



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 18, 2016
Jurisdiction: City of Springfield
Local file no.: ANX16-00001
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/11/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 32 days prior to the first evidentiary hearing. This amendment was submitted to DLCD for review with less than a 35 day notice because the jurisdiction determined that emergency circumstances required expedited review.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
DEPT OF
File No.:
APR 11 2016
Received:
**LAND CONSERVATION
AND DEVELOPMENT**

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Springfield

Local file no.: **ANX16-00001**

Date of adoption: 04/04/2016

Date sent: 4/6/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/26/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Andy Limbird, Senior Planner

Phone: 541-726-3784

E-mail: alimbird@springfield-or.gov

Street address: 225 Fifth Street

City: Springfield

Zip: 97477-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from LDR/UF-10	to LDR	Acres: 0.93
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Urbanizable Fringe (UF-10) Acres added: Acres removed: 0.93

Location of affected property (T, R, Sec., TL and address): 597 & 687 Aspen Street (Map 17-03-34-24, Tax Lots 300 & 400)

List affected state or federal agencies, local governments and special districts: Lane County, Rainbow Water and Fire District, Willamalane Park & Recreation District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Annexation of the property to the City of Springfield removed the Urbanizable Fringe Overlay District (UF-10) but the underlying Low Density Residential (LDR) zoning remains. Annexation was requested to facilitate connection to the City's sanitary sewer service to address a failed septic system on the property. A copy of the adopted Annexation Ordinance No. 6350 and exhibits (including staff report and submitted application materials) is enclosed with this Notice of Adoption form.

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND WILLAMALANE PARK AND RECREATION DISTRICT; AND WITHDRAWING THE SAME TERRITORY FROM THE RAINBOW WATER AND FIRE DISTRICT AND DECLARING AN EMERGENCY

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the City Council is authorized by Springfield Development Code (SDC) Article 5.7-100 and ORS Chapter 222 to accept, process, and act on annexations to the City; and

WHEREAS, a request to annex certain territory was submitted on February 25, 2016, said territory being Assessor's ~~Map~~ Township 17 South, Range 03 West, Section 34, Map 24, Tax Lots 300 and 400, which is municipally addressed as 597 and 687 Aspen Street, and is generally depicted and more particularly described in **Exhibit A** to this Ordinance; and

WHEREAS, in accordance with SDC 5.7-125.A and ORS 222.111, the property owner initiated the annexation action by submittal of the required application forms and petition for annexation attached hereto as **Exhibit B** to this Ordinance; and

WHEREAS, this annexation has been initiated in accordance with SDC 5.7-125.A and ORS 222 and has been set for public hearing in accordance with SDC 5.7-130; and,

WHEREAS, the territory requested to be annexed is entirely within the City's urban growth boundary and is separated from the City limits line only by the Aspen Street public right-of-way [SDC 5.7-140.A.2]; and,

WHEREAS, a segment of the Aspen Street right-of-way along the western boundary of the subject territory is annexed concurrently with this action; and,

WHEREAS, the proposed annexation is consistent with applicable policies in the adopted *Metro Plan* and in any applicable Refinement Plan Districts [SDC 5.7-140.B]; and,

WHEREAS, the minimum level of key urban facilities and services can be provided in an orderly and efficient manner as outlined in the *Metro Plan*, and there is a logical area and time within which to deliver urban services and facilities [SDC 5.7-140.C]; and,

WHEREAS, the applicant and City have executed an Annexation Agreement (**Exhibit C**) that addresses the timing and financial responsibility for the provision of City services to the annexation territory [SDC 5.7-140.D]; and,

WHEREAS, a Staff Report (**Exhibit D**) was presented to the City Council with the Development & Public Works Director's recommendation to concurrently annex the subject territory to the Willamalane Park and Recreation District, as this Special District is a service provider for the City [SDC 5.7-140.B]; and is consistent with the intergovernmental agreement between Lane County and Springfield regarding boundary changes dated May 21, 2008; and,

WHEREAS, a Staff Report was presented to the City Council with the Director's recommendation to concurrently withdraw the annexation territory from the Rainbow Water and Fire District as the Cities of Eugene and Springfield would provide emergency response service directly to the area, and the City of Springfield acting by and through the Springfield Utility Board would provide water service directly to the area after it was annexed to the City [SDC 5.7-160.A]; and,

WHEREAS, the City Council of the City of Springfield has determined that the provision of City services to the subject area are necessary immediately for the health and safety of the public because the septic system on the property has failed; and,

WHEREAS, without an Emergency Clause the effective date of annexation is delayed until 30 days following the second reading and adoption of the enacting Ordinance by the City Council, which is on or around May 18, 2016; and,

WHEREAS, on April 4, 2016, the Springfield City Council conducted a public hearing and is now ready to take action on this request for annexation based on the recommendation and findings in support of approving the annexation request, and the Rainbow Water and Fire District's withdrawal as set forth in the aforementioned Staff Report to the Council, incorporated herein by reference, and the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

SECTION 1: The City Council of the City of Springfield does hereby approve annexation of the following described territory to the City of Springfield and Willamalane Park and Recreation District, said territory being Assessor's Map Township 17 South, Range 03 West, Section 34, Map 24, Tax Lots 300 & 400, which is municipally addressed as 597 and 687 Aspen Street, and is more particularly described in **Exhibit A** to this Ordinance.

SECTION 2: The withdrawal of territory described in Section 1 above from the Rainbow Water and Fire District shall become effective July 1, 2016.

SECTION 3: It is hereby found and determined that matters relating to the provision of City services are matters affecting the public health, safety, and welfare and that an emergency therefore exists and this Ordinance shall take effect immediately upon adoption by the Council and approval of the Mayor.

SECTION 4: The City Manager or the Development & Public Works Director shall send copies of this Ordinance to affected State and local agencies as required by SDC 5.7-155.

ADOPTED by the City Council of the City of Springfield this 4 day of APRIL, 2016, by a vote of 5 for and 0 against. (1 ABSENT -- VANGORDON)

APPROVED by the Mayor of the City of Springfield this 4 day of APRIL, 2016.

ATTEST:

Amy Sowa
City Recorder

Chris Long
Mayor

City of Springfield, Oregon

CERTIFIED TRUE COPY

Amy Sowa
City Recorder

REVIEWED & APPROVED
AS TO FORM
Debra S. Kroger
DATE: 3/14/16
OFFICE OF CITY ATTORNEY

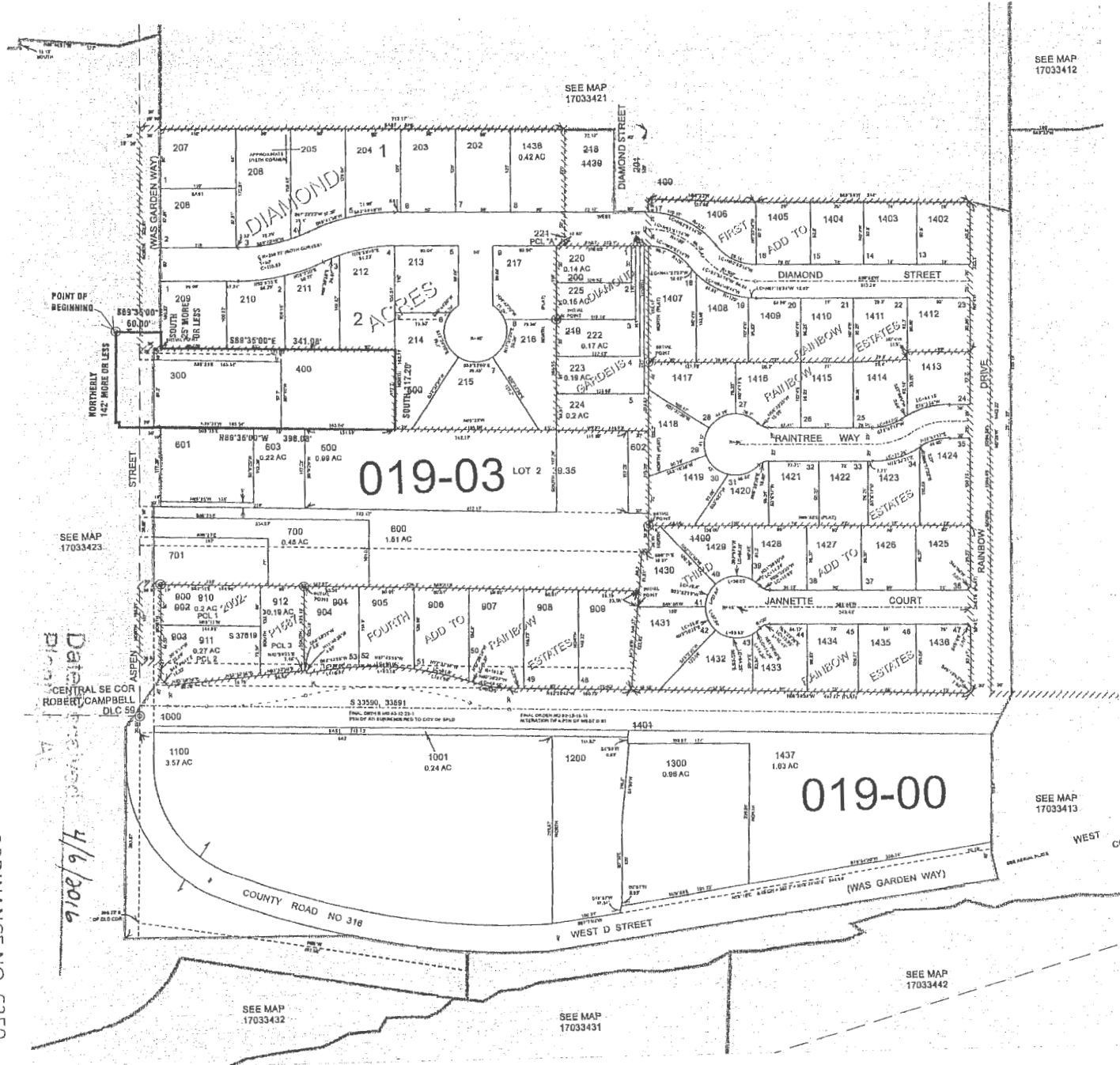
Date Received: 4/6/2016
Planner: AL

FOR ASSESSMENT AND TAXATION ONLY

S.E. 1/4 N.W. 1/4 SEC. 34 T.17S. R.3W. W.M.
Lane County
1" = 100'

17033424
SPRINGFIELD

March - 2011-10-13 1645



SEE MAP
17033412

CANCELLED
 100
 1000
 1400
 1401
 1439
 200
 201
 218
 219
 221
 221
 500
 900
 901
 902
 903

SEE MAP
17033423

SEE MAP
17033413

DATE
 4/6/2016
 CENTRAL SE COR
 ROBERT CAMPBELL
 D.L.C. 59

SEE MAP
17033442

SEE MAP
17033432

SEE MAP
17033431

ORDINANCE NO. 6350

SPRINGFIELD
17033424

Exhibit A-1

LEGAL DESCRIPTION

Tax Lot 300 and 400 of Lane County Oregon Assessor's Map 17-03-34-24, and a portion of the right of way of Aspen Street in Springfield, Oregon; being more completely described as follows:

Beginning at the Northeast corner of Parcel 1 of Land Partition Plat No. 2003-P1693, as filed for public record in the Office of the Lane County, Oregon Surveyor; in County Surveyor's File No. 38116, on July 17, 2003, said point being on the west right of way line of Aspen Street, said point being at an angle point on the Springfield City Limits line;

thence leaving the west right of way line of Aspen Street, on the Springfield City Limits line **South 89° 35' 00" East 60.00 feet, more or less** to the east right of way of Aspen Street and the west boundary of Lot 1, Block 2, DIAMOND ACRES, as platted and recorded at Book 41, Page 25 in the Lane County Oregon Plat Records;

thence leaving said City Limits line and continuing on said east right of way line **South 25 feet, more or less** to the southwest corner of said Lot 1;

thence leaving said east right of way line and continuing on the exterior plat boundary of said DIAMOND ACRES **South 89° 35' 00" East 341.08 feet**;

thence continuing on said exterior plat boundary **South 117.20 feet**;

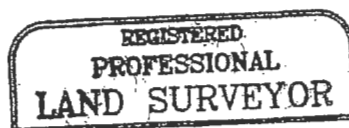
thence leaving said exterior plat boundary **North 89° 35' 00" West 396.08 feet, more or less** to the west right of way of Aspen Street;

thence on said west right of way and the Springfield City Limits line, through 2 or more angle points **Northerly 142 feet, more or less** to the Point of Beginning.

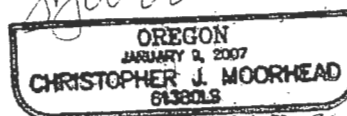
Basis of bearing for this description is said plat of DIAMOND ACRES.

Assessor's Map and Tax Lot numbers are current as of the date of this description.

Received: 4/6/2016
Planner: AL



Signed
Feb 19, 2016



City of Springfield
 Development Services Department
 225 Fifth Street
 Springfield, OR 97477

3



Annexation Application Type IV

Application Type **(Applicant: Check one)**

Annexation Application Pre-Submittal:	<input type="checkbox"/>
Annexation Application Submittal:	<input checked="" type="checkbox"/>

Required Proposal Information **(Applicant: Complete This Section)**

Property Owner:	Debra Jean Hudson Trust	Phone:	541.726.7604
Address:	687 Aspen Street Springfield, OR 97477	Fax:	
		E-mail:	debra4669@gmail.com
Owner Signature:			
Owner Signature:			

Agent Name:	Robert Stevens, AICP	Phone	541.302.9830
Company:	Metro Planning, Inc.	Fax:	
Address:	370 Q Street Springfield, OR 97477	E-mail	robert@metroplanning.com
Agent Signature:			

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act in his or her behalf, except where signatures of the owner of record are required, only the owner may sign the petition.

ASSESSOR'S MAP NO:	17-03-34-24	TAX LOT NO(S):	300 & 400
Property Address:	597 & 687 Aspen Street		
Area of Request:	Acres: About 0.93	Square Feet:	About 40,511

Existing Use(s) of Property:	Single-Family Residential
Proposed Use of Property:	Single-Family Residential

Required Property Information **(City Intake Staff: Complete This Section)**

Case No.:	ANX16-00001	Date:	2/25/16	Reviewed By:	HBM
Application Fee:		Postage Fee:	\$ 554	Total Fee:	\$ 5046.08

Date Reviewed: 4/6/2016 Date Received: _____
 Planner: AL

Owner Signatures

This application form is used for both the required pre-submittal meeting and subsequent complete application submittal. Owner signatures are required at both stages in the application process.

An application without the Owner's original signature will not be accepted.

Pre-Submittal

The undersigned acknowledges that the information in this application is correct and accurate for scheduling of the Pre- Submittal Meeting. If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf. I/we do hereby acknowledge that I/we are legally responsible for all statutory timelines, information, requests and requirements conveyed to my representative.

Owner:

Date: _____

Signature

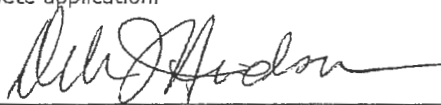
Debra Jean Hudson

Print

Submittal

I represent this application to be complete for submittal to the City. Consistent with the completeness check performed on this application at the Pre-Submittal Meeting, I affirm the information identified by the City as necessary for processing the application is provided herein or the information will not be provided if not otherwise contained within the submittal, and the City may begin processing the application with the information as submitted. This statement serves as written notice pursuant to the requirements of ORS 227.178 pertaining to a complete application.

Owner:



Date: _____

2-25-16

Signature

Debra Jean Hudson

Print

Date Received:

Date Received: 4/6/2016

FEB 25 2016

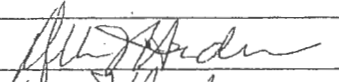
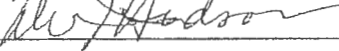
Planner: AL

Original Submittal SM

FORM 1

PETITION/PETITION SIGNATURE SHEET
 Annexation by Individuals
 [SDC 5.7-125(2)(b)(i)/ORS 222.170(1)]

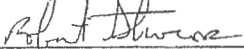
We, the following property owners of the following territory, consent to the annexation to the City of Springfield and concurrent annexation to Lane County Metropolitan Wastewater Service District and Willamalane Parks and Recreation District, as deemed necessary:

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	Acres (qty)
1. 	2/9/16	Debra Jean Hudson	687 Aspen Street Springfield 97477	17-03-34-24-00300	X	0.41
2. 	2/9/16	Debra Jean Hudson	687 Aspen Street Springfield 97477	17-03-34-24-00400	X	0.52
3.						
4.						
5.						

Attachment 3, Page 7 of 15


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.)

Robert Stevens _____ (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

 _____ (signature of circulator)

CERTIFICATION OF OWNERSHIP

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (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.


 Lane County Department of Assessment and Taxation

2/10/16
 Date Signed and Certified

Date Received:

FEB 25 2016

Date Received: 4/6/2016
 Floor: _____

Original Submittal SM

FORM 2

OWNERSHIP WORKSHEET

(This form is **NOT** the petition)

(Please include the name and address of ALL owners regardless of whether they signed an annexation petition or not.)

OWNERS

Property Designation (Map/lot number)	Name of Owner	Acres	Assessed Value	Imp. Y / N	Signed Yes	Signed No
17-03-34-24-00300	Debra Jean Hudson	0.41	\$126,806	Y	X	
17-03-34-24-00400	Debra Jean Hudson	0.52	\$176,984	Y	X	
TOTALS:		0.93	\$303,790			

TOTAL NUMBER OF OWNERS IN THE PROPOSAL	1
NUMBER OF OWNERS WHO SIGNED	1
PERCENTAGE OF OWNERS WHO SIGNED	100%
TOTAL ACREAGE IN PROPOSAL	0.93
ACREAGE SIGNED FOR	0.93
PERCENTAGE OF ACREAGE SIGNED FOR	100%
TOTAL VALUE IN THE PROPOSAL	\$303,790
VALUE CONSENTED FOR	\$303,790
PERCENTAGE OF VALUE CONSENTED FOR	100%

FORM 3

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: Robert Stevens, AICP

E-mail: robert@metroplanning.com

Supply the following information regarding the annexation area.

- Estimated Population (at present): Six (6)
- Number of Existing Residential Units: Two (2)
- Other Uses: None
- Land Area: 0.93 total acres
- Existing Plan Designation(s): Low-Density Residential
- Existing Zoning(s): LDR (Low-Density Residential)
- Existing Land Use(s): Single-Family Residential
- Applicable Comprehensive Plan(s): Metro Plan
- Applicable Refinement Plan(s): None
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. See attached written statement.

- Are there development plans associated with this proposed annexation?

Yes No

If yes, describe.

Connecting each of the existing single-family residential dwellings to the city sewer system to replace failing septic systems.

- Is the proposed use or development allowed on the property under the current plan designation and zoning?

Yes No

- Please describe where the proposed annexation is contiguous to the city limits (non-contiguous annexations cannot be approved under 5.7-140, Criteria).

The surrounding properties on the west side of Aspen Street directly across from the subject properties are within the city limits. In addition, with the inclusion of Aspen Street (along the frontage of subject site) within the annexation area the subject properties are contiguous to the city limits.

Date Received: 4/6/2016
City Clerk: AJ

Date Received:

FEB 25 2016

Original Submittal *SM*

FORM 4

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:

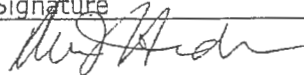
17-03-34-24-00300	597 Aspen Street Springfield 97477
17-03-34-24-00400	687 Aspen Street Springfield 97477
Map and Tax Lot Number	Street Address of Property (if address has been assigned)

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 _____.

Date

Signatures of Legal Owners

Please print or type name	Signature	Date Signed
Debra Jean Hudson		2-9-16

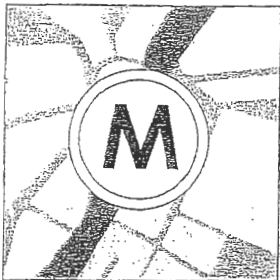
Date Received:

FEB 25 2016

Original Submittal SM

LCOG: L:\0C\2008 BOUNCHANGE TRANSITION\APPLICATION FORMS\SPRINGFIELD\10-03-08 UPDATED FORMS\PRE-SUBMITTAL ANNEXATION APPLICATION 10-07-08.DOC
Last Saved: April 9, 2014

Date received: 4/6/2016
Planner: AL



METROPLANNING
LAND USE PLANNING AND CONSULTING SERVICES

370 Q STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
FAX 1(541) 610-1805

**ANNEXATION APPLICATION FOR
DEBRA JEAN HUDSON TRUST**

Written Statement

Submittal No.: 2

Submittal Date: February 25, 2016

Applicant's Request: Annexation approval for a 0.93 acre site on Aspen Street that is two lots each developed with a single-family residence. This annexation request also includes Aspen Street right-of-way along the frontage of the subject properties.

Property Owner/Applicant: Debra Jean Hudson Trust
c/o Debra Hudson, Trustee
687 Aspen Street
Springfield, OR 97477

**Applicant's Representative/
Project Coordinator:** Metro Planning, Inc.
c/o Robert Stevens, AICP
370 Q Street
Springfield, OR 97477
Tel (541) 302-9830
Cell (541) 968-9849

Subject Property: Map 17-03-34-24; Tax Lots 300 & 400

Site Address: 597 & 687 Aspen Street

Property Size: About 0.93 Acres (About 40,511 Square Feet)

Zoning: LDR (Low Density Residential)

Background

This is an application for an annexation of two lots totaling about 0.93 acres on the east side of Aspen Street within an area zoned Low Density Residential (LDR) as well as the adjacent right-of-way for Aspen Street. There is an existing single-family residential dwelling on each of the lots proposed to be annexed. This annexation has become necessary immediately in order to connect to the city sanitary sewer system to address a failing septic system that needs to be decommissioned. The only development that will result from this annexation is a plumbing permit to connect to the sanitary sewer system.

Springfield Development Code (SDC) Section 5.7-140 contains the approval criteria for annexations into the city limits. To assist city staff in their review of this application, SDC 5.7-140 is addressed below with SDC text in italics and the applicant's responses in plain text.

Date Received:

Date Received: 4/6/2016
Planner: AL

FEB 25 2016

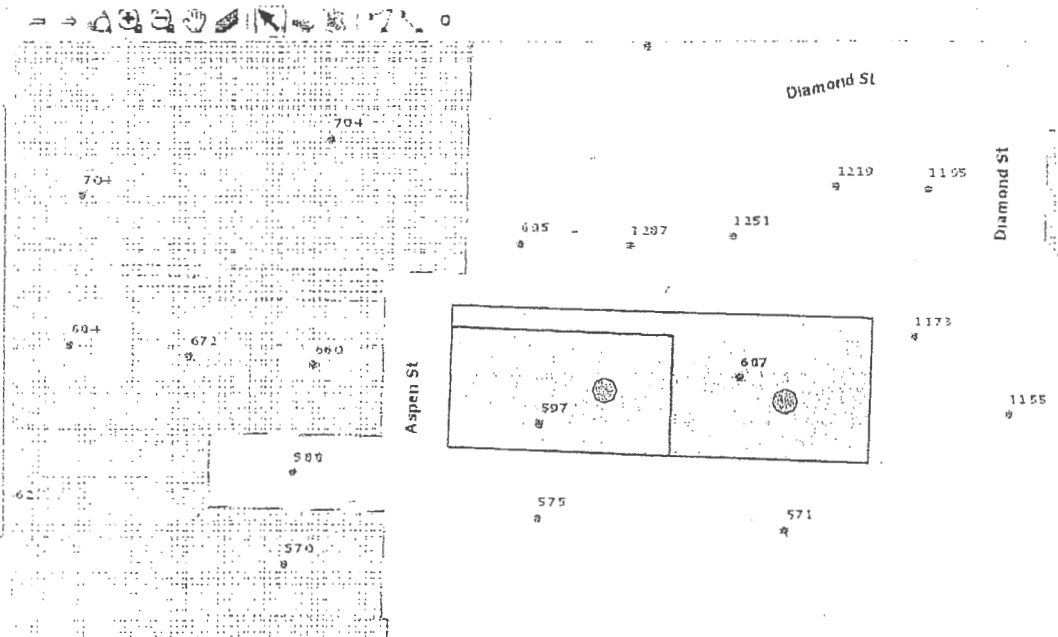
Original Submittal SM

Annexation for
Debra Jean Hudson Trust

SDC 5.7-140 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.*

The subject property is within the City of Springfield's urban growth boundary as it is located east of Interstate 5, south of Centennial Boulevard, and north of the Willamette River. Please refer to the map shown below that highlights the subject site in relation to the city limits. As is shown in the map, the subject site is not contiguous to the city limits (dotted hatch pattern on map). The subject properties to the north, south, and east of the annexation area are also not within the city limits. However, the City of Springfield has requested that the adjacent portion of Aspen Street right-of-way be included with this application. This will mean the subject site is contiguous to the city limits. The approval criterion above states either subsection (1) or (2) are met. Subsection (1) is met given the inclusion of right-of-way. Regarding Subsection (2), the surrounding properties on the west side of Aspen Street, directly west and opposite the subject site, are within the city limits per the map below. This means that the subject properties could meet Subsection (2) as well if the city did not request the inclusion of right-of-way. This approval criterion for annexation is satisfied.



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

The subject property is located within West Springfield, but not governed by a refinement plan. However, the Metro Plan still provides overarching policies to guide development in this area given that it lies within the Springfield UGB. Below are three growth management policies from the Metro Plan that are applicable to this annexation application with a response after each policy that explains why said application is consistent with the listed policy.

- *Policy 10 (Page II-C-5) "Annexation to a city through normal processes shall continue to be the highest priority."*

This application will annex the subject properties into the city limits through the preferred and highest priority method as envisioned in this Metro Plan policy; thus this proposal is consistent with this policy.

- *Policy 15 (Page II-C-6) "Ultimately land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services while the time frame for annexation may vary annexation should occur as land transitions from urbanizable to urban."*

Date Received: 4/6/2016
 Planner: AL

Date Received:

Annexation for
Debra Jean Hudson Trust

The subject properties are within the UGB as stated in criterion 'A' above and contiguous to the city limits; thus it will be required to be annexed into the City of Springfield when the minimum level of urban facilities and services are available. As shown on the attached utility plan, all of the utilities necessary to serve the subject site are already adjacent to the boundary and available. This includes sanitary sewer, electric, water, gas, and storm sewer. This property is ready to be annexed and will be annexed through this application; thus this proposal is consistent with this policy.

- *Policy 21 (Page II-C-7) "Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required."*

This application is a petition to annex the subject properties that will allow for the extension of sanitary sewer onto the subject property to replace a failing septic system; thus in compliance with this policy.

- C. *The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient and timely manner; and*

As demonstrated through the utility plan that is included with this application, all of the urban facilities and services (sanitary, storm, electric, water, gas) are located adjacent to the subject property. In addition, there is a city fire hydrant adjacent to the site that the Eugene-Springfield Fire Department can use to provide the annexation site with fire protection. The existing transportation network also will allow ample street connectivity for the subject properties. This means the inclusion of the subject properties into the city limits will allow for a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner.

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

The only possible fiscal impact to the City of Springfield would be if the property owner ended up not connecting to the sanitary sewer system and the city had to pay to complete the work. However, the applicant will be signing and recording an Annexation Agreement once this application is submitted for review. The Annexation Agreement will allow the development (plumbing) permit to be issued and the work completed. By the time of the City Council Public Hearing on this application, the work should be substantially along or complete. The Annexation Agreement will ensure there are no fiscal impacts to the city resulting from approval of this annexation application.

This annexation application clearly meets the approval criteria; thus the applicant respectfully requests that the City Council approve this application. If there are any questions or concerns, please do not hesitate to contact me at Metro Planning via email (robert@metroplanning.com) or phone (541-302-9830 or 541-968-9849).

Regards,

Robert Stevens, AICP
Senior Planner

Date Received:

FEB 25 2016

Date Received: 4/6/2016

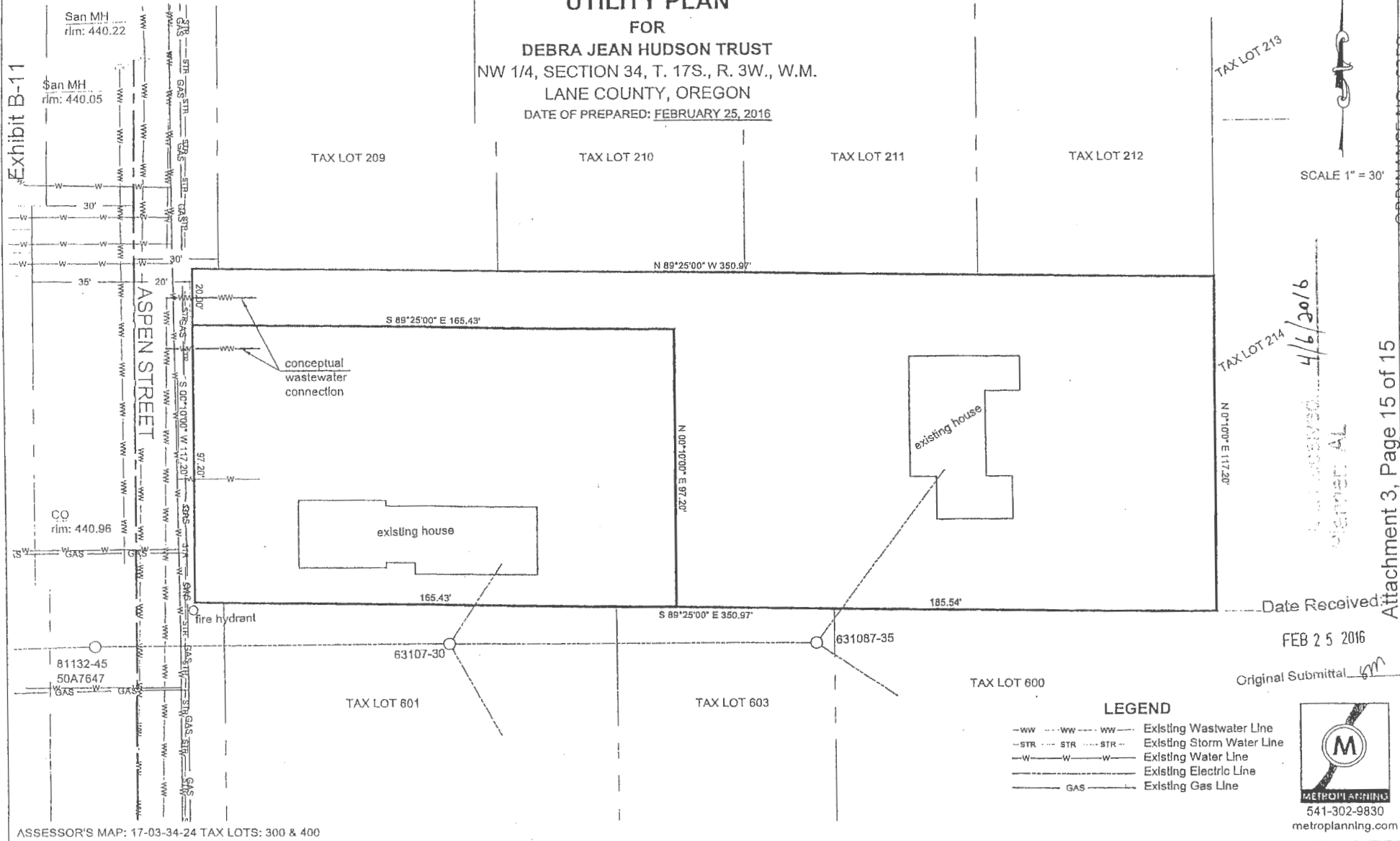
Planner: AL

Original Submittal: SM

Exhibit B-11

UTILITY PLAN

FOR
DEBRA JEAN HUDSON TRUST
NW 1/4, SECTION 34, T. 17S., R. 3W., W.M.
LANE COUNTY, OREGON
DATE OF PREPARED: FEBRUARY 25, 2016



San MH
rim: 440.22

San MH
rim: 440.05

CO
rim: 440.96

81132-45
50A7647

SCALE 1" = 30'



TAX LOT 213

TAX LOT 214

N 0° 00' 00" E 117.20'

4/6/2016

Planner: AL

Date Received

FEB 25 2016

Original Submittal *gm*

LEGEND

- ww- -ww- -ww- Existing Wastewater Line
- STR- -STR- -STR- Existing Storm Water Line
- W- -W- -W- Existing Water Line
- - - - - Existing Electric Line
- GAS- -GAS- -GAS- Existing Gas Line



ASSESSOR'S MAP: 17-03-34-24 TAX LOTS: 300 & 400

ORDINANCE NO. 6350

Attachment 3, Page 15 of 15

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made between the City of Springfield, an Oregon municipal corporation ("City") and Debra Jean Hudson, Trustee of the Debra Jean Hudson Trust ("APPLICANT").

RECITALS

- A. APPLICANT owns the parcel(s) of land legally described in Exhibit A, the Property. The property is proximate to the jurisdictional limits of the City and is subject to annexation by the City of Springfield following minor boundary change processes.
B. APPLICANT has submitted to the City a request for Annexation, dated 2/25/16, for Assessor's Map No. 17-03-34-24, Tax Lots 00300 and 00400, which are municipally addressed as 597 and 687 Aspen Street and are more particularly described in Exhibit A.
C. APPLICANT wishes to annex the Property to the City and seeks support from the City for the annexation.
D. The Property is inside the recognized Urban Growth Boundary of the City of Springfield. The Property is within the Urbanizable Fringe Overlay District (UF-10) according to the Springfield Zoning Map, and the underlying zoning is Low Density Residential (LDR).
E. Annexation of the Property requires a showing under SDC 5.7-140.C that the Property can be provided with the minimum level of key urban facilities and services as defined in the Metro Plan Policy 8a and 8b, p.II-C-4, and such showing is supported by the substantial evidence in the record of the proceeding on this annexation. City staff has determined the minimum level of key urban services is currently available to the Property.
F. The purpose of this Agreement is to memorialize APPLICANT'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, including long term public sanitary sewer, stormwater management systems, interconnected transportation systems, and Fire and Life Safety services necessary for an affirmative City recommendation for the annexation request.

After Recording, Return to:

Place Bar Code Sticker Here:

City of Springfield
Attn: Current Development Division
Development & Public Works Department
225 Fifth Street
Springfield, OR 97477

Lane County Clerk
Lane County Deeds and Records

2016-009134



\$77.00

01558430201600091340070077

02/26/2016 11:28:12 AM

RPR-AGRE Cnt=1 Stn=15 CASHIER 05
\$35.00 \$10.00 \$11.00 \$21.00

Date Received: 4/6/2016
Planner: AL

- G. A public sanitary sewer system with sufficient capacity to serve the Property and other existing and proposed land uses in the vicinity of the Property is necessary to support a finding that this key urban service is available to serve the Property.
- An existing public sanitary sewer system is located in Aspen Street and has sufficient capacity to serve the Property.
- H. A public stormwater management system with sufficient capacity to serve the Property and other existing and proposed land uses in the vicinity of the Property is also necessary to support a finding that this key urban service is available to serve the Property.
- An existing public storm sewer system is located in Aspen Street and has sufficient capacity to serve the Property. The existing property currently drains Stormwater on-site.
- I. An interconnected transportation system with the existing and proposed land uses in the vicinity of the Property is also required in order to provide access and a transportation system for the provision of Fire and Life Safety services to and from the annexed property.
- The Property has legal and physical access to Aspen Street.
 - Aspen Street is classified as a County Local Access Road and is not improved to current City standards. Improvement of Aspen Street to City standards will not be required at this time. However, an Improvement Agreement will be required for Aspen Street.
 - Additional right-of-way dedication for Aspen Street is required from the Property to provide a uniform right-of-way width that is sufficient to meet City local road standards.
- J. In order to facilitate orderly development of the Property and ensure the full provision of key urban services that are satisfactory to the City and meet the City's conditions for an affirmative recommendation for annexation to the Common Council, and in exchange for the obligations of the City set forth below, APPLICANT shall comply with all requirements imposed on APPLICANT in this Agreement.

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

AGREEMENT

1. Obligations of APPLICANT. Consistent with the above Recitals, APPLICANT agrees to perform the obligations set forth in this section.
 - 1.1.1. APPLICANT shall dedicate an additional 10 feet of public street right-of-way along the Aspen Street frontage of the Property.
 - 1.1.2. APPLICANT shall record an Improvement Agreement for full Aspen Street frontage improvements, including but not limited to: street paving, storm sewers, sanitary sewers, curbs, gutters, planter strips, street trees, street lights and sidewalks.
- 1.2. APPLICANT shall provide and be financially responsible for the provision of any additional urban facilities and services identified during the review and approval of any

Partition or Subdivision as necessary to serve the further development of the Property, including the construction and maintenance thereof.

- 1.3. In determining APPLICANT's share of costs for the improvements described in this Agreement, the full cost for the provision of the improvements at the time of construction shall be used. For the purposes of this Agreement, the full cost shall include design, construction, acquisition of land and/or easements, studies, permits from all agencies having jurisdiction, attorney's fees, and all other costs reasonably associated with the implementation of the needed improvements.
2. Obligations of City. Consistent with the above Recitals, City agrees to:
 - 2.1 Process the annexation request and support annexation of the Property to the City before the Common Council, and support APPLICANT's defense of any appeal of a decision to the City. However, the City will not assume any financial responsibility to provide legal counsel on appeal.
3. Covenants Running With the Land. It is the intention of the parties that the covenants herein are necessary for the annexation and development of the 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 to and burden upon the Property. This Agreement shall be recorded, at APPLICANT's expense, upon its execution in the Lane County Deeds and Records. This Agreement may be assigned by APPLICANT and shall benefit any assigns or successors in interest to APPLICANT. Execution of this Agreement is a precondition to the support of the City for annexation of the Property described in Exhibit A to the City. Accordingly, the City retains all rights for enforcement of this Agreement.
4. Limitations on the Development. No portion of the Property shall be further developed prior to the approval of a Partition or Subdivision, as applicable, for the proposed development.
5. Mutual Cooperation. City and APPLICANT shall endeavor to mutually cooperate with each other in implementing the various matters contained herein.
6. Waiver of Right of Remonstrance. APPLICANT 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 Improvement Act or proceeding of the State of Oregon, Lane County, or the City and to waive all rights to remonstrate against these improvements. APPLICANT does not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to APPLICANT to be inequitable or operate unfairly upon the Property. APPLICANT waives any right to file a written remonstrance against these improvements. APPLICANT does not waive its right to comment upon any proposed Local Improvement District (LID) or any related matters orally or in writing.
7. Modification of Agreement. This Agreement may only be modified in writing signed by both parties. Any modifications to this Agreement shall require the approval of the Springfield Common Council. This Agreement shall not be modified such that the minimum level of key urban facilities and services as defined in the Metro Plan Policy 8a and 8b, p.II-C-4 and as required herein are not provided in a timely manner to the Property.

Date Received: 4/6/2016
Planner: AL

8. Land Use. Nothing in this Agreement shall be construed as waiving any requirements of the Springfield Development Code or Springfield Municipal Code which 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 or Land and Drainage Alteration Program (LDAP) permit application submitted by APPLICANT. APPLICANT is responsible for obtaining, at APPLICANT's expense, all State and/or Federal permits and any other approvals as may be required.
9. Dolan. APPLICANT knows and understands any rights it may have under the law as interpreted in Dolan v. City of Tigard, 512 US 374 (1994) and subsequent cases interpreting the legal effect of Dolan and by entering into this Agreement hereby waives any requirement that the City demonstrate the public improvements and other obligations of APPLICANT, for payments, financial responsibility and reimbursements set forth in Section 1, required herein, are roughly proportional to the burden and demands placed upon the urban facilities and services by the development and to the impacts of the development of the Property. APPLICANT further waives any cause of action it may have pursuant to Dolan v. City of Tigard and cases interpreting the legal effect of Dolan arising out of the actions described herein.
10. Ballot Measures 37/49/ORS 195.300 et seq. APPLICANT knows and understands any rights it may have under Oregon Revised Statutes (ORS) Chapter 195.300 et seq., "Just Compensation for Land Use Regulation". APPLICANT for itself and its heirs, executors, assigns, administrators and successors hereby waives any claim or cause of action it may have under such ORS provisions against the City.
11. 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 25 day of Feb., 2016

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

APPLICANT

Debra Jean Hudson

2-25-16

By:

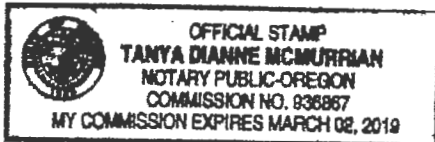
Date

Trustee, The Debra Jean Hudson Trust

Its:

STATE OF OREGON }
COUNTY OF LANE } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON February 25, 2016 BY
Debra Jean Hudson AS Trustee OF The Debra Jean Hudson Trust
(APPLICANT)



Tanya D. McMurrain
NOTARY PUBLIC FOR OREGON

Date Received: 4/6/2016
Planner: AL

CITY OF SPRINGFIELD

By: *[Signature]*
Gino Grimaldi, City Manager

STATE OF OREGON }
COUNTY OF LANE } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON February 26, 2016 BY
Gino Grimaldi AS City Manager OF City of Springfield
(CITY)

REVIEWED & APPROVED
AS TO FORM
Kristine S. K... [Signature]
DATE: 2/23/16
OFFICE OF CITY ATTORNEY

Amy Loure Sowa
NOTARY PUBLIC FOR OREGON

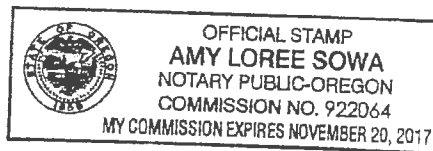


EXHIBIT 'A'

Beginning at a point in the middle of the County Road, which point is on the East line of the Robert E. Campbell Donation Land Claim No. 59, Township 17 South, Range 3 West of the Willamette Meridian, 429.33 feet North 0° 10' East from the central Southeast corner of said Claim; from said beginning point run South 89° 25' East 185.54 feet; thence North 0° 10' East 107.2 feet; thence North 89° 25' West 185.54 feet to the said East Donation Land Claim Line; thence South along said East line 107.2 feet to the place of beginning, in Lane County, Oregon;

EXCEPT that portion described in deed to Cornelius M. Elspas and Connie June Elspas, recorded March 3, 1969, Reception No. 55701, Lane County Oregon Records, in Lane County, Oregon.

ALSO, Beginning at a point on the East line of the Robert E. Campbell Donation Land Claim No.59, Township 17 South, Range 3 West, Willamette Meridian, 526.73 feet North 0° 10' East from the central Southeast corner of said claim; from said beginning point run South 89° 25' East 185.54 feet; thence South 0° 10' West 97.2 feet; thence South 89° 25' East 185.54 feet; thence North 0° 10' East 117.2 feet; thence North 89° 25' West 371.08 feet to the East line of said land claim which point is also the middle of the county road; thence South 0° 10' West along said East line 20.0 feet to the place of beginning, in Lane County, Oregon.

Date Received: 4/6/2016
Planner: AL

**TYPE IV – ANNEXATION
STAFF REPORT AND
RECOMMENDATION**



File Name: Debra Jean Hudson Annexation

Applicant: Debra Jean Hudson, trustee of the Debra Jean Hudson Trust

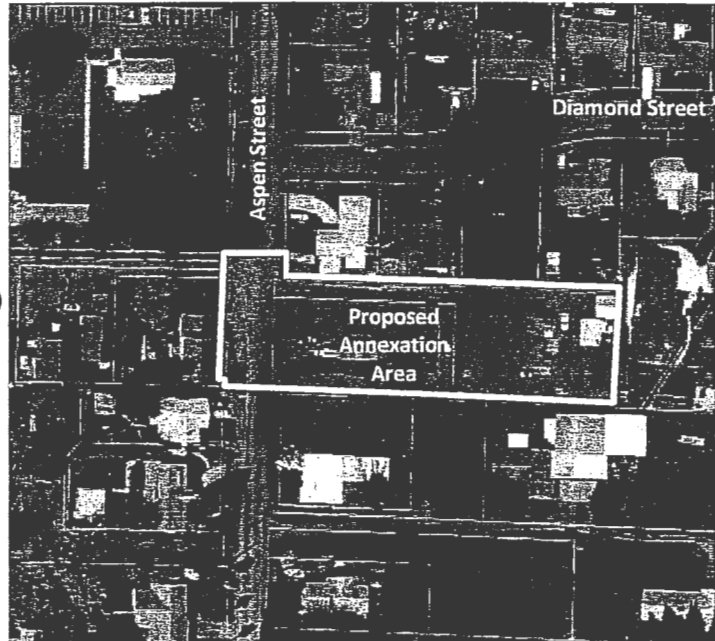
Case Number: ANX16-00001

Proposal Location: 597 & 687 Aspen St. (Assessor's Map 17-03-34-24, TL 300 & 400)

Current Zoning: Low Density Residential (LDR) with Urbanizable Fringe Overlay (UF-10)

Plan Designation: LDR

Applicable Comprehensive Plan: Metro Plan



Application Submittal Date: February 25, 2016

Associated Applications: PRE16-00008 (Pre-Submittal Meeting for Annexation)

CITY OF SPRINGFIELD'S DEVELOPMENT REVIEW COMMITTEE

POSITION	REVIEW OF	NAME	PHONE
Project Manager	Planning	Andy Limbird	541-726-3784
Transportation Planning Engineer	Transportation	Michael Liebler	541-736-1034
Public Works Civil Engineer	Streets and Utilities	Kyle Greene	541-726-5750
Deputy Fire Marshal	Fire and Life Safety	Gilbert Gordon	541-726-2293
Building Official	Building	David Bowsby	541-736-1029

APPLICANT'S DEVELOPMENT REVIEW TEAM

POSITION	NAME	PHONE	MAILING ADDRESS
Applicant	Debra Jean Hudson	541-726-7604	687 Aspen Street Springfield OR 97477
Applicant's Representative	Robert Stevens Metro Planning Inc.	541-302-9830	370 Q Street Springfield OR 97477

Date reviewed: 4/6/2016
Planner: AL

Review Process (SDC 5.7-115): The subject annexation request is being reviewed under Type IV procedures, without Planning Commission consideration.

Development Issues Meeting (SDC 5.7-120): A Development Issues Meeting (DIM) is required of all public agency and private landowner-initiated annexation applications.

Finding: Staff conducted an informal Development Issues Meeting for the subject annexation request at no cost to the applicant and on an expedited timeline at the Development & Public Works office on February 9, 2016. Because the subject annexation request is to address a potential public health hazard for an existing dwelling within an established residential neighborhood, and the necessary urban services are available along the property frontage, the applicant's representative was advised to proceed directly to the Annexation Pre-submittal meeting step.

Conclusion: The requirement in SDC 5.7-120 is met.

Annexation Initiation and Application Submittal (SDC 5.7-125): In accordance with SDC 5.7-125.B.2.b.i and ORS 222.170(1), an annexation application may be initiated by "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 consent in writing to the annexation of their land".

Finding: The property owner who owns all of the land and real property, and full assessed value of real property in the contiguous territory, has filed an application and petition requesting annexation to the City of Springfield (Attachment 3).

Conclusion: The application requirements in SDC 5.7-125 have been met.

Site Information: The territory requested for annexation is comprised of two adjoining residential parcels on the east side of Aspen Street between West D Street and Diamond Street. The two parcels each contain an existing single family dwelling and the total area requested for annexation is approximately 0.93 acres. The subject site is inside the Springfield Urban Growth Boundary (UGB) and is contiguous to the Springfield city limits on the west edge of the Aspen Street right-of-way. To provide contiguity with the subject property, staff is recommending concurrent annexation of a segment of Aspen Street right-of-way along the property frontage.

Zoning for the property is Low Density Residential (LDR) with an Urbanizable Fringe Overlay (UF-10) applied. According to the applicant's submittal, the primary purpose of the annexation request is to facilitate connection of the house at 597 Aspen Street to public sanitary sewer due to a failed septic system on the property. The applicant is proposing to connect the dwelling at 687 Aspen Street to public sanitary sewer at the same time, and to decommission both septic systems. To this end, the applicant has executed an Annexation Agreement with the City that outlines the applicant's responsibilities and financial obligations for provision of public services to the property (Attachment 4 to the AIS). Items detailed in the Annexation Agreement include but are not limited to future street improvements along the Aspen Street frontage of the property, and extension of public utilities to serve the property and lands beyond the annexation area.

Existing public services are provided to the annexation area as follows: police (Lane County Sheriff, Springfield Police Department), schools (Springfield School District), roads (City of Springfield and Lane County), and Fire (Eugene/Springfield under contract with the Rainbow Water and Fire District). Springfield Utility Board (SUB) operates the existing electric and water utility infrastructure along the site frontage, but the provision of potable water service is currently the responsibility of Rainbow Water District. Upon annexation, the City of Springfield will be responsible for all urban services, including sewer, water, electricity and police/fire response to the subject area.

Date Received: 4/6/2016
Planner: AL

Notice Requirements (SDC 5.7-130): Consistent with SDC 5.7-130, notice was provided as follows:

Mailed Notice. Notice of the annexation application was mailed March 15, 2016, which is at least 14 days prior to the public hearing date, to the affected property owner(s); owners and occupants of properties located within 300 feet of the perimeter of the proposed annexation territory; affected neighborhood groups or community organizations officially recognized by the city that includes 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.

Newspaper Notice. Notice of the April 4, 2016 public hearing was published in *The Register-Guard* on March 21 and 28, 2016.

Posted Notice. Notice of the April 4, 2016 public hearing was posted in four public places in the City: along the property frontage on Aspen Street; on the public notices bulletin board in the lobby of Springfield City Hall; on the electronic display in the foyer of the Development and Public Works office; and on the City of Springfield website.

Finding: Upon annexation of the subject territory to the City the Low Density Residential zoning will be retained, but the Urbanizable Fringe Overlay District (UF-10) will no longer apply. Due to this change, the Oregon Department of Land Conservation and Development (DLCD) was notified in writing of the annexation proceedings prior to the public hearing. Notification to DLCD regarding the proposed annexation was sent on February 26, 2016.

Conclusion: Notice of the public hearing was provided consistent with SDC 5.7-130.

Recommendation to City Council (SDC 5.7-135): The Director shall forward a written recommendation on the annexation application to the City Council based on the approval criteria specified in Section 5.7-140, which are provided as follows with the SDC requirements, findings, and conclusions. The Director's recommendation follows SDC 5.7-140, Criteria.

Criteria (SDC 5.7-140): The 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 territory is located within the acknowledged urban growth boundary (UGB) of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*). The area requested for annexation abuts the east boundary of the Aspen Street right-of-way and the Springfield city limits runs along the west boundary of Aspen Street. Therefore, the annexation territory is separated from the City only by a public right-of-way.

Finding: To provide contiguity and to avoid creating a gap in the City limits line, staff is recommending concurrent annexation of a 142-foot long segment of Aspen Street along the property frontage. Therefore, this annexation application meets the statutory definition of contiguity as found in ORS 222.111(1).

Conclusion: The proposal meets and complies with criterion A(1), Subsection 5.7-140.

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

Finding: The *Metro Plan* was acknowledged by the Land Conservation and Development Commission (LCDC) in August, 1982 and has been subsequently amended. The annexation area is located within the acknowledged UGB of the *Metro Plan*. Territory within the delineated UGB ultimately will be within the City of Springfield.

Received: 4/6/2016
Printer: Al

Finding: The territory requested for annexation is entirely within the City's acknowledged UGB.

Finding: The territory requested for annexation is zoned and designated Low Density Residential (LDR) in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. There are no proposed changes to the current zoning or plan designation.

Finding: The continued annexation of properties and public street rights-of-way to the City of Springfield is consistent with the *Metro Plan*, which will result in the elimination of special districts within the urbanizable area. The *Metro Plan* recognizes that as annexations to the City occur, the special district service areas will diminish incrementally and eventually will be dissolved.

Finding: The territory requested for annexation is within the Rainbow Water and Fire District, which has a service arrangement with Eugene/Springfield for provision of fire response to unincorporated areas of west Springfield. After the public hearing and upon Council adoption of the annexation Ordinance, the annexation area will be withdrawn from the Rainbow Water and Fire District consistent with ORS 222.510, 222.520, and 222.525 and the combined fire and life safety departments of the Cities of Eugene & Springfield will provide fire protection service directly to the annexation area.

Finding: After the public hearing and upon Council adoption of the annexation Ordinance, the annexation area will be withdrawn from the Rainbow Water and Fire District consistent with ORS 222.510, 222.520, and 222.525 and Springfield Utility Board will provide water service directly to the annexation area.

Finding: After the public hearing and upon Council adoption of the annexation Ordinance, the annexation area will be annexed into the Willamalane Park and Recreation District as authorized by an intergovernmental agreement between the City of Springfield and Lane County. The park district provides park and recreation facilities and services to territory within the City of Springfield.

Conclusion: The proposal meets and complies with criterion B, Subsection 5.7-140.

C. The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services as defined in the Metro Plan can be provided in an orderly efficient and timely manner; and

Finding: The *Metro Plan* recognizes annexation as the highest priority for extending the minimum level of key urban facilities and services to urbanizable areas.

Finding: The territory requested for annexation will take advantage of urban service delivery systems that are already in place or can be logically extended to serve this area. In addition to urban utilities, the following facilities and services are either available or can be extended to this annexation area:

Water – The Springfield Utility Board operates the public water utility system adjacent to the property requested for annexation, although Rainbow Water and Fire District supplies the water service to unincorporated areas of west Springfield. Upon annexation, the subject property would be served by the City by and through the Springfield Utility Board. There are existing water meters and service connections along the Aspen Street frontage of the property that will continue to provide service for the two residential dwellings on the site.

Electricity – SUB Electric provides service to developed properties in this area of west Springfield, including the subject site. Existing electrical system infrastructure within the adjacent public rights-of-way will be maintained by the affected utility providers.

Police Services – Springfield Police Department currently provides service to areas of west Springfield that are already inside the City limits. The annexation territory is currently within the jurisdiction of the Lane County Sheriff's Department. Upon annexation, this area will receive Springfield Police services on an equal basis with other properties inside the City.

Info Received 4/6/2016
Planner: AL

Fire and Emergency Services – Fire protection is currently provided to the annexation area by Eugene/Springfield Fire Department under contract with Rainbow Water and Fire District. Upon annexation, the Eugene/Springfield Fire Department will continue to provide fire and emergency services to the subject territory.

Emergency medical transport (ambulance) services are provided on a regional basis by the Eugene/Springfield Fire Department, and Lane Rural Fire/Rescue to central Lane County. The annexation area will continue to receive this service consistent with the adopted ambulance service area (ASA) plan. Mutual aid agreements have been adopted by the three regional ASA providers to provide backup coverage for each other's jurisdictions.

Parks and Recreation – Park and recreation services are provided to the City of Springfield by the Willamalane Park and Recreation District. The park district operates several indoor recreation facilities, such as the Willamalane Park Swim Center, Lively Park Swim Center, Memorial Building Community Center, and Willamalane Adult Activity Center. The park district offers various after-school and other programs for children at schools and parks throughout the community. Also available are pathways and several categories of parks, including community parks, sports parks, special use parks, and natural area parks.

Concurrent with annexation to the City of Springfield, the subject area will be annexed to the Willamalane Park and Recreation District consistent with City policy and the adopted Willamalane Comprehensive Plan.

Library Services – Upon annexation to the City of Springfield, the subject area will be within the service area of the Springfield Public Library.

Schools – The Springfield School District serves the subject area of west Springfield. The existing dwellings are occupied and the applicant has indicated that six people currently reside at the two properties requested for annexation. Therefore, the annexation territory will generate permanent residents and, potentially, school-age population upon annexation.

Sanitary Sewer – The annexation territory is not currently served by sanitary sewer, but there are existing sanitary sewer lines along the west side of the Aspen Street right-of-way. The applicant has executed an Annexation Agreement for the property to facilitate immediate connection to City sanitary sewer service while the formal annexation process advances.

Stormwater – The subject annexation territory is served by a piped stormwater management system that runs inside the east boundary of Aspen Street.

Streets – The subject annexation area has frontage on the east edge of Aspen Street, which is currently developed as a Lane County local road. A 60-foot wide by 142-foot long segment of Aspen Street along the property frontage is being annexed concurrently with the subject property. The responsibilities and expectations of the property owner for future improvement of the Aspen Street frontage have been outlined in an Annexation Agreement executed with the City, incorporated herein by reference (Attachment 4). The applicant also will be required to execute an Improvement Agreement for future Aspen Street improvements, including but not limited to paving, curb, gutter, sidewalk, and street lighting.

Solid Waste Management – The City and Sanipac have an exclusive franchise arrangement for garbage service inside the City limits. Upon annexation, solid waste disposal service can be provided by Sanipac.

Communication Facilities – Various providers offer both wired and wireless communication services in the Eugene-Springfield metropolitan area. Existing providers and those entering the market have the capability to provide service to this area.

Land Use Controls – The annexation area is within Springfield's urban growth boundary. Through an intergovernmental agreement between Lane County and the City of Springfield, the City already has planning and building jurisdiction for unincorporated areas of Springfield. The City will continue to administer land use controls after annexation.

Approved: 4/6/2016
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Finding: The minimum level of key urban facilities and services, as outlined in the adopted *Metro Plan*, are either immediately available or can be provided within a reasonable future time frame as needed.

Conclusion: The proposal meets and complies with criterion C, Subsection 5.7-140.

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

Finding: The subject property contains two existing dwellings, but is sufficiently large to accommodate further land division and residential development in the future. Additionally, the Aspen Street frontage of the property is not developed to full urban standards and lacks full width of pavement, curb and gutter, sidewalk and street lighting. The responsibilities and expectations of the developer when future land division is proposed on the site and/or improvements are done to Aspen Street has been outlined in an Annexation Agreement executed with the City (Attachment 4). The Annexation Agreement obligations have been recorded against the property title as Document 2016-009134, Lane County Deeds and Records, and therefore would assign to a third party should either or both parcels be sold or transferred in the future.

Finding: The applicant has already paid City fees and obtained necessary permits to connect the existing dwellings to City sanitary sewer service, thereby alleviating the potential public health hazard of a failed septic system.

Conclusion: The proposal meets and complies with criterion D, Subsection 5.7-140.

DIRECTOR'S RECOMMENDATION: The proposal complies with the annexation criteria of approval listed in SDC 5.7-140, and Council is within its authority to approve annexation of the subject territory to the City of Springfield and Willamalane Park and Recreation District; and withdrawal of the subject territory from the Rainbow Water and Fire District.

City Council Decision (SDC 5.7-145): City Council approval of the annexation application shall be by Ordinance.

Finding: On April 4, 2016, the City Council will hold a Public Hearing for the subject annexation request and give first reading to the Annexation Ordinance. Based on the staff analysis and recommendation, and on testimony provided at the Public Hearing, the City Council may take action to approve, modify or deny the Annexation Ordinance at the April 4, 2016 meeting or a future City Council meeting.

Finding: Staff is recommending adoption of the Annexation Ordinance by Emergency Clause such that the annexation would take effect upon signature by the Mayor and acknowledgement by the state. Because the failed septic system represents a bona fide public health hazard, expedited annexation to the City and immediate connection to public sanitary sewer is warranted.

Zoning (SDC 5.7-150): The area requested for annexation is zoned and designated Low Density Residential in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. Properties that are outside the City limits have the Urbanizable Fringe Overlay District (UF-10) applied to the zoning. Upon the effective date of the annexation, the UF-10 overlay will be automatically removed and the site will retain the Low Density Residential (LDR) zoning.

Effective Date and Notice of Approved Annexation (SDC 5.7-155): If the annexation is adopted by the City Council on April 4, 2016, the Ordinance will become effective immediately after signature by the Mayor and upon acknowledgement of filing with the Secretary of State.

Withdrawal from Special Service Districts (SDC 5.7-160): 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 Director shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222. In determining whether to withdraw the territory, the

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City Council shall determine whether the withdrawal is in the best interest of the City. Notice of the withdrawal shall be provided in the same manner as the annexation notice in Section 5.7-150.

Finding: The annexation area is within the delineated service territory of SUB (electric), Eugene/Springfield Fire Department under contract with Rainbow Water and Fire District (fire response), and Rainbow Water and Fire District (water). The Cities of Eugene/Springfield will continue to provide fire and emergency services to the annexation area upon annexation. After annexation, the City of Springfield by and through the Springfield Utility Board will provide water and electric service to the annexation area. Consistent with SDC 5.7-160, notice was provided, a public hearing was held, and the City Council determined that withdrawal from the Rainbow Water and Fire District was in the best interest of the City. The withdrawal decision was codified in Ordinance No. 6350.

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DEVELOPMENT SERVICES DEPARTMENT
225 5th ST
SPRINGFIELD, OR 97477



Attention: Plan Amendment Specialist
Dept. of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF

APR 11 2016

**LAND CONSERVATION
AND DEVELOPMENT**