Annexation Application Instructions

These are instructions for filing an application for annexation to the city of Eugene. Please read all instructions before filing an application with the City.

Step 1. Application and Fees
The application asks for information concerning the applicant, property owner, and property to be annexed. This information is required to process the annexation application. Incomplete applications will not be scheduled for a Council decision until all required materials have been submitted. Submittal requirements are listed in EC 9.7810. **Note:** 3 paper copies and one digital copy of all materials needs to be submitted. The City may require additional copies if deemed necessary.

A filing fee must accompany all applications. The fee for annexations is $5155.70.

Step 2. Consent to Annexation, Certification of Electors, Verification (Certification) of Property Owners & Petition for Annexation
Consent to annex is necessary to initiate the annexation proceeding. The consent to annexation must be by all property owners and, if applicable, not less than 50% of the electors residing on the land proposed for annexation. Signatures shall be notarized by a Notary Public. *See EC 9.7810(3) & 9.7810(4) for alternative methods of consent.*

Verification (Certification) of Property Owners, required by EC 9.7810(5), shall be obtained by the Lane County Assessment & Taxation office (125 E 8th Ave., 682-4321). The signed petition for annexation (see below) shall be submitted to the Assessment & Taxation office for review and will be returned to the applicant along with the Verification of Property Owners.

The Petition for Annexation form may be obtained from the City of Eugene Planning Department or from the Lane County Elections office (275 W 10th Ave., 682-4234). The petition must be taken to the County Elections office to be signed by a County Elections Filing Officer for Certification of Electors as required by EC 9.7810(6).

Step 3. Summary of Urban Service Provision
The completed summary will give staff knowledge of the area proposed to be annexed. If you need assistance filling out this form, please contact your service provider(s) or come to the City's Permit and Information Center between 9 a.m. and 5 p.m. (99 West 10th Avenue).

Step 4. Legal Description
The applicant shall provide a legal description of the property to be annexed prepared by a registered land surveyor. See attached example of acceptable annexation legal descriptions. All calls within the legal description must exactly match the map provided with the application.

The applicant will also submit a Certification of Description verifying that the metes and bounds description of the property proposed for annexation closes and that the map outlining the boundary is a true representation of the description during the review process.

Step 5. Site Plan
A map showing the affected territory and any public streets to be annexed shall be submitted. Refer to the Annexation Application for a list of items to be included on the site plan.

Step 6. Written Statement
A written statement addressing the approval criteria of EC 9.7825 shall be submitted at the time of application. When addressing Metro Plan policies please refer to the attached information sheet on the applicable policies.

Step 7. Completeness Review
Staff will review the application for completeness. Within 30 calendar days staff will determine if the application is complete or incomplete. A Council decision date cannot be scheduled until the application is deemed complete. A public hearing is not required for most annexation applications. *See EC 9.7820(2) for instances when a hearing is required.*

Step 8. Staff Recommendation
The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.

Step 9. Noticing
At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:
1. The applicant;
2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.

Step 10. Council Decision
City council may adopt a resolution approving, modifying and approving, or denying the application for annexation or vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation. If a public hearing is required the city council shall set a date, time and place for it to conduct a hearing to consider the application. Notice of the public hearing will be: sent out not less than 14 days prior to the hearing; published in a local newspaper and posted in four places in the city for two successive

weeks prior to the hearing date. At the hearing the council may adopt a resolution approving, modifying and approving, or denying the application for annexation.

An effective date for the annexation shall be set in accordance with state law.

ANNEXATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage

Property Address: _____

Plans for Future Development & Permit Number (if applicable): _____

Public Service Districts:

	Name		
Parks:			
Electric:			
Water:			
Sanitary Sewer:			
Fire:			
Schools:	**Elementary:**	**Middle:**	**High:**
Other:			

Filing Fee

☐ A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement *(Submit 5 copies)*

☐ Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:

- ☐ Show the date & north arrow on site plan.
- ☐ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☐ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☐ Show city limits & UGB (if applicable)
- ☐ Clearly label the affected territory and any public right of ways to be annexed.
- ☐ Show all adjacent streets, alleys, and accessways.
- ☐ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☐ Show the location of all existing structures.

Other Application Requirements *(Submit 3 paper copies and 1 digital copy of all)*

- ☐ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☐ Notarized Consent to Annexation form.
- ☐ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statues (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☐ Summary of Urban Service Provision form.
- ☐ Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address: Email:

City/State/Zip: Phone: Fax:

Signature: Date:

SURVEYOR:

Name (print):

Company/Organization:

Address:

City/State/Zip: Phone: Fax:

E-mail:

Signature: Date:

REPRESENTATIVE (If different from Surveyor):

Name (print):

Company/Organization:

Address:

City/State/Zip: Phone: Fax:

E-mail:

Signature: Date:

****Attached additional sheets if necessary.**

Frequently Asked Questions: Annexations in Eugene

What is annexation?

Annexation (sometimes also called "incorporation") is the legal process by which properties become part of a city. After annexation, a property will be inside the city limits and is no longer under county jurisdiction. In the City of Eugene, annexations must be approved by the Eugene City Council.

Why do properties annex to the City?

Typically, annexations to the City of Eugene are initiated by the property owner to obtain a service or right that the City provides. The comprehensive plan for Eugene, the *Eugene-Springfield Metropolitan Area General Plan* (or "Metro Plan"), says that Eugene will be the ultimate provider for urban services for all areas inside Eugene's Urban Growth Boundary (UGB). If a property owner wants to divide or develop a property, or wants to have new City services, the property must be first annexed to the City. Typical services requested include sanitary sewer, EWEB water, city police or fire protection, library services, and the ability to vote in city elections.

Who approves annexations?

The Eugene City Council must approve all annexations in Eugene. Applications will be submitted and fees will be paid to the City of Eugene's Planning Department.

Who can Annex to the City?

Land proposed to be annexed must be within the city's UGB and contiguous to the city limits or separated from the city only by public right of way or a stream, bay, lake or other body of water.

Will my taxes go up if I annex to the City?

Yes. City taxes are higher than the taxes in unincorporated areas, but the level of services is higher, too. To find out how your particular taxes may change, you should contact the Lane County Office of Assessment and Taxation (541-682-4321).

Why does the City look for logical and appropriate street segments to annex?

Since the Metro Plan indicates that all lands inside Eugene's UGB will some day be part of the city, it makes sense to have city streets provide access and utilities to properties within the city limits. Having streets within the city limits allows the city greater control over water and sewer line extension and repair, storm drainage, traffic speed control, and traffic enforcement. The City also provides a higher level of emergency services from the police and fire departments to incidents occurring in the road rights-of-way. As urban development continues and properties are annexed, there is more opportunity and a greater public need for assuring connectivity and access, rather than isolated and incremental efforts to acquire road rights-of-way as in the past.

Will the City charge properties along a street for improvements if the street is annexed?

No, not as a result of annexation. The City usually initiates the type of street improvements that result in assessments of adjacent properties only if the owners of property representing more than 50 percent of

the improvement costs request the improvements. Assessments are only approved by the City Council after the public has had a chance to testify at a public hearing.

What is an island of unincorporated property?

One or more properties not annexed to the City, or "unincorporated," that are completely surrounded by properties that are annexed (or "incorporated") in the city limits.

If my property becomes an island of unincorporated property, does something change?

Yes. Under state law, the City could initiate annexation of properties in an unincorporated island without the provision of remonstrance (or vote) by the residents living in the island. In other words, the City could, at some time in the future, ask the City Council to approve the annexation of the island of unincorporated property. The City Council may adopt a resolution approving the annexation or vote to defer action until after it holds a public hearing on the proposed annexation.

Does that happen often?

No, the City has policies that favor voluntary annexations by the property owners. The City of Eugene has not initiated an annexation of an unincorporated island in many years.

Where can I get more information about annexations?

There are several sources for information, as listed below:

City of Eugene website: www.eugeneplanning.org

City Planning: Planner on Duty, 99 W 10th Ave. from 9am – 5pm, or call 541-682-5377

Oregon Law: Oregon Revised Statutes (ORS) 222 and Eugene Code (EC) 9.7800

Prepared by the City of Eugene Planning and Development Department, January 2008

Annexation Policies of the Eugene-Springfield Metropolitan Area General Plan

The Eugene-Springfield Metropolitan Area General Plan ("Metro Plan") is the comprehensive planning document for the City of Eugene. Most annexation actions are directed by the policies found in the Growth Management Chapter, which have been collected below. A successful annexation application must explain how the annexation is consistent with one or more of these policies, and does not conflict with any of these policies.

This list of policies was collected to cover most typical annexation requests. There are additional policies in the Metro Plan. The applicant is responsible for reviewing the Metro Plan for additional policies that may pertain to the applicant's property.

Policies:

8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:
   a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
   b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the *Metro Plan*.

10. Annexation to a city through normal processes shall continue to be the highest priority.

15. 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.

17. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.

19. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:
   a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program);

b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.

Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.

20. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).
    a. Annexation to a city;
    b. Contractual annexation agreements with a city;
    c. Annexation to an existing district (under conditions described previously in Policy #19); or
    d. Creation of a new service district (under conditions described previously in Policy #14).

Application #: C * 2008 - _____
For City Use Only

* CB = Coburg
CR = Creswell
FL = Florence
OA = Oakridge
CG = Cottage Grove
EU = Eugene
JC = Junction City
SP = Springfield

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 ***(Insert Name of City)***:

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.							
2.							
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, _____ *(printed name of circulator)*, hereby certify that every person who signed this sheet did so in my presence.

X_____ *(signature of circulator)*

CERTIFICATION OF PROPERTY OWNERS

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

_____
Lane County Department of Assessment and Taxation

_____
Date Certified

CERTIFICATION OF ELECTORS

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

_____
Lane County Clerk or Deputy Signature

_____
Date Certified

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: _____ Address: _____

Legal Description:

In the corporate limits of said city, which is owned by the undersigned

DATED this _____ day of _____, 20____.

_____

_____

_____

STATE OF OREGON)
)ss
County of)

On this _____ day of _____, 20____, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, _____, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

_____
Notary Public for Oregon
My Commission Expires_____

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:
_____

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

_____

_____

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

_____ will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:
_____

_____ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?
_____

_____

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?
_____

If yes,
location?_____

If no, how will stormwater be handled after development? -
_____

_____

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway._____

_____

Will dedication for additional street right-of-way be required upon further development of this site?

_____ Yes _____ No _____Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

_____ Yes _____ No _____Unknown

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of $25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

_____

_____

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-
Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

_____ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

_____ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service – Which electric company will serve this site?
_____.

Water Service -- Please provide the size and location of the water main closest to your property._____.

_____

_____.

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

Census Information Sheet – CONFIDENTIAL

Please complete the attached survey and return it with your annexation application. It is not necessary to include the names of all individuals. Addresses and number of people living at each address is essential and sex and age information is helpful. If you have any questions, please contact the Planning Department at 541-682-5377.

City of Eugene Address: _____

HOUSING TYPE

Single Unit Structure ( )
Multiple Unit Structure ( )
Trailer or Mobile Home ( )
Seasonal ( )

TENURE

Owner-Occupied ( )
Renter-Occupied ( )
Vacant ( )

RESIDENTS

	Last Name	First Name	Sex	Age
Respondent	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

Portland State University School of Urban and Public Affairs
Center for Population Research and Census (503) 725-3922

Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: _____

Registered Land Surveyor

Print Name: _____

Date: _____

Seal:

Annexation Legal Descriptions

A metes and bounds legal description of the entire area proposed for annexation is required as part of an annexation application. A licensed land surveyor must prepare the description and certify the description correctly represents the affected territory. The survey must show the township, range, section number and the point-of-beginning, and have bearings and distances that match the description.

Keep the following in mind when preparing boundary change legal descriptions:

- The point-of-beginning of the legal description must be clear. The point-of-beginning is best described by bearing and distance from a section corner, a donation land claim (DLC) corner, or another well monumented corner.
- Bearings and distances must be given for each course around the boundary description.
- Most deed references are inadequate as point-of-beginning or point-of-call for a boundary change description. If a deed reference is used as a point-of-call, include a copy of the deed. However, a description that consists solely of the landowner's deed or deeds is seldom adequate.
- Tax lot numbers cannot be used for the legal description.
- If the area is large, the use of township, range and section numbers, and quarter-quarter sections is acceptable as a legal description.
- If a point-of-call is to a highway or county road, the description must state to which edge or to the centerline.
- If a point-of-call is to a river or stream, the description must state whether it is on the mean high water, mean low water, thread, ordinary high water, or ordinary low water line. The bearing requirement can be dismissed along rivers and streams.

Example #1

Description of Affected Territory to be Annexed

> Beginning at a point South 82° 16' East 136.18 feet from a point on the Easterly Right of Way Line of the Southern Pacific Company Railroad which is South 20° 29' East 700.6 feet from a point on said Right of Way Line North 89° 53' West 4240.5 feet from the Northeast corner of the James E. McCabe and wife Donation Land Claim (DLC) No. 46, in Township 17 South, Range 4 West of the Willamette Meridian, said point being 120.00 feet as measured at right angles to the Easterly Right of Way Line of said Southern Pacific Company Railroad; thence South 20° 29' East parallel with said Right of Way Line 558.27 feet to the Northerly margin of Old Maxwell Road; thence along said Northerly margin South 88° 13' 23" East 66.58 feet to the Westerly margin of Allea Drive; thence leaving said Northerly margin along said Westerly margin North 3° 03' West 155.25 feet; thence leaving said Westerly margin North 89° 53' West 61.94 feet; thence North 20° 29' West 67.20 feet; thence South 89° 53' East 117.14 feet; thence North 3° 03' West 272.6 feet to a point on the Southerly boundary of BRAMBLEWOOD PHASE 1 AS PLATTED AND RECORDED IN File 75, Slide 65 Lane County Oregon Plat Records; thence along said Southerly boundary North 82° 16' West 263.22 feet to the point of beginning in Lane County, Oregon.

Example #2

Description of Affected Territory to be Annexed

Lot 28, Block 4, SUNNY LEA, as platted and recorded in Book 10, Page 22, Lane County Oregon Plat Records, in Lane County, Oregon.

COUNCIL ORDINANCE NUMBER 20400

COUNCIL BILL NUMBER 4960

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

ADOPTED: December 10 2007

PASSED: 6:2

REJECTED:

OPPOSED: Bettman, Taylor

ABSENT:

EFFECTIVE:

ORDINANCE NO. 20400

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

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

ANNEXATION APPLICATION PROCEDURES AND CRITERIA

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

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

9.7805 **Annexation – Applicability.**

(1) The provisions of EC 9.7800 - 9.7835 apply to annexation applications for which there is owner and elector consent as described in EC 9.7810. Other annexation proposals permitted by state law, including annexations to abate a health hazard pursuant to ORS Chapter 222, shall be processed as provided in state law.

(2) For purposes of EC 9.7800 through 9.7835:

(a) An "owner" is a legal owner of record or, where there is a recorded land sale contract which is in force, a purchaser under the land sale contract.

(b) An "elector" is an individual qualified to vote under section 2, Article II, of the Oregon Constitution.

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

(1) A list of all owners, including partial owners, of land in the area proposed for annexation, indicating for each owner:

(a) The affected tax lot(s), with the township, section and range numbers of the affected tax lots identified;

(b) The street address(es) of the affected land as recorded on county assessment and tax rolls;

(c) The electors residing on the land, if any.

(2) Consent to Annex forms that are completed and signed by:

(a) All of the owners of land in the area proposed for annexation; and

(b) Not less than fifty percent of the electors, if any, residing on the land proposed for annexation.

(3) Instead of the Consent to Annex forms as described in subsection (2) above, an application may include Consent to Annex forms that are completed and signed in accordance with state law, by:

(a) More than fifty percent of the owners of the land in the area proposed for annexation, who also own more than fifty percent of the land in the area proposed for annexation and of real property therein representing more than fifty percent of the assessed value of all the real property in the area proposed for annexation; or

(b) More than fifty percent of the electors registered in the area that is proposed for annexation and the owners of more than fifty percent of the land in that area proposed for annexation.

(4) In lieu of a Consent to Annex form described in sections (2) or (3) above, an owner's consent may be indicated on a previously executed, and still valid, annexation agreement consenting to the annexation of the subject land.

(5) Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.

(6) A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department.

(7) A legal description of the land proposed for annexation prepared by a registered land surveyor consistent with ORS 308.225.

(8) A county assessor's cadastral map of the land proposed for annexation.

(9) A list of the public service districts presently providing services to the land proposed for annexation (See EC 9.7835).

(10) A written narrative addressing the proposal's consistency with the approval criteria set out at EC 9.7825.

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

9.7820 **Annexation – Procedures.**

(1) For an application submitted pursuant to EC 9.7810(2):

(a) No public hearing is required.

(b) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.

(c) At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:

1. The applicant;
2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.

(d) The city council may:

1. Adopt a resolution approving, modifying and approving, or denying the application for annexation; or
2. Vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation.

(e) When the city council elects to hold a public hearing, the procedures that apply are those in (2)(d) below.

(2) For an application submitted pursuant to EC 9.7810(3), or an application described in EC 9.7820(1)(c), above:

(a) A public hearing is required.

(b) The city council shall set a date, time and place for it to conduct a hearing to consider the application.

(c) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied.

(d) Notice of the public hearing shall be:

1. Mailed at least 14 days prior to the public hearing to those listed in subsection (1)(c) above;

2. Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date; and
3. Posted in four public places in the city for two successive weeks prior to the hearing date. One of the postings shall be located on the application site and two more posted at the nearest intersections of arterials and/or collectors within the boundaries of the affected neighborhood organization(s).

(e) The city council may adopt a resolution approving, modifying and approving, or denying the application for annexation.

(3) Land annexed to the city according to the procedures in EC 9.7800 – 9.7835 shall be automatically rezoned as of the effective date of the annexation from Lane County land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7820 Equivalent Zones and Overlay Zones. For purposes of this section, land that is also within an area identified as a Nodal Development Area on the Metro Plan Diagram shall be automatically included in the Eugene /ND Nodal Development Overlay Zone. The official city zoning map shall be amended to reflect the change of zone.

Table 9.7820 Equivalent Zones and Overlay Zones

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

(4) The city will not deem an application complete for a change in the zoning of land proposed for annexation until the annexation has been approved by the city.

(5) Withdrawals of annexed land from a public service district serving the land shall be processed as provided in EC 9.7835.

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

(1) The land proposed to be annexed is within the city's urban growth boundary and is:

(a) Contiguous to the city limits; or

(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

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

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

9.7830 Annexation – Effective Date and Notice of Approved Annexation.

(1) Effective Date. The effective date of an approved annexation shall be set in accordance with state law.

(2) Notice of Approved Annexation.

(a) Not later than 10 working days after the passage of a resolution approving an annexation, the city shall:

1. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the city. The notice shall include:
   a. Each site address to be annexed as recorded on county assessment and tax rolls;
   b. A legal description and map of the proposed boundary change; and
   c. A copy of the resolution approving the annexation.
2. Mail a notice of the annexation to the Secretary of State that includes a copy of the resolution approving the annexation and a copy of the statement(s) of consent.

(b) Within 20 days from the passage of a resolution approving an annexation, the city shall mail a notice of the annexation to the county clerk, county assessor, and owners and electors in the annexed area. The notice shall include a legal description of the new city boundaries.

(c) If the effective date of an annexation is more than one year after the city passes the resolution approving it, the city shall mail a notice of the annexation to the Lane County clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

9.7835 Annexation – Withdrawal from Public Service Districts Following Annexation.

(1) Council Public Hearing on Withdrawal. Generally on an annual basis, the city council shall set a date, time and place for it to conduct a hearing to consider an ordinance to withdraw annexed land from the following public service districts serving that land:

(a) A rural fire protection district;
(b) A water district, including a domestic water supply corporation;
(c) A park and recreation district;
(d) A highway lighting district;
(e) A county service district;
(f) A special road district;
(g) A road assessment district; or
(h) A sanitary district or authority.

(2) Notice of Public Hearing. Notice of the hearing, including the date, time, place and purpose of the hearing shall be:

(a) Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date;

(b) Posted in four public places in the city for two successive weeks prior to the hearing date; and
(c) Mailed to the affected public service districts.

(3) **Criteria.** In determining whether to withdraw the land, the city council shall determine whether the withdrawal is in the best interest of the city.

(4) **Effective Date.** The effective date of the withdrawal shall be set in accordance with state law.

(5) **Notice of Withdrawal.** Not later than March 31 of the tax assessment year to which the withdrawal of land applies, the city shall mail notice to the County Assessor and Department of Revenue including the legal description of the boundary change and an accurate map showing the change, prepared consistent with ORS 308.225.

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

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

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

EXTRA-TERRITORIAL EXTENSION OF WATER OR SEWER SERVICE

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

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

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

(1) A list of all tax lots proposed to be served, including street addresses;

(2) The proposed number of service connections and their locations;

(3) A written narrative addressing the proposal's consistency with the approval criteria in EC 9.8121.

9.8121 **Extra-Territorial Extension of Water or Sewer Service – Approval Criteria.** The planning director shall consider an application for extra-territorial extension of water or sewer service in accordance with the Type II application procedures contained in EC 9.7200 through 9.7230. The planning director shall approve, approve with conditions, or deny the application based on compliance with the following criteria:

(1) The property proposed for service is located within the city's urban growth boundary, is located within the property boundaries of the Mahlon Sweet Airport, or, for purposes of water extension only, Lane Community College;

(2) In no case shall the city extend services extra-territorially to a property that could, instead, be annexed. Further, to receive extra-territorial water or sewer service an applicant must demonstrate the inability to satisfy either EC 9.7825(2) or (3);

(3) The applicant has entered into an annexation agreement on forms provided by the city pertaining to the property proposed to be served or will enter into such an annexation agreement as a condition of approval;

(4) The property proposed for service is not vacant;

(5) The provision of service will not prolong uses which are nonconforming uses under the Eugene Code, 1971;

(6) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;

(7) The proposed extension is consistent with adopted resolutions, policies, plans and ordinances concerning extra-territorial extensions; and

(8) Even if a proposed extension is inconsistent with the criteria above, the city may approve an extra-territorial extension of water or sewer service consistent with adopted city resolutions, policies, plans and ordinances:

(a) Where a communicable disease hazard exists and the extension is the only practical remedy; or

(b) To property within a dissolved water district within which EWEB is providing service to some properties.

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

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

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

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

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

Passed by the City Council this

10th day of December, 2007

City Recorder

Approved by the Mayor this

14 day of December, 2007

Mayor

Annexation Legal Descriptions

A metes and bounds legal description of the entire area proposed for annexation is required as part of an annexation application. A licensed land surveyor must prepare the description and certify the description correctly represents the affected territory. The survey must show the township, range, section number and the point-of-beginning, and have bearings and distances that match the description.

Keep the following in mind when preparing boundary change legal descriptions:

- The point-of-beginning of the legal description must be clear. The point-of-beginning is best described by bearing and distance from a section corner, a donation land claim (DLC) corner, or another well monumented corner.
- Bearings and distances must be given for each course around the boundary description.
- Most deed references are inadequate as point-of-beginning or point-of-call for a boundary change description. If a deed reference is used as a point-of-call, include a copy of the deed. However, a description that consists solely of the landowner's deed or deeds is seldom adequate.
- Tax lot numbers cannot be used for the legal description.
- If the area is large, the use of township, range and section numbers, and quarter-quarter sections is acceptable as a legal description.
- If a point-of-call is to a highway or county road, the description must state to which edge or to the centerline.
- If a point-of-call is to a river or stream, the description must state whether it is on the mean high water, mean low water, thread, ordinary high water, or ordinary low water line. The bearing requirement can be dismissed along rivers and streams.

Example #1

Description of Affected Territory to be Annexed

> Beginning at a point South 82° 16' East 136.18 feet from a point on the Easterly Right of Way Line of the Southern Pacific Company Railroad which is South 20° 29' East 700.6 feet from a point on said Right of Way Line North 89° 53' West 4240.5 feet from the Northeast corner of the James E. McCabe and wife Donation Land Claim (DLC) No. 46, in Township 17 South, Range 4 West of the Willamette Meridian, said point being 120.00 feet as measured at right angles to the Easterly Right of Way Line of said Southern Pacific Company Railroad; thence South 20° 29' East parallel with said Right of Way Line 558.27 feet to the Northerly margin of Old Maxwell Road; thence along said Northerly margin South 88° 13' 23" East 66.58 feet to the Westerly margin of Allea Drive; thence leaving said Northerly margin along said Westerly margin North 3° 03' West 155.25 feet; thence leaving said Westerly margin North 89° 53' West 61.94 feet; thence North 20° 29' West 67.20 feet; thence South 89° 53' East 117.14 feet; thence North 3° 03' West 272.6 feet to a point on the Southerly boundary of BRAMBLEWOOD PHASE 1 AS PLATTED AND RECORDED IN File 75, Slide 65 Lane County Oregon Plat Records; thence along said Southerly boundary North 82° 16' West 263.22 feet to the point of beginning in Lane County, Oregon.

Example #2

Description of Affected Territory to be Annexed

Lot 28, Block 4, SUNNY LEA, as platted and recorded in Book 10, Page 22, Lane County Oregon Plat Records, in Lane County, Oregon.