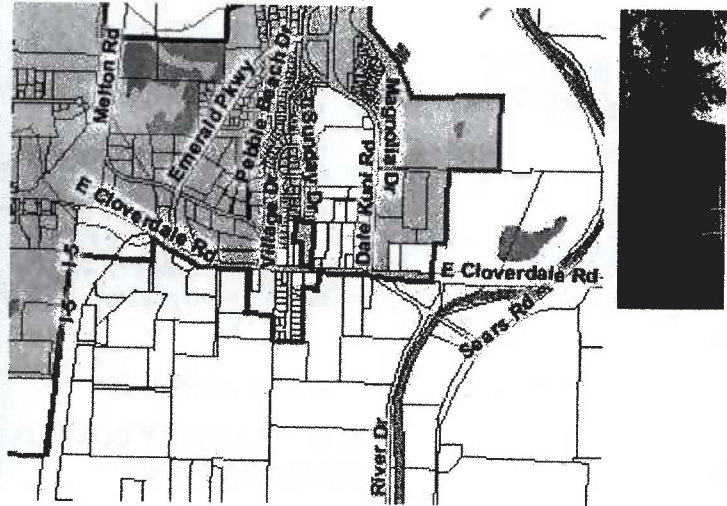
[Tax Map](#)

[View Tax Map](#)

Vicinity Map



Detail Map



Site Address State Plane Coordinates

X-Coord: **4262142**

Y-Coord: **829715**

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
34121	E		CLOVERDALE		RD		
Mailing City			State	Zip Code	Zip+4	Carrier Route	
CRESWELL			OR	97426	9418	R002	
Create Date: 1983-08-07				Update Date: 2001-12-20			

Land Use

Land use information has not been field verified.

Land Use Code and Description:	1111	Code:	S	Description:	SINGLE FAMILY HOUSING
Use Code and Description:					SINGLE FAMILY

Zoning

Please verify zoning information with local jurisdiction. Lane County overlay zones are not currently shown in RLID.

Zoning Jurisdiction:	LC	Code:	LC	Description:	LANE COUNTY
Parent Zone 1:			GR10		GENERAL RURAL DISTRICT

Boundary Information

Please verify boundary information with local jurisdiction.

General

Incorporated City Limits:		Urban Growth Boundary:	CRE	Fire Protection Providers:	CRESWELL
Urban Growth Boundary:					SOUTH LANE CNTY FIRE & RESCUE
Fire Protection Providers:			SOL		
Node:			N		
Plan Designation:			R		RESIDENTIAL
2000 Census Tract:			1101		
2000 Block Group:			3		
Year Annexed:					
Annexation #:					
Approximate Acreage:			2.27		

Approximate Square Footage: **98,881**

Environmental Findings

Please verify environmental information with local jurisdiction.

Metro Flood Hazards:

A3

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

West Eugene Wetlands:

FEMA Flood Hazard Zones

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number:
41039C1642F (TIF) |
41039C1642F (PDF)

Community Number:

Post - FIRM Date:

Panel Printed? (Y/N):

415591

1985-12-18

Y

Code:

Description:

AE

Areas of 100-year flood, base flood elevations determined.

X

Areas determined to be outside of 500-year flood.

X5

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

26

CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED

61

96

NEWBERG LOAM

39

Schools

District:

Code:

Name:

40

CRESWELL

Elementary School:

570

CRESLANE

Middle School:

571

CRESWELL

High School:

572

CRESWELL

Service Districts

LTD Service Area:

Y

LTD Ride Source:

Ambulance District:

SO Area: SOUTHERN

Provider: **COTTAGE GROVE FIRE & AMBULANCE DEPT**

Soil Water Conservation District:

EAST LANE

Soil Water Conservation District Zone: **0**

Political Districts

Election Precinct:

100008

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

4

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0831410 | Map & Tax Lot: 19-03-13-00-00600

Property Owner

Owner1 Name: **CHAPMAN MATTHEW J**

Owner Address: **34121 E CLOVERDALE RD**

City	State	Country	Zip Code
CRESWELL	OREGON	UNITED STATES	97426

Taxpayer

Taxpayer Name: **CHAPMAN MATTHEW J**
 Taxpayer Address: **34121 E CLOVERDALE RD**

City	State	Country	Zip Code
CRESWELL	OREGON	UNITED STATES	97426

Property Legal Description

Township: **19** Range: **03** Section: **13** Quarter: **00**
 Subdivision Type: Subdivision Name: Division/Phase:
 Lot/Tract/Unit Number: **TL 00600**
 Subdivision Number:
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	<u>Real Market</u>	<u>Real Market</u>	<u>Real Market</u>	<u>Assessed</u>
2007	146,093	358,560	504,653	229,111
2006	110,677	348,120	458,797	222,438
2005	103,167	196,960	300,127	215,959
2004	87,430	205,160	292,590	209,669
2003	73,471	211,500	284,971	203,562
2002	79,521	74,780	154,301	103,557
2001	63,950	65,180	129,130	100,541
2000	112,240	66,180	178,420	122,027
1999	118,150	50,910	169,060	118,473
1998	98,460	53,030	151,490	115,022
1997	94,670	50,990	145,660	111,672
1996	89,310	46,350	135,660	135,660
1995	81,940	42,140	124,080	124,080

229,111	0	0
<u>Taxable Value</u>	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2007	3,526.92
2006	3,100.53
2005	3,032.48
2004	3,051.90
2003	3,031.33
2002	1,504.80
2001	1,472.64
2000	1,503.67
1999	1,076.25
1998	1,038.67
1997	1,006.28
1996	1,056.55
1995	965.54

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property.

Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2007 Tax Year
- New Account Scheduled to be Active for the 2008 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator
- Related Accounts

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 401 TRACT, IMPROVED
 Statistical Class: 120 CLASS 2 SINGLE FAMILY HOME
 Neighborhood Code: 401500
 Property Use Type:
 Account Type: RP
 Category: LAND AND IMPROVEMENTS
 Mortgage Company Name: WORLD SAVINGS
 Total Acreage for this Account: 2.32
 Fire Acres:

Current Year Tax Code Area (Levy Code): 04002 Lane County Assessment and Taxation 2007-2008 Billing Rates

- ← CITY OF CRESWELL
- CRESWELL SCHOOL DISTRICT 40
- EMERALD PEOPLES UTILITY DISTRICT
- LANE COMMUNITY COLLEGE
- LANE COUNTY
- LANE EDUCATION SERVICE DISTRICT
- LANE LIBRARY DISTRICT
- SOUTH LANE COUNTY FIRE & RESCUE

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
08-15-2005	495,000	BOYLE WALT & CONNIE	CHAPMAN MATTHEW J	2005-63450	Y	N
03-14-2000	97,500	ROBINETT, RONALD F & LINDA J	BOYLE WALT & CONNIE	2000-15753	C	Y
08-01-1972		WHIPPS MARY ROBINETT EST OF	ROBINETT RONALD F & LINDA J	2000-10194	6	N

Manufactured Structures

Building 1 Characteristics

<u>Account:</u>	0831410	<u>Map & Tax Lot:</u>	19-03-13-00-00600		
<u>Inspection Date:</u>	01-17-2006	<u>Roofstyle:</u>	HIP	<u>Bedrooms:</u>	3
<u>Building Type:</u>	21 STAT 110 OR 120	<u>Roof Cover:</u>	COMP SHINGLE MEDIUM	<u>Full Baths:</u>	1
<u>Class:</u>	2+	<u>Heating:</u>		<u>Half Baths:</u>	
<u>Year Built:</u>	1872	<u>Exterior Wall:</u>	VINYL SIDING	<u>Fireplaces:</u>	NO
<u>Effect Year Built:</u>	1984	<u>Depreciation:</u>	13	<u>Percent Improv. Complete:</u>	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
<u>Basement:</u>				<u>Bsmt Gar sqft:</u>	
<u>First:</u>		2724	2724	<u>Att Gar sqft:</u>	
<u>Second:</u>		1344	1344	<u>Att Port sqft:</u>	
<u>Attic:</u>				<u>Det Gar sqft:</u>	1320
				<u>Driveway Sqft:</u>	2245
TOTAL		4068	4068	<u>Paved Patio Sqft:</u>	

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: **19-03-13-00-01302**

Special Interest Code:

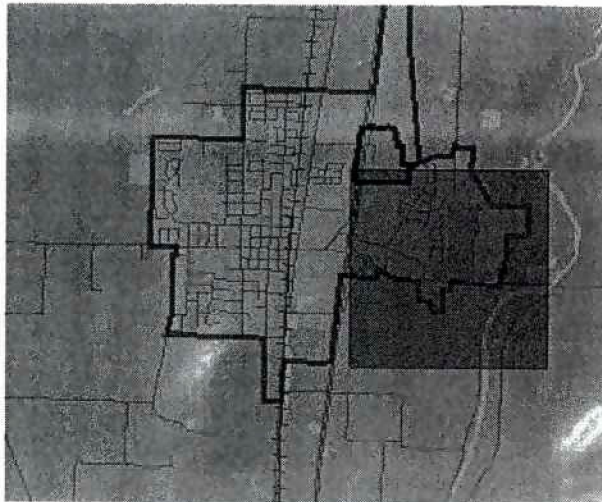
A & T Account #: **1124039**

[Convert to PDF Document](#)

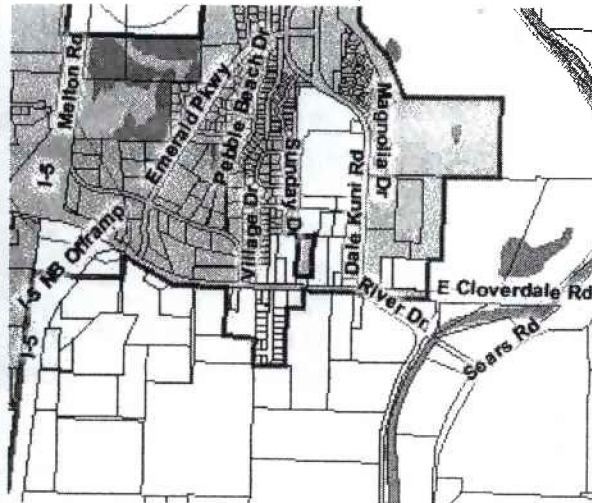
[Tax Map](#)

[View Tax Map](#)

Vicinity Map



Detail Map



Site Address State Plane Coordinates

X-Coord: **4262310**

Y-Coord: **829903**

Land Use

Land use information has not been field verified.

Code:

Description:

Land Use Code and Description: **9100**

VACANT, UNUSED, UNDEVELOPED LAND

Use Code and Description: **V**

VACANT

Zoning

Please verify zoning information with local jurisdiction. Lane County overlay zones are not currently shown in RLID.

Code:

Description:

Zoning Jurisdiction: **LC**

LANE COUNTY

Parent Zone 1: **GR10**

GENERAL RURAL DISTRICT

Boundary Information

Please verify boundary information with local jurisdiction.

General

Incorporated City Limits:

Urban Growth Boundary: **CRE**

CRESWELL

Fire Protection Providers: **SOL**

SOUTH LANE CNTY FIRE & RESCUE

Node: **N**

Plan Designation: **R**

RESIDENTIAL

2000 Census Tract: **1101**

2000 Block Group: **3**

Year Annexed:

Annexation #:

Approximate Acreage: **1.89**

Approximate Square Footage: **82,328**

Environmental Findings

Please verify environmental information with local jurisdiction.

Metro Flood Hazards: **A3**

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

West Eugene Wetlands:

FEMA Flood Hazard Zones

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not

reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number:
41039C1661F (TIF) |
41039C1661F (PDF)

Community Number: **415591** Post - FIRM Date: **1985-12-18** Panel Printed? (Y/N): **Y**

Code:
AE

Description:
Areas of 100-year flood, base flood elevations determined.

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
96	NEWBERG LOAM	77
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	23
22	CAMAS GRAVELLY SANDY LOAM, OCCASIONALLY FLOODED	0

Schools

District:	Code:	Name:
Elementary School:	40	CRESWELL
Middle School:	570	CRESLANE
High School:	571	CRESWELL
	572	CRESWELL

Service Districts

LTD Service Area: **Y**
LTD Ride Source:

Ambulance District: **SO** Area: **SOUTHERN** Provider: **COTTAGE GROVE FIRE & AMBULANCE DEPT**

Soil Water Conservation District: **EAST LANE**

Soil Water Conservation District Zone: **0**

Political Districts

Election Precinct: **100008**

County Commissioner District: **5** **EAST**

County Commissioner: **FAYE STEWART**

State Representative District: **11**

State Representative Name: **PHIL BARNHART**

City Council Ward:

City Councilor Name:

State Senate District: **6**

State Senator: **WILLIAM MORRISETTE**

LCC Board Zones: **4**

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 1124039 | Map & Tax Lot: 19-03-13-00-01302

Property Owner

Owner1 Name: **VALLEY DEVELOPMENT LLC**
Owner Address: **PO BOX 1030**

City	State	Country	Zip Code
CRESWELL	OREGON		97426

Taxpayer

Taxpayer Name: **VALLEY DEVELOPMENT LLC**
Taxpayer Address: **PO BOX 1030**

City	State	Country	Zip Code

CRESWELL OREGON

97426

Property Legal Description

Township: **19** Range: **03** Section: **13** Quarter: **00**
 Subdivision Type: Subdivision Name: Division/Phase:
 Lot/Tract/Unit Number: **TL 01302**
 Subdivision Number:
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	<u>Real Market</u>	<u>Real Market</u>	<u>Real Market</u>	<u>Assessed</u>
2007	108,761	0	108,761	26,911
2006	59,889	1,710	61,599	26,127
2005	49,701	1,490	51,191	25,366
2004	42,120	1,550	43,670	24,627
2003	35,395	1,440	36,835	23,910
2002	32,774	1,220	33,994	23,214
2001	32,450	1,270	33,720	22,538
2000	28,970	1,380	30,350	21,882
1999	30,490	1,060	31,550	21,245
1998	25,410	1,100	26,510	20,626
1997	24,430	1,100	25,530	20,025
1996	23,050	1,100	24,150	24,150
1995	21,150	1,100	22,250	22,250

26,911	0	0
<u>Taxable Value</u>	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2007	340.52
2006	293.23
2005	287.27
2004	291.52
2003	291.03
2002	273.09
2001	267.69
2000	267.85
1999	191.20
1998	186.25
1997	180.46
1996	188.08
1995	173.14

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2007 Tax Year
- New Account Scheduled to be Active for the 2008 Tax Year
- Locally Assessed

- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator
- Related Accounts

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: **100** **RESIDENTIAL, VACANT**
 Statistical Class:
 Neighborhood Code: **401500**
 Property Use Type:
 Account Type: **RP**
 Category: **LAND AND IMPROVEMENTS**
 Mortgage Company Name:
 Total Acreage for this Account: **1.90**
 Fire Acres:

Current Year Tax Code Area (Levy Code): 04011 Lane County Assessment and Taxation 2007-2008 Billing Rates

CRESWELL SCHOOL DISTRICT 40
EMERALD PEOPLES UTILITY DISTRICT
LANE COMMUNITY COLLEGE
LANE COUNTY
LANE EDUCATION SERVICE DISTRICT
LANE LIBRARY DISTRICT
SOUTH LANE COUNTY FIRE & RESCUE

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
01-28-2006	95,000	GREGORY DOROTHY MAE	VALLEY DEVELOPMENT LLC	2006-7392	1	N

Manufactured Structures

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

LETTER OF AUTHORIZATION

I, Anthony V. Chapman, representative of Valley Development, LLC, the undersigned, hereby authorize Geomax Inc. to act as our agent in regards to the Annexation of land to the City of Creswell, which I have requested them to perform. Geomax Inc. may sign all Land Use Applications for City or County agencies involved.

Anthony V. Chapman 5-5-08
Anthony V. Chapman 1-19-07
Anthony V. Chapman Date
Representative of Valley Development, LLC

**PROPERTY OWNERS
REQUEST FOR EXPEDITED PROCEDURE
FOR ANNEXATION
ORS 199.466**

*No longer
applicable*

We, the undersigned property owners, request this annexation be approved without the study, public hearing or adoption of a final order pursuant to ORS 199.461. This request is made pursuant to the provisions of ORS 199.466.

We understand that a study, public hearing and adoption of a final order may be required is requested by any person or governing body receiving a copy of the executive officer's analysis and recommendation as required by ORS 199.466.

This request is made in addition to and supplements all other requirements for filing for an annexation petition or tentative plan for an extraterritorial water or wastewater line extension.

Tax Lot #600, 1302, of Township 19 S, Range 03 W, Section 13, Map 19-03-13

Signatures of Property Owners

Address

Anthony V. Chapman

33455 Howe Ln. Creswell

Matthew J. Chapman

648 Elm Ct Springfield

Date: ~~1-19-07~~

5-5-08
AVC
MJC

OREGON SECRETARY OF STATE
► Corporation Division

[HOME](#)
 [business information center](#)
 [business name search](#)
 [oregon business guide](#)
 [referral list](#)
 [business registry/renewal](#)
 [forms/fees](#)
 [notary public](#)
 [uniform commercial code](#)
 [uniform commercial code search](#)
 [documents & data services](#)

Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

05-07-2008
13:16

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
651121-88	DLLC	ACT	OREGON	09-03-1998		
Entity Name VALLEY DEVELOPMENT, LLC						
Foreign Name						

[New Search](#) [Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	33391 HOWE LN				
Addr 2					
CSZ	CRESWELL	OR	97426	0000	Country UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	09-16-1999	Resign Date	
Name	TONY	CHAPMAN				
Addr 1	33391 HOWE LN					
Addr 2	PO BOX 1030					
CSZ	CRESWELL	OR	97426		Country UNITED STATES OF AMERICA	

Type	MEM	MEMBER		Resign Date	
Name	TONY	CHAPMAN			
Addr 1	33391 HOWE LN				
Addr 2	PO BOX 1030				
CSZ	CRESWELL	OR	97426		Country UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date

H
15
10
11

Exhibit One

After Recording Return To
First American Title
PO Box 10146
Eugene, OR 97440



After recording return to:
Matthew J. Chapman
34121 E Cloverdale Road
Creswell, OR 97426
TL 600


Until a change is requested all tax statements shall be sent to the following address:
Matthew J. Chapman
34121 E Cloverdale Road
Creswell, OR 97426

File No.: 7192-630724 (JLS)
Date: August 14, 2005

THIS SPACE RESERVED FOR RECORDER'S USE

Division of Chief Deputy Clerk
Lane County Deeds and Records

2005-063450



00726043200500634500030039

08/15/2005 03:57:35 PM

RPR-DEED Cnt=1 Stn=4 CASHIER 02

\$15.00 \$11.00 \$10.00

\$36.00

STATUTORY WARRANTY DEED

Walt Boyle and Connie Boyle, Grantor, conveys and warrants to **Matthew J. Chapman**, a married man, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. The **2005-2006** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$495,000.00**. (Here comply with requirements of ORS 93.030)

Dated this 15th day of August, 2005.

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON
800 WILLAMETTE ST., #500
EUGENE, OR 97401

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Dorothy Mae Gregory and

GRANTEE'S NAME
Valley Development, LLC

SEND TAX STATEMENTS TO:
Anthony V. Chapman
PO Box 1030
Creswell, OR 97426

AFTER RECORDING RETURN TO:
Anthony V. Chapman
PO Box 1030
Creswell, OR 97426

Division of Chief Deputy Clerk
Lane County Deeds and Records

2006-007392



\$31.00

RPR-DEED Cnt=1 Stn=6
\$10.00 \$11.00 \$10.00

02/01/2006 02:16:45 PM
CASHIER 07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dorothy Mae Gregory, Grantor, conveys and warrants to Valley Development, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

Easements, covenants, conditions and restrictions of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$95,000.00 (See ORS 93.030)

DATED: January 28, 2006



Dorothy Mae Gregory
Dorothy Mae Gregory By:
William E. Miller
As an attorney in fact

STATE OF OREGON
COUNTY OF Lane

This instrument was acknowledged before me on
January 30, 2006

Dorothy Mae Gregory by William E. Miller as her
By: / attorney in fact

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 6/28/2008

Act #1124039 #400651

1 of 1

DA 400651 2/2

Escrow No. 03-400651-DJA-46
Title Order No. 00400651

EXHIBIT ONE

Beginning at the Southwest corner of Lot 7, PARSONS AND BUTLER'S RIVER ROAD TRACTS, as platted and recorded in Book 6, Page 4, Lane County Oregon Plat Records; thence North 140.0 feet along the West line of said Lot 7 to the True Point of Beginning; thence North 467.2 feet along the West line of said Lot 7 to the Northwest corner of said Lot 7; thence East 177.00 feet along the North line of said Lot 7; thence South 467.2 feet parallel with the West line of Lot 7; thence West 177.0 feet parallel with the North line of Lot 7 to the True Point of Beginning, in Lane County, Oregon.

FORM 4
(continued)

SUMMARY

TOTAL NUMBER OF ELECTORS IN THE PROPOSAL	0
NUMBER OF ELECTORS WHO SIGNED	0
PERCENTAGE OF ELECTORS WHO SIGNED	0
TOTAL ACREAGE IN PROPOSAL	4.18
ACREAGE SIGNED FOR	4.18
PERCENTAGE OF ACREAGE SIGNED FOR	100%

Application Initiated by (for an explanation of the initiating methods, refer to Step 4 of the Instructions):

- A – All Owners/Majority Electors [ORS 222.125]
- B – Majority Owners/Area/Value [ORS 222.170(1)]
- C – Majority Electors/Area [ORS 222.170(2)]

LCOG: L:\ABC\CHANGE TRANSITION\APPLICATION FORMS\CRESWELL\FORM 4 WORKSHEET CRESWELL.DOC
Last Saved: February 6, 2008

LCLGBC FORM #4

INFORMATION FORM

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

99 East Broadway, Suite 400
Eugene, Oregon 97401-3111
(541) 682-4425

Valley Development, LLC
(Petitioner's Name)

1934 Pineridge Court
(Address)

Janesville, WI
(City)

53545
(Zip)

(541) 895-4987
(Phone)

The attached petition is for annexation into the City of Creswell, Oregon.

Please supply the following information regarding the subject area.

Estimated Population(at present) 4

Number of Existing Residential Units: 2 - *only 1 residence/address - pt*

Land Area: 4.18 acres per Lane County RLID

Existing Zoning: **Rural Residential**

Existing Uses: **Residential (R)**

Existing Plan Designation: **Residential (R)**

Applicable Comprehensive Plan: **City of Creswell, Oregon**

Is the area within a Domestic Water Supply District? **Yes. Creswell Municipal Water System**

Is the area within a Rural Fire Protection District? **Yes. South Lane Fire and Rescue.**

Annexation to Cities or Water Districts Only

- A. If the property is entirely or substantially undeveloped, what are the plans for future development? (Be specific—if site or development plans have been prepared, please submit a copy.)

There are currently no plans for future development. Any future plans will provide for needed housing for the City of Creswell and utilizing buildable lands within the Urban Growth Boundary, and will have to comply with the Creswell Development Code.

- B. Can the proposed development be achieved under current county zoning?
Not Applicable.

If no, has a zone change been sought either formally or informally for the property under consideration. **No zone change will be pursued prior to Annexation.**

Please describe the outcome of the zone change if answer to preceding question is "yes"
Not Applicable.

All Proposals

Does this proposal include all contiguous property under the same ownership? **Yes**

- B. Please provide the reasons why the proposed boundary change should be made. Please be very specific. Attach additional page if necessary. **The reason for the proposed annexation is to provide future residential properties within the City of Creswell to accommodate the anticipated population growth as forecast by the "2050" Project as performed by Lane Council of Governments over the last several years.**
- C. Names of persons to whom staff notes and notices should be sent.

Geomax, Inc

Valley Development, LLC

(Name)

(Name)

806 North 9th Street

1934 Pineridge Court

(Address)

(Address)

Cottage Grove, OR 97424

Janesville, WI 53545

(City) (Zip)

(City) (Zip)

FORM 5

SUPPLEMENTAL INFORMATION FORM

(Complete all the following questions and provide all the requested information. Attach any responses that require additional space, restating the question or request for information on additional sheets.)

Contact Person: Tony CHAPMAN 954-9960
E-mail: _____

Supply the following information regarding the annexation area.

- Estimated Population (at present): 4
- Number of Existing Residential Units: 1
- Other Uses: _____
- Land Area: 4.18 total acres
- Existing Plan Designation(s): Residential
- Existing Zoning(s): Rural Residential
- Existing Land Use(s): 600-Res 1302-Vacant
- Applicable Comprehensive Plan(s): City of Creswell, Oregon
- Applicable Refinement Plan(s): _____
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. See Attached

• Are there development plans associated with this proposed annexation?

Yes _____ No X

If yes, describe.

There Are no current Plans for future development. Any future plans will provide for needed housing for the city of Creswell and utilizing buildable land within the UGB.

• Is the proposed use or development allowed on the property under the current plan designation and zoning? Not Applicable

Yes _____ No _____

- Does this application include all contiguous property under the same ownership?

Yes X No _____

If no, state the reasons why all property is not included:

- Check the special districts that provide service to the annexation area:

South Lane RFPD

Lane Library District _____

Creswell School District

? EPUD _____

Other _____

- Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

Geomax, Inc
(Name)

Valley Development
(Name)

806 North 9th Street
(Address)

1934 Pineridge Court
(Address)

Cottage Grove, OR 97424
(City) (Zip)

Janesville, WI 53545
(City) (Zip)

(Name)

(Name)

(Address)

(Address)

(City) (Zip)

(City) (Zip)

FORM 6

WAIVER OF ONE YEAR TIME LIMIT
FOR ANNEXATION PURSUANT TO ORS 222.173

This waiver of the time limit is for the following described property:

19-03-13-600 & 1302
Map and Tax Lot Number

34121 Clowesdale Road
Street Address of Property (if address has been assigned)

ONE WAIVER OF TIME LIMIT FOR EACH PARCEL, PLEASE

We, the owner(s) of the property described above understand the annexation process can take more than one year but desire to annex to have City services. Therefore, we agree to waive the one-year time limitation on this petition to annex established by Oregon Revised Statutes 222.173, and further agree that this contract shall be effective [] indefinitely or [] until

5/1/08
Date *date already passed*

Signatures of Legal Owners

Please print or type name	Signature	Date Signed
MATT CHAPMAN	<i>Matt Chapman</i>	<i>5/1/08</i>
Anthony V. Chapman	<i>Anthony V. Chapman</i>	<i>5-5-08</i>

LCOG: L:\ABC\Change transition\Application forms\Creswell\Form 6 Waiver Form 222 Creswell.doc
Last Saved: Wednesday, February 13, 2008

FORM 7

ORS 197.352 BALLOT MEASURE 49 WAIVER FORM

<p>Name of Document for Recording: Covenant of Waiver of Rights and Remedies</p> <p>Grantor: <u>Valley Development</u> <u>Anthony V. Chapman</u></p> <p>Grantee: City of Creswell</p> <p>Consideration: Commencement of Proceedings.</p> <p>Tax Statement to be mailed to: No Change.</p> <p><u>After Recording, Return To:</u> City of Creswell, Attn: City Recorder, P.O. Box 276, Creswell, OR 97426</p>	<p>(For County Recording Use Only)</p>
--	--

Covenant of Waiver of Rights and Remedies

Whereas, Valley Development, hereinafter referred to as "Petitioner/Owner", has petitioned the City of Creswell ("City") to commence an annexation (proceedings) for the following described real property:

[INSERT LEGAL DESCRIPTION]

See -
Exhibit A

Whereas, pursuant to the enactment of Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation if a public entity enacts one or more land use regulations that restrict the residential use of private real property after the property owner acquired the property; and

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner/Owner's requested proceedings if: (1) the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings; or (2) would or could arguably give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner/Owner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate any potential claim for compensation or right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner/Owner warrants that the individual(s) executing this Covenant holds the full and complete present ownership and all interests therein in Property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the Annexation and Rezone proceedings, proceeding(s) affecting the subject real property, which may include designation of the property as subject to additional applicable overlay zones and districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner/Owner, on behalf of Petitioner/Owner, Petitioner/Owner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Creswell, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases, forever discharges, and agrees that Petitioner/Owner shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated only by the City of Creswell filing a Notice of Termination of Covenant with the Lane County recorder.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner/Owner acknowledges that the proceedings may be initiated by the City of Creswell at any time in the discretion of the City of Creswell and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

This document is accepted pursuant to authority and approved for recording.

City of Creswell, Oregon

Jamon Kent, City Administrator

State of Oregon)
) ss.
County of Lane)

On this _____ day of _____, 20____, before me the undersigned Notary Public,
personally appeared _____.

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Administrator or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereon.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

EXHIBIT A

LEGAL DESCRIPTION:

Beginning at a point on the North right-of-way line of State Highway No. 222 (Cloverdale Road), said point being South 89° 30' 00" East 1185.36 feet and North 40.29 feet from the Northwest corner of the Joseph N. Petty Donation Land Claim No. 48, in Township 19 South, Range 3 West, Willamette Meridian; thence leaving said North right-of-way line North 557.71 feet to a point; thence parallel with the North line of said Donation Land Claim No. 48, North 89° 30' 00" West, 135.87 feet to a point; thence North 20.00 feet to a point, said point being the Southwest corner of Lot 33 of FIRST ADDITION TO THE VILLAGE AT EMERALD VALLEY RESORT, as recorded in File 75, Slides 1059 and 1060, Lane County Oregon Plat Records; thence parallel with the North line of said Donation Land Claim No. 48 and along the South line of said FIRST ADDITION TO THE VILLAGE AT EMERALD VALLEY North 89° 30' 00" West 99.88 feet to a point; thence leaving said South line South 268.77 feet to a point; thence South 89° 30' 00" East, 105.00 feet to a point; thence South 308.90 feet to a point on said North right-of-way line; thence along said North right-of-way line South 89° 29' 05" East 130.75 feet to the point of beginning, in Lane County, Oregon.

382

VALLEY DEVELOPMENT LLC

30391 HOWE LANE
CRESWELL, OR 97426

24-7038/3230-OR
2877

DATE 1-19-07

PAY TO THE ORDER OF

CITY OF Creswell

\$ 1265.00

One thousand two hundred sixty-five and no/100 DOLLARS

Bank of America



Pioneer Parkway 2877
Oregon

M. A. G.

FOR

⑈000387⑈ ⑆323070380⑆ 28778⑈13348⑈

Statement and Supportive Evidence

This addendum to the petition for annexation to the City of Creswell provides additional information regarding the subject properties' (Assessor's Map 19-03-13, Lot 600, 1302) conformance to the comprehensive plan for the City of Creswell. Lane County zoning designation for the subject properties are Rural Residential. The subject properties are identified as being inside of the Creswell's Urban Growth Boundary (UGB) as designated in the Creswell Comprehensive Land Use Plan. These urbanizable lands are subject to annexation with a city zone of Residential. Urbanization, the process of converting rural lands to urban, is governed by Section III.C.12 of the Creswell Comprehensive Land Use Plan. Any future development will have to comply with the Creswell Development Code.

- a. **Policy 12(a) - "Urbanization of land shall be encouraged on available buildable lands within the corporate limits of the City of Creswell, consistent with City land development policies and service requirements."**

The subject properties are within the Urban Growth Boundary as defined in the Creswell Comprehensive Land Use Plan. This petition will further this policy since annexation of the subject properties is required for urbanization within the Urban Growth Boundary. The subject properties will be converted to urban land consistent with City policies. The addition of this residential land to the City will assist in fulfilling the quota for residential lands as set forth in the Creswell Comprehensive Land Use Plan.

- b. **Policy 12(b) - "Urbanization of land within the established urban growth boundary shall be consistent with City annexation policies and public facilities expansion plans."**

The subject properties are contained inside of the City's UGB as defined in the Creswell Comprehensive Land Use Plan and therefore are appropriate for conversion from rural to urban use. Since the subject properties are within the UGB and the City has made provisions for supplying services when required, annexation is the first step in the process of integrating the subjected properties with those City services. Services will not be required until the subject properties are developed. These services are available and feasible as described in following sections of this narrative.

- c. **Policy 12(r) - "City services shall not be provided to any land unless that land is within the corporate limits of the City of Creswell, or unless a mutually agreeable contract of annexation is entered into by the City of Creswell and the land owner(s) of the properties desiring City services."**

Annexation of the subject properties into the City will allow the necessary utilities and transportation infrastructure to adequately service the subject properties. This provision will further the goal of the Comprehensive Plan for the City of Creswell by providing for the necessary housing for the City of Creswell to accommodate the anticipated population growth as forecast by the "2050" Project as performed by Lane Council Governments over the last several years and utilizing buildable lands within the Urban Growth Boundary. All service extensions and improvements that may be provided by the applicant will be designed and constructed to meet the requirements of the Creswell Development Code and will be completed as required prior to need. Availability and feasibility of specific services are described in following section of this narrative.

- d. **Policy 12(s) - "Land areas to be considered for annexation to the City of Creswell shall be within the Creswell Urban Growth Boundary and shall have boundaries contiguous to the then existing corporate limits of the City. Conversion of these unincorporated lands into Creswell shall be based upon a consideration of the four conversion factors of Statewide Planning Goal #14."**

The subject properties are within the City's UGB, as shown in the Creswell Comprehensive Land Use Plan, and have boundaries that are contiguous to the currently existing corporate limits of the City to its north. Refer to the Vicinity Map for its relative location. The annexation of the subject properties support the Statewide Planning Goal #14, by 1) addressing the deficient inventory of housing for the City of Creswell; 2) providing an orderly and economic means to supply properties in the Urban Growth Boundary the public services necessary for urbanization; 3) providing comparative social consequences, and 4) compatibility, since its' current and proposed uses will remain the same.

The following is a summary of services:

- **Sewer Service**—*Sewer service will be provided to the subject properties from the Emerald Valley Sewer Treatment Plant, through the existing subdivision to the north of the subject properties. Existing wastewater on Sunday Drive is currently 8" in diameter and will accommodate the new development. All wastewater service will be designed and constructed in accordance with Section 14.12.0 of the Creswell Development Code.*
- **Water Service**-*The subject properties will connect directly to the water system of the adjacent subdivision to the north on Sunday Drive. Existing water on Sunday Drive is 8" in diameter and will accommodate the new development. Water facilities (including fire protection) will be provided to the annexation area consistent with the City's Master Water Plan and in accordance with Section 14.13.0 of the Creswell Development Code.*

- **Stormwater Drainage** - *The subject properties will connect directly to the stormwater drainage master plan of the City of Creswell. The existing 15" stormwater system on Sunday Drive runs west to Melton Road about 200' from the south end of Sunday Drive. This system will be extended to the subject properties. Any additional storm drainage improvements will comply with Section 14.11.0 of the Creswell Development Code.*
- **Electricity** – *Electricity is currently supplied to the subject properties by Emerald People's Utility District (EPUD). After annexation into the corporate limits of the City of Creswell EPUD will continue to service the subject properties.*
- **Fire and Emergency Services** - *Fire and emergency services are currently provided to the subject properties by South Lane County Fire & Rescue. The City of Creswell is included in this District, thus the subject properties will continue to be served after annexation.*
- **Schools** – *School service is currently provided to the subject properties by Creswell School District #4. The subject properties will continue to receive school services following annexation.*
- **Streets** – *Transportation access to the subject properties can be provided from Cloverdale Road and Sunday Drive. Any existing or new public streets that are improved or created will be addressed in the land development process. All street improvements will comply with Section 14.2.0 of the Creswell Development Code. Street lighting will be provided as required by section 14.15.0 of the Creswell Development Code.*

FOR ASSESSMENT
AND TAXATION
ONLY

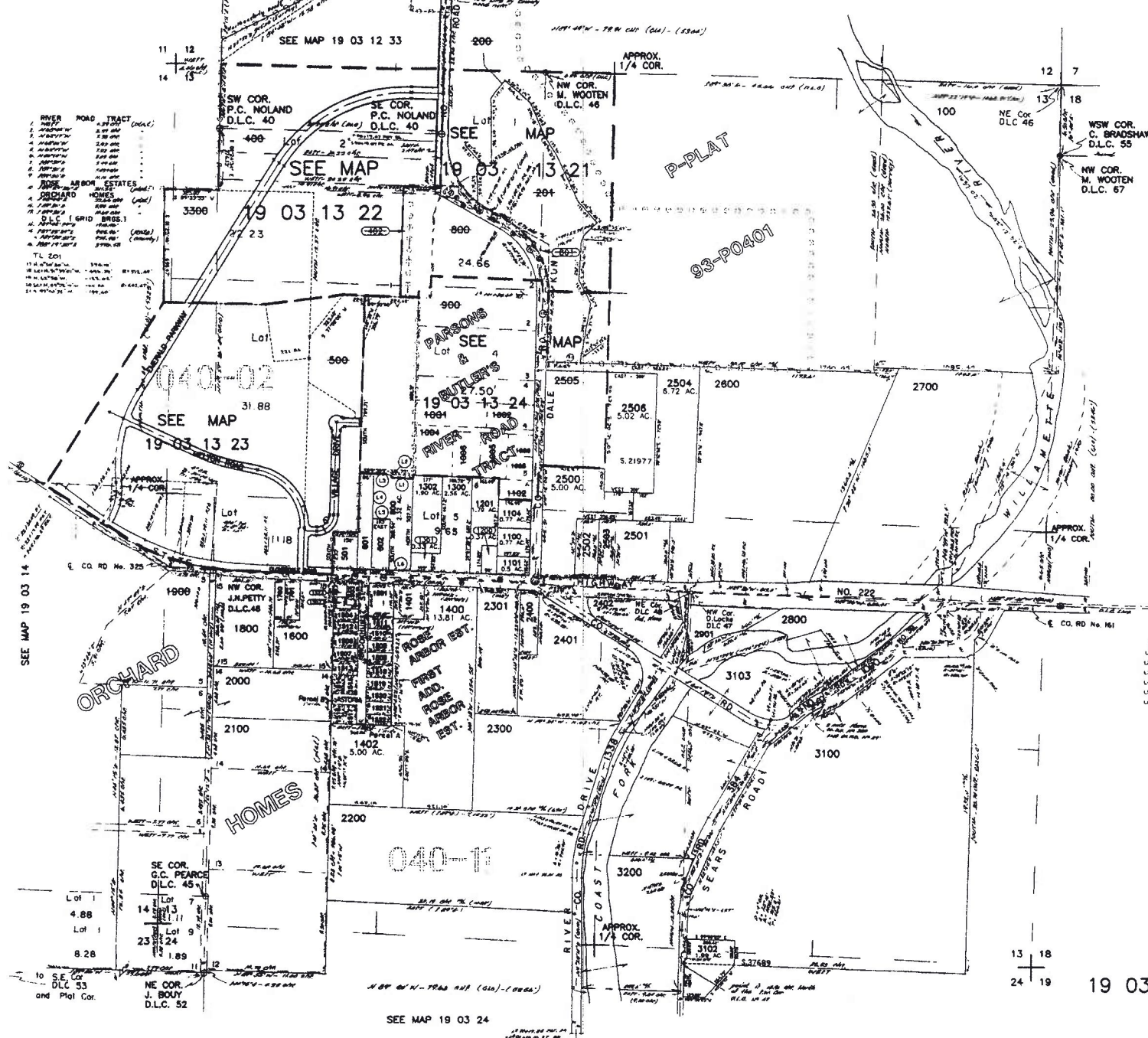
SEC. 13 T.19S. R.3W. W.M.
LANE COUNTY

SCALE 1" = 400'
SEE MAP 19 03 12

DATE	REVISION	DRAWN BY

19 03 13

NAD 83/91



CANCELLED
1000
1001
1002
1003
1004
1005
1006
1102
1900
200
201
2503
2505
3300
400
401
402
500
800
801
900

SEE MAP 19 02 18

LINE TABLE

LINE	DIRECTION	BEARING	DISTANCE
L1	N 89° 30' 00" W	123.87	
L2	N 00° 00' 00" E	25.00	
L3	N 89° 30' 00" W	75.00	
L4	S 00° 00' 00" E	25.00	
L5	S 89° 30' 00" W	123.87	
L6	S 00° 00' 00" E	25.00	

19 03 13

SEE MAP 19 03 24



PROFESSIONAL ENGINEERS
LAND SURVEYORS
BUILDING DESIGNERS
806 N. NINTH STREET COTTAGE GROVE, OREGON 97424
TELEPHONE: (541) 942-0126 FAX: (541) 942-7935

October 22, 2008

Ms. Denise Walters, Planner
City of Creswell
P.O. Box 276
Creswell, OR 97426

Re: Valley Development-Chapman Annexation, supplemental information.

Dear Ms. Walters:

In reference to you letter of August 25, 2008, supplemental information is herewith provided

- 1) Form 6 has been corrected and is attached.
- 2) The residence at 34121 E. Cloverdale Rd. Is currently served by a well.
- 3) Sewer service agreement is attached.
- 4) A revised list of property owner within 300' or the site is attached. Addressed and stamped envelopes are included.
- 5) Completed Measure 45 waivers for Valley Development LLC and Matthew J Chapman are attached.
- 6) There is only one residence on the properties requesting annexation.

Sincerely,
Geomax, Inc.

Richard L. Christian E.I.T.
Principal Designer

FORM 6

**WAIVER OF ONE YEAR TIME LIMIT
FOR ANNEXATION PURSUANT TO ORS 222.173**

This waiver of the time limit is for the following described property:

19-03-13-00-01302
Map and Tax Lot Number

N/A
Street Address of Property (if address has been assigned)

ONE WAIVER OF TIME LIMIT FOR EACH PARCEL, PLEASE

We, the owner(s) of the property described above understand the annexation process can take more than one year but desire to annex to have City services. Therefore, we agree to waive the one-year time limitation on this petition to annex established by Oregon Revised Statutes 222.173, and further agree that this contract shall be effective [] indefinitely or until

5/1/09
Date

Signatures of Legal Owners

Please print or type name	Signature	Date Signed
ANTHONY V CHAPMAN	<i>Anthony V Chapman</i>	10/24/08

LCOG: L:\BC\BChange transition\Application forms\Creswell\Form 6 Waiver Form 222 Creswell.doc
Last Saved: Thursday, October 23, 2008

FORM 6

WAIVER OF ONE YEAR TIME LIMIT
FOR ANNEXATION PURSUANT TO ORS 222.173

This waiver of the time limit is for the following described property:

19-03-13-00 - 00600
Map and Tax Lot Number

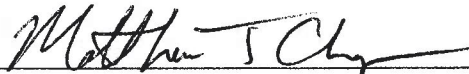
34121 E CLOVERDALE RD, CRESWELL, OR
Street Address of Property (if address has been assigned)

ONE WAIVER OF TIME LIMIT FOR EACH PARCEL, PLEASE

We, the owner(s) of the property described above understand the annexation process can take more than one year but desire to annex to have City services. Therefore, we agree to waive the one-year time limitation on this petition to annex established by Oregon Revised Statutes 222.173, and further agree that this contract shall be effective [] indefinitely or until

5/1/09
Date

Signatures of Legal Owners

Please print or type name	Signature	Date Signed
MATTHEW J CHAPMAN		10/24/08

LARRY O. GILDEA

Attorney at Law

Larry O. Gildea

324 East 12th Avenue, Suite 2
Eugene, Oregon 97401-3274

Wendy Mechling
Legal Assistant

Telephone (541) 342-1771
Facsimile (541) 895-8787

09-25-08P01:23 RCVD

December 12, 2007

HAND DELIVERED

Rodzilla Properties, LLC

Attn: Josh Rodriguez

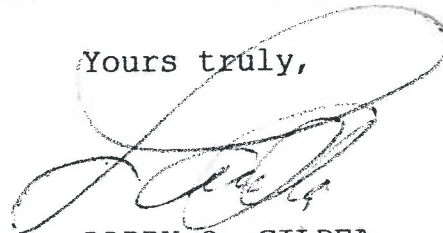
Re: Emerald Valley West PUD Third Addition

Dear Josh:

This letter will confirm that McDougal Bros., Inc. will provide one (1) hookup to Tax Lots 600 and 1302, Map 19-03-13-00, for a fee of Ten Thousand Dollars (\$10,000.00) plus the property owner assuming full responsibility for the cost of extending the sewer line to the subject property.

Please let me know if you need more information.

Yours truly,



LARRY O. GILDEA

LOG:mt

BALLOT MEASURE 49 WAIVER

<p>Name of Document for Recording: Covenant of Waiver of Rights and Remedies Valley Development LLC Grantor: <u>Anthony V. Chapman, Member</u> Grantee: City of Creswell Consideration: Commencement of Proceedings. Tax Statement to be mailed to: No Change.</p> <p><u>After Recording, Return To:</u> City of Creswell, Attn.: City Recorder, P.O. Box 276, Creswell, OR 97426</p>	<p>(For County Recording Use Only)</p>
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Covenant of Waiver of Rights and Remedies

Whereas, Valley Development LLC, hereinafter referred to as "Petitioner/Owner", has petitioned the City of Creswell ("City") to commence an annexation (proceedings) for the following described real property:

[INSERT LEGAL DESCRIPTION]

Whereas, pursuant to the enactment of Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation if a public entity enacts one or more land use regulations that restrict the residential use of private real property after the property owner acquired the property; and

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner/Owner's requested proceedings if: (1) the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings; or (2) would or could arguably give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner/Owner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate any potential claim for compensation or right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner/Owner warrants that the individual(s) executing this Covenant holds the full and complete present ownership and all interests therein in Property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the Annexation and Rezone proceedings, proceeding(s) affecting the subject real property, which may include designation of the property as subject to additional applicable overlay zones and districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner/Owner, on behalf of Petitioner/Owner, Petitioner/Owner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Creswell, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases, forever discharges, and agrees that Petitioner/Owner shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated only by the City of Creswell filing a Notice of Termination of Covenant with the Lane County recorder.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner/Owner acknowledges that the proceedings may be initiated by the City of Creswell at any time in the discretion of the City of Creswell and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

This document is accepted pursuant to authority and approved for recording.

City of Creswell, Oregon

Mark Shrives, City Administrator

State of Oregon)

) ss.

County of Lane)

On this _____ day of _____, 20____, before me the undersigned
Notary Public, personally appeared _____.

personally known to me

proved to me on the basis of satisfactory evidence

**To be the person who executed the within instrument as City Administrator or on
behalf of the entity therein named, pursuant to authority, and acknowledged to
me the execution hereon.**

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

BALLOT MEASURE 49 WAIVER

<p>Name of Document for Recording: Covenant of Waiver of Rights and Remedies</p> <p>Grantor: <u>Matthew J Chapman</u> Grantee: City of Creswell Consideration: Commencement of Proceedings. Tax Statement to be mailed to: No Change.</p> <p><u>After Recording, Return To:</u> City of Creswell, Attn.: City Recorder, P.O. Box 276, Creswell, OR 97426</p>	<p>(For County Recording Use Only)</p>
---	--

Covenant of Waiver of Rights and Remedies

Whereas, Matthew J Chapman, hereinafter referred to as "Petitioner/Owner", has petitioned the City of Creswell ("City") to commence an annexation (proceedings) for the following described real property:

[INSERT LEGAL DESCRIPTION]

Whereas, pursuant to the enactment of Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation if a public entity enacts one or more land use regulations that restrict the residential use of private real property after the property owner acquired the property; and

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner/Owner's requested proceedings if: (1) the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings; or (2) would or could arguably give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner/Owner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate any potential claim for compensation or right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner/Owner warrants that the individual(s) executing this Covenant holds the full and complete present ownership and all interests therein in Property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the Annexation and Rezone proceedings, proceeding(s) affecting the subject real property, which may include designation of the property as subject to additional applicable overlay zones and districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner/Owner, on behalf of Petitioner/Owner, Petitioner/Owner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Creswell, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases, forever discharges, and agrees that Petitioner/Owner shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated only by the City of Creswell filing a Notice of Termination of Covenant with the Lane County recorder.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner/Owner acknowledges that the proceedings may be initiated by the City of Creswell at any time in the discretion of the City of Creswell and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 23rd day of OCTOBER, 2008.

<u>Matthew J Chapman</u> (signature)	_____ (signature)
Petitioner Name: <u>Matthew J Chapman</u>	Petitioner Name: _____
Date Signed: <u>10/23/08</u>	Date Signed: _____
Petitioner (corporation, etc.) Name: _____	
By: _____	
Name of Signor: _____	
Office/Title of Signor: _____	

State of Oregon)
) ss.
County of Lane)


On this 23rd day of OCTOBER, 2008, before me the undersigned Notary Public, personally appeared MATTHEW J CHAPMAN (name of Petitioner signing; not Notary name).

personally known to me

proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument

as _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereon.

WITNESS my hand and official seal <u>Richard Christian</u> (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <u>RICHARD CHRISTIAN</u>	
Notary name (legible):	

This document is accepted pursuant to authority and approved for recording.

City of Creswell, Oregon

Mark Shrives, City Administrator

State of Oregon)
) ss.
County of Lane)

On this _____ day of _____, 20____, before me the undersigned
Notary Public, personally appeared _____.

- personally known to me
- proved to me on the basis of satisfactory evidence

**To be the person who executed the within instrument as City Administrator or on
behalf of the entity therein named, pursuant to authority, and acknowledged to
me the execution hereon.**

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

EXHIBIT D
ANNEXATION AGREEMENT

After Recording, Return to:

Unless requested otherwise, send all tax statements to:

City of Creswell
Mark Shrives, City Administrator
P.O. Box 276
Creswell, OR 97426

Valley Development LLC
1934 Pineridge Court
Janesville, WI 53545

DRAFT

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made between the City of Creswell, an Oregon municipal corporation ("City") and VALLEY DEVELOPMENT LLC and MATTHEW CHAPMAN ("VALLEY DEVELOPMENT").

RECITALS

- A. VALLEY DEVELOPMENT owns the parcels of land legally described in Exhibit A and shown on the map attached as Exhibit B. The annexation area is contiguous to the jurisdictional limits of the City on its north and south boundary, and is subject to annexation by the City of Creswell per Creswell Development Code Chapter 4.10, Creswell Comprehensive Land Use Plan Section 12, Urbanization Policies, and ORS 222.
- B. VALLEY DEVELOPMENT has submitted to the City an Annexation Application (C CR 2008 - ANNEX-2008-01), dated July 13, 2008, to annex approximately 4.22 acres, including tax lots 600 and 1302, on Assessor's Map 19-03-13-00 ("Property").
- C. VALLEY DEVELOPMENT wishes to annex the Property to the City.
- D. The Property is currently designated in the *Creswell Comprehensive Land Use Plan* (more commonly known as the *Creswell Comp Plan*) for residential use and is zoned by Lane County as General Rural 10.
- E. Annexation of the Property requires a showing that "The City shall promote the efficient use of land within the Urban Growth Boundary and develop in a sequential and orderly manner" per Section III.C.12, Policy 12(a) of the Creswell Comprehensive Plan.
- F. The purpose of this Agreement is to memorialize VALLEY DEVELOPMENT's and City's commitment and agreement to the allocation of financial responsibility for public facilities and services for the property and other users of the facilities, sufficient to meet the City's requirements for the provision of key urban services necessary for City approval of this annexation request.
- G. **SANITARY SEWER:** The applicant has provided evidence that the wastewater system owned by McDougal Brothers, Inc., can provide *one sewer hookup* to Tax Lots 600 and 1302 (letter dated 12-12-07; signed by Larry O. Gildea, applicant's representative). Sewer service may be provided to the annexation area from the Emerald Valley Sewer Treatment Plant through the existing subdivision to the north of the annexation area. An

existing 8-inch diameter sewer line is currently located in Sunday Drive and may be able to accommodate any new development on the Property. All sanitary sewer services will be designed and constructed in accordance with Chapter 3.4 of the Creswell Development Code.

Sections 3.4.300.A and 3.4.300.B of the Creswell Development Code, state:

Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan and Water System Master Plan as adopted or hereafter amended and updated, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer.

Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards, and approval has been granted by applicable state agencies.

- H. **WATER:** Water service is proposed to serve the Property as follows: There is an existing 8-inch water line located in Sunday Drive. Upon annexation, water service can be provided by this water line to the existing house and annexation area. All water service will be provided to the property consistent with the City's Master Water Plan and in accordance with Section 3.4 of the Creswell Development Code.

Sections 3.4.300.A and 3.4.300.B of the Creswell Development Code, state:

Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan and Water System Master Plan as adopted or hereafter amended and updated, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer.

Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards, and approval has been granted by applicable state agencies.

- I. **STORMWATER:** Stormwater service is proposed to serve the subject site as follows: An existing 15-inch stormwater system on Sunday Drive runs west to Melton Road about 200 feet from the south end of Sunday Drive. However, it is not clear that this system can be extended to the subject properties. A detailed drainage plan will be submitted as part

of application for any development of the property. The plan will demonstrate compliance with the requirements of Section 3.4.400 of the Creswell Development Code.

Plan Review Standards. Plans shall be submitted to the City for review. All plans and calculations must be stamped and signed by a certified engineer. Plan approval will be based on the following criteria:

- a. *Design, construction and maintenance of proposed stormwater management plan will result in post construction stormwater volumes flowing off site that are substantially the same as preconstruction volumes for all storms less than or equal to the 10-year design storm.*
- b. *All culvert installations must allow fish passage in accordance with Department of State Lands (DSL) and the US Army Corps of Engineering (COE) and any other authorized federal, state, or local agency.*
- c. *Installation of culverts, spans or stormwater outfalls along natural water features shall be designed to emphasize preservation of natural flow conditions, allow for natural obstructions, and pursue stream enhancement opportunities.*
- d. *Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.*
- e. *Stormwater mitigation strategies, such as retention of existing trees, and use of porous paving surfaces, as well as stormwater treatment and flow control facilities used to meet the requirements of this Code must be included in the plans.*

I. **STREETS:** Transportation access to the subject properties can be provided from East Cloverdale Road and Sunday Drive. The property owner will be responsible for complying with street improvement requirements imposed by the City through all applicable land development review processes at the time development is proposed. Newly created public streets will be constructed to the required standards. All street improvements will comply with Section 3.4.100 of the Creswell Development Code. Street lighting will be provided as required by Sections 3.4.100 and 3.4.300 of the Creswell Development Code.

K. **PARKS:** VALLEY DEVELOPMENT shall deposit with the City sufficient funds for 0.13 acres of park acquisition and improvements for said park, in an amount to be determined by the City Administrator at the time development is commenced. The City is not pursuing the dedication of 0.13 acres of land for park facilities because this amount of land would be too small for effective use as a City park. This requirement is based on adopted standards for neighborhood parks in the City of Creswell Parks and Open Space Master Plan (adopted by Ordinance 429, August 8, 2005). Any new public parks dedicated and improved as part of the land development process shall be subject to standards within the Creswell Parks and Open Space Master Plan (adopted by Ordinance 429, August 8, 2005).

- L. City staff has determined that the minimum level of key urban services is currently available to Property with regard to electricity, schools and fire and emergency services (with the exception that additional signage, street width and hydrants may be required during development improvements).
- M. In order to facilitate orderly development of Property and ensure the full provision of key urban services that are satisfactory to the City and meet the City's conditions for annexation, and in exchange for the obligations of City set forth below, VALLEY DEVELOPMENT shall comply with all requirements imposed on VALLEY DEVELOPMENT in this Agreement.
- N. The parties' hereby recognize VALLEY DEVELOPMENT's previously executed Measure 49 Waiver, which has been recorded and will run with this Property, attached as Exhibit C and incorporated herein by this reference. The parties acknowledge that City's obligations hereunder are contingent upon VALLEY DEVELOPMENT's compliance with this Measure 49 Waiver.

Now, therefore, based on the foregoing Recitals, which are specifically made a part of this Agreement, the parties agree as follows:

AGREEMENT

1. Obligations of VALLEY DEVELOPMENT. Consistent with the above recitals and subject to the issuance of subdivision and public improvement plan approvals, VALLEY DEVELOPMENT agrees to perform the obligations set forth in this section.
 - 1.1 Develop on-site public sanitary sewer conveyance systems as may be necessary to adequately serve the proposed level of future development, including capacity to meet the required number of service connections of said development, and that comply with Section 3.4.300 of the Creswell Development Code set forth above. This may include but is not limited to extending the existing line from the subdivision north of the subject properties through an existing 8-inch wastewater line in Sunday Drive. VALLEY DEVELOPMENT recognizes that no final certificate of occupancy can be issued for Property development until the system and associated infrastructure are completed and fully operational.
 - 1.2 Develop an on-site water system necessary to adequately serve the development that complies with the City's Master Water Plan and Section 3.4.300 of the Creswell Development Code, set forth above. This will include but is not limited to extending the existing 8-inch line in Sunday Drive. Upon development, wells shall be abandoned per applicable standards of the state of Oregon Administrative Rules, Division 220, 690-220-0005 through 690-220-0140.
 - 1.3 Develop on-site and off-site stormwater management facilities and dedicate drainage easements as may be necessary to adequately manage and treat stormwater runoff originating from the development site and develop the site in

accordance with stormwater quality measures that comply with City and County storm drainage requirements as set forth in the Creswell Development Code.

- 1.4 Construct and improve streets including but not limited to, curbs, gutters, stormwater facilities, street trees, lighting, bicycle lanes, and sidewalks along local streets under city jurisdiction per City specifications and Creswell Development Code requirements, as part of any development request.

Cloverdale Road is an Oregon Department of Transportation state highway and Oregon Department of Transportation requirements may apply. As part of any development request, VALLEY DEVELOPMENT shall deposit with City sufficient funds to complete Cloverdale Road improvements fronting subject property (including but not limited to curbs, gutters, stormwater facilities, street trees, bicycle lanes, lighting, and sidewalks), in an amount to be determined by the City engineer prior to final acceptance of the development by the City.

Dedicate rights-of-way as may be determined necessary during any Subdivision Tentative Plat review and approval, and construct and improve to full City standards all impacted street rights-of-way at a level as needed to support any approved subdivision. A Traffic Impact Study may be required subject to Creswell Development Code, Lane County, and Oregon Department of Transportation requirements with any proposed development.

All existing and new utility lines, cables, or wires (including those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development must be placed underground.

- 1.5 VALLEY DEVELOPMENT shall deposit with the City sufficient funds for park acquisition and improvements, in an amount to be determined by the City Administrator at the time development is commenced. The amount shall reflect a percentage of the cost to the City to acquire land and provide improvements consistent with the standards for neighborhood parks adopted in the City of Creswell Parks and Open Space Master Plan (Ordinance No. 429, August 8, 2005).

- 1.5.1 The park acquisition amount shall be a percentage of the market value, as determined by the City Administrator, of one (1) acre of residential land located in the area intended for the park. For example, the VALLEY DEVELOPMENT annexation would require 0.13 acres of land to be dedicated for parks and open space. One (1) acre of residential land currently costs \$105,000. As 0.13 is 13 % of an acre, the annexation fee would be \$13,650 (13 % of \$105,000).

- 1.5.2 The park improvement amount shall also be 13 % of the cost of City park improvements. Park improvements may include, but are necessarily

limited to, playground structures, benches, tables, drained and graded play fields for outdoor sports, trails and interpretive signs.

1.6 VALLEY DEVELOPMENT knows and understands its rights under Dolan v. City of Tigard, 512 U.S. 374 (1994), and by entering into this Annexation Agreement hereby waives any requirement that the City demonstrate that the dedications of right-of-way, public utility easements, and other public improvements required herein are roughly proportional to the impacts of the subdivision, such as providing any reasonable additional improvements to roadways, including signage, street width and extra hydrants related to fire protection that may be requested by the City during the development review process. VALLEY DEVELOPMENT further waives any cause of action it may have pursuant to Dolan v. City of Tigard, *supra*, and its progeny arising out of the obligations described herein.

1.7 Provide and be financially responsible for the provision of the following key urban service on Property:

1.7.1 Sanitary sewer (City cost participation, Zone of Benefit, or Local Improvement District formation in City's discretion shall be available for sanitary sewer oversizing or providing service to land not owned by VALLEY DEVELOPMENT if required by the City to provide capacity beyond that needed to serve the subdivision development).

1.7.2 Drainage (City cost participation, Zone of Benefit, or Local Improvement District formation in City's discretion shall be available for drainage system oversizing or providing service to land not owned by VALLEY DEVELOPMENT if required by the City to provide capacity beyond that needed to serve the subdivision development).

1.7.3 Internal roads and transportation facilities identified in the Subdivision Tentative Plat (City cost participation, Zone of Benefit, or Local Improvement District formation in City's discretion shall be available for providing excess capacity on these City transportation system improvements if required by the City to provide capacity beyond that needed to serve the subdivision development).

1.7.4 Park land and associated improvements (City cost participation, Zone of Benefit, or Local Improvement District formation in City's discretion shall be available for providing excess facilities if required by the City to provide facilities beyond that needed to serve the subdivision development).

2. Obligations of City. Consistent with the above Recitals, City agrees to:

- 2.1 Recommend and approve annexation of the Property to the City of Creswell before the Creswell City Council;
 - 2.2 Use good faith in the timely review and decision making in future development applications of the Property. City will support any appeal of a decision by the City on these applications, but will not assume financial responsibility to provide legal counsel on appeal.
 - 2.3 Review in a timely manner an application for the formation of a Zone of Benefit or Local Improvement District to provide public improvement services to the Property in the event a valid Petition for such a District is presented to the City by VALLEY DEVELOPMENT or by other property owners interested in forming such a District.
3. Covenants Running With the Land. It is the intention of the parties that the covenants herein are necessary for the development of a residential subdivision on Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and burden upon the Property. This Agreement shall be recorded upon its execution in the Land County Deeds and Records. This Agreement may be assigned by VALLEY DEVELOPMENT and shall benefit any assigns or successors in interest to VALLEY DEVELOPMENT. Execution of this Agreement is a precondition to the support of the City of Creswell for annexation of the Property described in Exhibit A for the City of Creswell. Accordingly, the City retains all rights for enforcement of this Agreement.
 4. Limitations on the Development. No part of Property shall be further developed prior to obtaining appropriate City development approval of a Subdivision Tentative Plat. In the event VALLEY DEVELOPMENT fails to seek Subdivision Tentative Plat approval or Public Improvement Plan approval, or such approvals are delayed or withheld for a period longer than three (3) years from the date of this Agreement, the obligations of VALLEY DEVELOPMENT imposed in subsections 1 through 1.5 of this agreement shall be void and a new analysis of off-site improvements related to any subdivision of the Property shall be a new requirement of any subsequent land use approval. No occupancy permit shall be issued for development on the Property until all improvements have been completed, as set forth in Section 1 of this Agreement.
 5. Mutual Cooperation. City and VALLEY DEVELOPMENT shall endeavor to mutually cooperate with each other in implementing the various matters contained herein.
 6. Waiver of Right of Remonstrance. VALLEY DEVELOPMENT agrees to sign any and all waivers, petitions, consents and all other documents necessary to obtain the public facilities and services described herein as benefiting the Property, under any Local Improvement Act or proceeding of the State of Oregon, Lane County or the City of Creswell and to waive all rights to remonstrate against these improvements. VALLEY DEVELOPMENT does not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to VALLEY DEVELOPMENT to be inequitable or operate unfairly

upon the Property. VALLEY DEVELOPMENT waives any right to file a written remonstrance against these improvements. VALLEY DEVELOPMENT does not waive its right to comment upon any proposed local improvement district or any related matters orally or in writing.

7. Modification of Agreement. This Agreement may only be modified by writing signed by both parties.

8. Land Use. Nothing in this Agreement shall be construed as waiving any requirements of the Creswell Development Code or Creswell Municipal Code that may be applicable to the use and development of this Property. Nothing herein shall be construed as City providing or agreeing to provide approval of any building, land use, or other development application submitted by VALLEY DEVELOPMENT.

9. Invalidity. If any provision of this Agreement shall be deemed unenforceable or invalid, such enforceability or invalidity shall not affect the enforceability or validity of any other provision of this Agreement. The validity, meaning, enforceability, and effect of the Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with the laws of the State of Oregon.

DATED this ____ day of _____, 200__.

IN WITNESS WHEREOF, the Applicant and City have executed this Agreement as of the date first herein above written.

CITY OF CRESWELL

VALLEY DEVELOPMENT

By: _____
Mayor

VALLEY DEVELOPMENT

STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named VALLEY DEVELOPMENT who acknowledged the foregoing instrument to be their voluntary act. Before me on this ____ day of _____, 200__.

Notary Public for Oregon
My Commission Expires _____

STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named _____ who acknowledged
the foregoing instrument to by their voluntary act. Before me on this _____ day of
_____, 200__.

Notary Public for Oregon
My Commission Expires _____

DRAFT

**EXHIBIT A
LEGAL DESCRIPTION**

TRACT DESCRIPTION

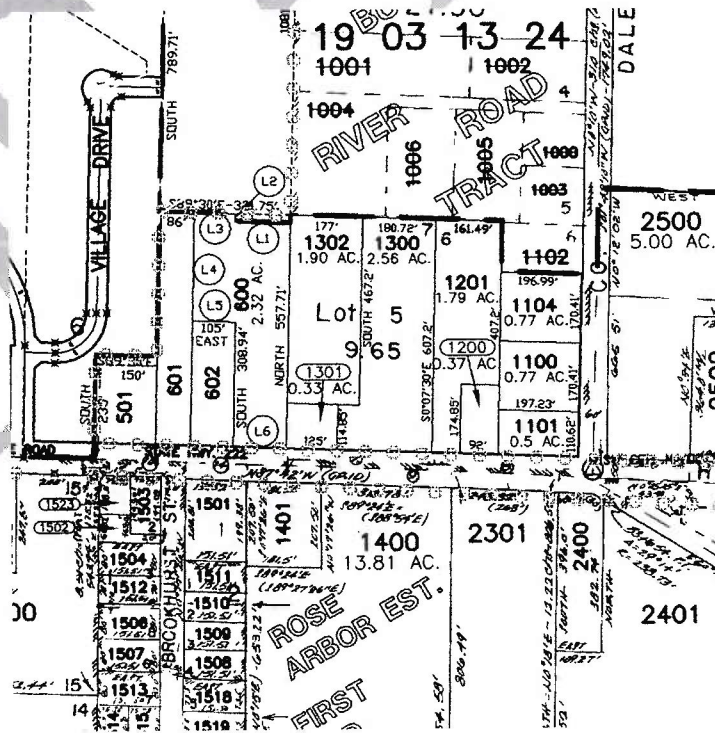
Map 19-03-13; Lots 600 & 1302

A tract of land in the west one-half of Section 3, Township 19 South, Range 13 West, Willamette Meridian, Lane County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 7, PARSONS AND BUTLER'S RIVER ROAD TRACTS, as platted and recorded in Book 6, Page 4, Lane County Oregon Plat Records;
Thence North 40.00 feet m/l to the north r/w of State Highway 222 (also known as Cloverdale Road 40 feet r/w North of centerline) to the True Point of Beginning;
Thence North 110.00 feet along the West line of said Lot 7;
Thence East 177.00 feet parallel with the North line of said Lot 7;
Thence North 467.20 feet parallel with the West line of said Lot 7;
Thence West 177.00 feet along the North line of said Lot 7;
Thence South 28 feet m/l to a point 20.00 feet South of the south line of Lot 33 of FIRST ADDITION TO THE VILLAGE AT EMERALD VALLEY RESORT subdivision South $00^{\circ}17'45''$ East as platted and recorded in File 75, Slides 1059 and 1060, D TRACTS, as platted and recorded in Book 6, Page 4,
Thence North $89^{\circ}30'00''$ West, 135.87 feet to a point;
Thence North 20.0 feet to a point on the South line of said subdivision;
Thence along the South line of said subdivision North $89^{\circ}30'00''$ West, 99.88 feet to a point;
Thence leaving said South line South 268.77 feet to a point;
Thence South $89^{\circ}30'00''$ East, 105.00 feet to a point;
Thence South 308.94 feet to a point on said North right-of-way line of said Highway 222;
Thence along said North right-of-way line South $89^{\circ}29'05''$ East 130.75 feet to the True Point of Beginning, all in Lane County, Oregon.

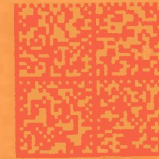
**EXHIBIT B
VICINITY MAP**

Valley Development LLC-
Chapman Annexation



L:\COG\ L:\BC\2008 BOUNCHARGE TRANSITION CRESWELL\2008 APPLICATIONS\CCR 2008-ANNEX-2008-01 VALLEY DEV\T-C\CHAPMAN ANNEXATION AA VALLEY-CHAPMAN\FINAL.DOC Last Saved: December 1, 2008

FIRST CLASS



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0004244625 DEC 10 2008
MAILED FROM ZIP CODE 97302

\$ 02.70⁰⁰

Lane Council of Governments
859 Willamette St., Suite 500
Eugene, OR 97401-2910
Return Service Requested

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540

DEPT OF
DEC 11 2008
**LAND CONSERVATION
AND DEVELOPMENT**