



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/19/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 006-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, October 02, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Andy Limbird, City of Springfield
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

DEPT OF

SEP 18 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Springfield**

Local file number: **ANX13-00005**

Date of Adoption: **7/22/2013**

Date Mailed: **9/11/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6/26/2013

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Annexation of a single residential lot removed the Urbanizable Fringe Overlay District (UF-10) from the property and a segment of public right-of-way. The underlying zoning and plan designation for the property remains Low Density Residential (LDR).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **LDR/UF-10**

to: **LDR**

Location: **4076 North Street (Map 18-02-06-11, Tax Lot 700)**

Acres Involved: **0.36**

Specify Density: Previous: **1-10**

New: **1-10**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 006-13 (19905) [17611]

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

Lane County; Willamalane Park & Recreation District; Willakenzie Rural Fire Protection District

Local Contact: **Andy Limbird**

Phone: (541) 726-3784 Extension:

Address: **225 Fifth Street**

Fax Number: **541-726-3689**

City: **Springfield**

Zip: **97477-**

E-mail Address: **alimbird@springfield-or.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

NEW ZONING FOR ANNEXED PROPERTY
4076 NORTH STREET - MAP 18-02-06-11, TAX LOT 700



ZONING MAP LEGEND

-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  Urbanizable Fringe Overlay District
-  Springfield City Limits



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 WILLAKENZIE RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY

THE COMMON 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 June 19, 2013, said territory being Assessor's Map Township 18 South, Range 02 West, Section 06, Map 11, Tax Lot 700, which is municipally addressed as 4076 North 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 owners 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; and,

WHEREAS, the territory requested to be annexed is within the City's urban growth boundary and is contiguous to the City limits [SDC 5.7-140.A]; 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, a Staff Report (**Exhibit C**) 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 Willakenzie Rural Fire Protection District, as the City of Springfield would provide Fire and Life Safety services directly to the area after it was annexed to the City [SDC 5.7-160.A]; and,

WHEREAS, the Common 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 Common Council, which is on or around October 22, 2013; and,

WHEREAS, on July 22, 2013, the Springfield Common 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 Willakenzie Rural Fire Protection 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 Common 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 18 South, Range 02 West, Section 06, Map 11, Tax Lot 700, which is municipally addressed as 4076 North 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 Willakenzie Rural Fire Protection District shall become effective July 1, 2014.

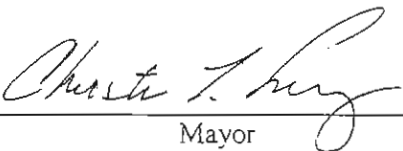
SECTION 3: It is hereby found and determined that matters relating to the provision of City services are matters affecting the public health, safety, and welfare and that an emergency therefore exists and this Ordinance shall take effect immediately upon adoption by the Council and approval of the Mayor.

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

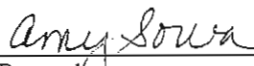
ADOPTED by the Common Council of the City of Springfield this 22nd day of July, 2013, by a vote of 6 for and 0 against.

APPROVED by the Mayor of the City of Springfield this 22nd day of July, 2013.

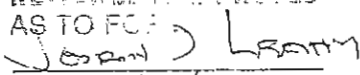
ATTEST:



Mayor

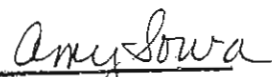


City Recorder

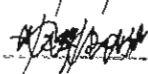
REVIEWED & APPROVED
AS TO FCF

DATE: 7/8/13
OFFICE OF CITY ATTORNEY

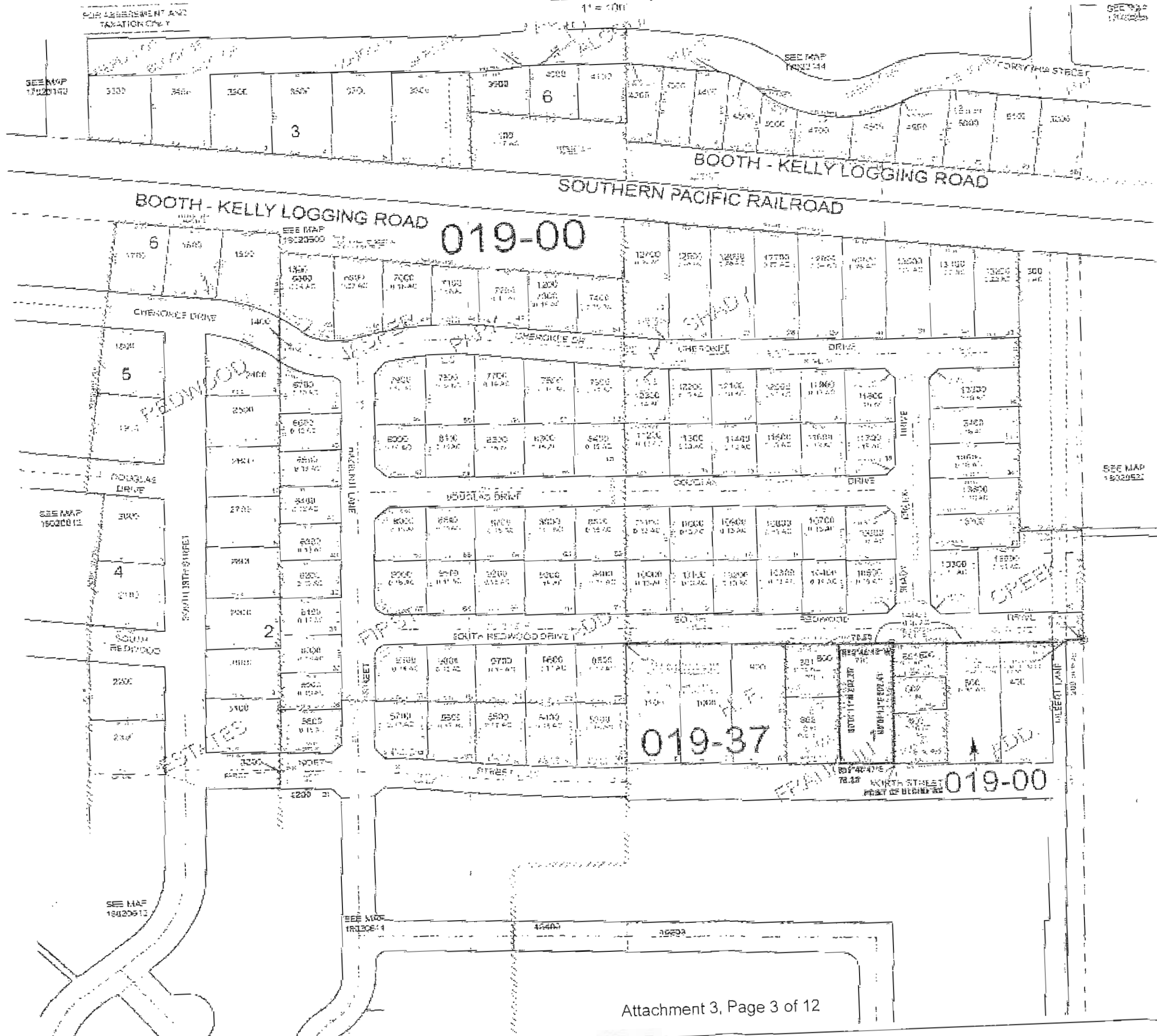
City of Springfield, Oregon

CERTIFIED TRUE COPY



City Recorder

7/24/2013
Data Received: 
Per: AL



CANCELLED:
100
201
300
400
500
600
700

Date Received: 7/24/2013
Planner: AL

TOWNSHIP OF SPRINGFIELD
LANE COUNTY, OREGON

SPRINGFIELD
18020611

LEGAL DESCRIPTION

Lot 4, Block 1, of H. F. FRANKLIN ADDITION, as platted and recorded in Volume 14, Page 31, recording date December 24, 1948, Lane County Oregon Plat Records, in Lane County, Oregon, being further described as follows:

Beginning at the Southwest corner of Parcel 3 of Partition Plat 2008-P2193, as platted and recorded as Instrument No. 2008-000548, Lane County Oregon Deeds and Records, in Lane County, Oregon;

thence North $0^{\circ}01'13''$ East 202.41 feet;

thence North $89^{\circ}46'42''$ West 78.25 feet;

thence South $0^{\circ}01'11''$ West 202.26 feet;

thence South $89^{\circ}40'47''$ East 78.28 feet to the Point of Beginning.

Basis of bearings used herein is County Survey File No. 40865 as filed in the office of the Lane County Surveyor.

Date Received: 7/24/2013
Planner: AL

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:

Annexation Application Submittal:

Required Proposal Information (Applicant: Complete This Section)

Property Owner: LARRY VAN BEENEN Phone: 541-741-7880

Address: 4076 NORTH STREET Fax: 541-741-7880

E-mail: 2bluejayway

Owner Signature: Larry Van Beenen @COMCAST.NET

Owner Signature: _____

Agent Name: _____ Phone: _____

Company: _____ Fax: _____

Address: _____ E-mail: _____

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 this petition.

ASSESSOR'S MAP NO: 18-02-06-11 TAX LOT NO(S): 700

Property Address: 4076 NORTH STREET

Area of Request: Acres: 0.36 Square Feet: _____

Existing Use(s) of Property: PRIVATE RESIDENCE / ADULT FOSTER HOME

Proposed Use of Property: PRIVATE RESIDENCE / ADULT FOSTER HOME

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

Case No.: ANX13-00005 Date: 6/19/2013 Reviewed By: acf
 (initials)

Application Fee: 3214.51 Postage Fee: 543.00 Total Fee: 3757.51

Date Received: PRJ13-00013

JUN 19 2013

Original Submittal acf

Page 8 of 15
 Date Received 7/24/2013
 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 _____

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: Larry Van Beenen Date: 6-19-13

Signature _____

Print LARRY VAN BEENEN

Date Received:

JUN 19 2013

Original Submittal AL

Date Received: 7/24/2013
Planner: AL

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 <input checked="" type="checkbox"/>	Acres (qty)
<i>Larry Van Beenen</i>	6-19-13	LARRY VAN BEENEN	4076 NORTH ST. SPRINGFIELD 97478	18-02-06-11-00700	<input checked="" type="checkbox"/>	0.36
<i>Larry Van Beenen</i>				18-02-06-11-00700	<input checked="" type="checkbox"/>	0.36

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, LARRY VAN BEENEN (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
 X *Larry Van Beenen* (signature of circulator)

CERTIFICATION OF OWNERSHIP

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (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.

Oliver A. Masten
 Lane County Department of Assessment and Taxation

Date Signed and Certified 6-28-13

RECEIVED
 JUN 27 2013

LANE COUNTY
 ASSESSMENT & TAXATION



LANE COUNTY

Property Account Summary

As Of 6/28/2013 Status: Active

Account No.: 0563534 Alternate Property Number: 1802061100700
 Account Type: Real Property
 TCA: 01937
 Situs Address: 4076 NORTH ST
 SPRINGFIELD OR 97478
 Legal: Township 18 Range 02 Section 06 Quarter 11 TL 00700

Parties:

Role	Name & Address
Mortgage Company	LENDER BUSINESS PROCESS SERVICES UNKNOWN ADDRESS UNKNOWN OR 97401
Owner	VANBEENEN CINDY & LARRY 4076 NORTH ST SPRINGFIELD OR 97478
Tax Service Companies	LAND AMERICA TAX SERVICE 1123 S PARKVIEW DR COVINA CA 91724
Taxpayer	VANBEENEN CINDY & LARRY 4076 NORTH ST SPRINGFIELD OR 97478

Property Values:

Value Name	2012	2011	2010
MKTTL	\$147,113	\$132,222	\$139,608
AVR	\$111,248	\$108,008	\$104,862
TVR	\$111,248	\$108,008	\$104,862

Property Characteristics:

Tax Year	Characteristic	Value
2012	Property Class	101 Res conforming Improved
	Change Property Ratio	1XX Residential
	Size	0.00
	Code Split	N
	Neighborhood	191300

78.3 x 202.14 = 0.36 ac

Exemptions:

(End of Report)

Date Received: 7/24/2013
 Planner: AL

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
1B-02-06-11 TL700	LARRY VAN BEENEN	0.36	111,248	Y	Y	
1B-02-06-11 TL700	CINDY VAN BEENEN	0.36	111,248	Y	Y	
TOTALS:		0.36	111,248			

TOTAL NUMBER OF OWNERS IN THE PROPOSAL	2
NUMBER OF OWNERS WHO SIGNED	2
PERCENTAGE OF OWNERS WHO SIGNED	100
TOTAL ACREAGE IN PROPOSAL	0.36
ACREAGE SIGNED FOR	0.36
PERCENTAGE OF ACREAGE SIGNED FOR	100
TOTAL VALUE IN THE PROPOSAL	\$111,248
VALUE CONSENTED FOR	\$111,248
PERCENTAGE OF VALUE CONSENTED FOR	100

Date Received: 7/24/2013
 Planner: AL

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: LARRY VAN BEENEN

E-mail: _____

Supply the following information regarding the annexation area.

- Estimated Population (at present): 4
- Number of Existing Residential Units: 1
- Other Uses: NONE
- Land Area: 0.36 total acres
- Existing Plan Designation(s): LOW DENSITY RESIDENTIAL
- Existing Zoning(s): LOW DENSITY RESIDENTIAL
- Existing Land Use(s): RESIDENTIAL
- Applicable Comprehensive Plan(s): METRO PLAN
- Applicable Refinement Plan(s): N/A
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. REQUIRE ANNEXATION TO FACILITATE CONNECTION TO CITY SEWER DUE TO FAILED SEPTIC SYSTEM

• Are there development plans associated with this proposed annexation?
 Yes _____ No
 If yes, describe.

• 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).
CONTIGUOUS ON NORTH, WEST + EAST SIDES

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

Yes No

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

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

- | | |
|--|--|
| <input type="checkbox"/> Glenwood Water District | <input type="checkbox"/> Rainbow Water and Fire District |
| <input type="checkbox"/> Eugene School District | <input type="checkbox"/> Pleasant Hill School District |
| <input checked="" type="checkbox"/> Springfield School District | <input type="checkbox"/> McKenzie Fire & Rescue |
| <input type="checkbox"/> Pleasant Hill RFPD | <input checked="" type="checkbox"/> Willakenzie RFPD |
| <input type="checkbox"/> EPUD | <input checked="" type="checkbox"/> SUB |
| <input checked="" type="checkbox"/> Willamalane Parks and Rec District | <input type="checkbox"/> Other _____ |

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

(Name)

(Name)

(Address)

(Address)

(City) (Zip)

(City) (Zip)

(Name)

(Name)

(Address)

(Address)

(City) (Zip)

(City) (Zip)

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:

18-02-06-11-00700 4076 NORTH STREET
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
LARRY VAN BEENEN	<i>Larry Van Beenen</i>	5-30-13
CINDY VAN BEENEN	<i>Cindy Van Beenen</i>	5-30-13

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



File Name: Van Beenen Annexation
Applicant: Larry & Cindy Van Beenen
Case Number: ANX13-00005
Proposal Location: 4076 North Street
 (Map 18-02-06-11, Tax Lot 700)
Current Zoning:
 Low Density Residential (LDR) with
 Urbanizable Fringe Overlay (UF-10)
Plan Designation: LDR
Applicable Comprehensive Plan:
Metro Plan



Application Submittal Date: June 19, 2013

Associated Applications: PRE13-00015 (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	Clayton McEachern	541-736-1036
Deputy Fire Marshal	Fire and Life Safety	Gilbert Gordon	541-726-2293
Building Official	Building	David Bowlsby	541-736-1029

APPLICANT'S DEVELOPMENT REVIEW TEAM

POSITION	NAME	PHONE	MAILING ADDRESS
Applicants	Larry & Cindy Van Beenen	541-741-7880	4076 North Street Springfield, OR 97478
Owners	Larry & Cindy Van Beenen	541-741-7880	4076 North Street Springfield, OR 97478

Date Received 7/24/2013
 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 third-party annexation applications.

Finding: Staff conducted an informal Development Issues Meeting for the subject annexation request at no cost and on an expedited time line at the Development & Public Works office on May 30, 2013. Because the subject request to annex is to address a potential public health hazard and the necessary services are available along the property frontage, the applicant was advised to proceed directly to the Annexation application pre-submittal 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 owners who own all of the land and real property, and full assessed value of real property in the contiguous territory, have filed an application and petition requesting annexation to the City of Springfield (Attachment 4, Exhibit B).

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

Site Information: The property requested for annexation is a 0.36 acre parcel with frontage on South Redwood Drive along the north boundary and North Street along the south boundary. The subject site is inside the Springfield Urban Growth Boundary (UGB) and is currently developed with a single family dwelling. Annexation is requested to facilitate connection to City sewer service due to a failed septic system on the property.

Existing public services are provided to the annexation area as follows: police (Lane County Sheriff, Springfield Police Department), schools (Springfield School District 19), roads (Lane County and City of Springfield), water and electricity (Springfield Utility Board), and Fire (Cities of Eugene & Springfield and Willakenzie Rural Fire Protection District). Upon annexation, the City of Springfield will be responsible for urban services, including sewer, water, electricity and police/fire response to the subject area.

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 July 2, 2013, 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 affected 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 July 22, 2013 public hearing was published in *The Register-Guard* on July 8 and 15, 2013.

Posted Notice. Notice of the July 22, 2013 public hearing was posted in five public places in the City: at one location along the property frontage on South Redwood Drive; at one location along the property

Date Received: 7/24/2013
Planner: AI

frontage on North Street; at Springfield City Hall and in the Development & Public Works office; and on the City of Springfield website, on or before July 8, 2013.

Finding: Upon annexation of the subject territory to the City the current 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. Because of the urgency of the request, staff confirmed with DLCD that less than the full 35 days advance notice was acceptable for the proposed annexation action. DLCD notification was sent on June 26, 2013, which is 26 days prior to the hearing date.

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

Recommendation to City Council (SDC 5.7-135): The Development & Public Works 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 City of Springfield as modified on the Metropolitan Area General Plan diagram (*Metro Plan*). The site is contiguous to the City limits on three sides. Therefore, this annexation application meets the statutory definition of contiguity as found in ORS 222.111(1).

Conclusion: The proposal meets this criterion.

- 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 territory requested for annexation is located within the acknowledged UGB of the *Metro Plan*. Territory within the delineated UGB ultimately will be within the City of Springfield.

Finding: The territory requested for annexation is not located in an adopted Refinement Plan area and 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 City's adopted comprehensive plans recognize 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 Willakenzie Rural Fire Protection District. The Fire District has a service arrangement with Eugene/Springfield Fire & Life Safety for provision of fire response to certain unincorporated areas of southeast Springfield. After the public hearing and if determined by the City Council that withdrawal is in the best interest of the City, the annexation area will be withdrawn from

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the Willakenzie Rural Fire Protection District consistent with ORS 222.510, 222.520, and 222.525 and Eugene/Springfield Fire & Life Safety will provide emergency response service directly to the annexation area.

Finding: After the public hearing and if determined by the City Council that annexation is in the best interest of the City, 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 this criterion.

- 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 subject site is currently served by the City by and through the Springfield Utility Board. Existing water infrastructure within the vicinity will be maintained by the affected utility providers.

Electricity – The subject site is currently served by the City by and through the Springfield Utility Board. Existing electrical system infrastructure within the adjacent public rights-of-way will be maintained by the affected utility providers.

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

Fire and Emergency Services – Fire protection is currently provided to the annexation area by Eugene/Springfield Fire Department under contract with the Willakenzie Rural Fire Protection District. Upon annexation, the City 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. The closest park facilities to the subject property are Douglas Gardens Park at 3455 South Redwood Drive (west of the annexation area) and Volunteer Park at 4350 Mount Vernon Road (east of the annexation area).

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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, if the City Council determines that annexation to the special district is in the best interest of the City.

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 this area of southeast Springfield, including both annexed and non-annexed properties. The subject property is within the school boundaries of Mount Vernon Elementary School (just east of the subject property at 935 Filbert Lane), Agnes Stewart Middle School (900 South 32nd Street) and Springfield High School (875 7th Street).

Sanitary Sewer – The annexation area can be served by connection to an existing sanitary sewer lateral along the property frontage. A public sanitary sewer line runs within North Street, and no extension or upgrade to the public system is required with this annexation request. The applicant has obtained necessary City permits and connected the house to the existing sewer lateral.

Stormwater – The subject annexation territory is served by a piped stormwater management system within South Redwood Drive. However, there are no immediate planned changes to the public stormwater management system associated with this annexation request.

Streets – The subject annexation area has frontage on both South Redwood Drive along the north boundary, and North Street along the south boundary. Along the south property frontage, North Street is classified as a local road and is currently under Lane County jurisdiction. The street is not developed to urban standards and lacks full pavement width, curb and gutter, sidewalks, street trees, street lighting, and a piped storm sewer system. The applicants have executed an Improvement Agreement for a proportionate share of future improvements to North Street, including paving, curb, gutter, street trees, sidewalks, storm sewer, and street lighting (Document 2013-036436, Lane County Deeds & Records).

Along the north property frontage, South Redwood Drive is a local City street that is improved to urban standards with curb and gutter, curbside sidewalk, lane striping and street lighting. There are no immediate planned or required street improvements to South Redwood Drive associated with this annexation request.

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 within the Springfield urban growth boundary. The City will continue to administer land use controls after annexation.

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

Conclusion: The proposal meets this criterion.

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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 property owners requesting annexation have been informed of the requirements for connection of urban utilities to serve the site and understand the responsibility of the developer to fund such improvements. Because there are no significant fiscal impacts to the City for providing a minimum level of key urban services, an Annexation Agreement is not required for this request. Connection of utilities to serve the annexation area will be undertaken through the City's standard permitting process.

Finding: The applicants have already paid City fees and obtained necessary permits to connect the dwelling to sanitary sewer service, thereby alleviating the potential public health hazard.

Conclusion: The proposal meets this criterion.

DIRECTOR'S RECOMMENDATION: Approve the annexation of the subject territory to City of Springfield and Willamalane Park and Recreation District.

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

Finding: On July 22, 2013, the City Council will conduct a Public Hearing and reading of this Annexation Ordinance. Based on the staff analysis and recommendation to adopt as an emergency ordinance, and on testimony provided at the Public Hearing, the City Council may direct a second reading of the Ordinance to occur on July 22, 2013. The Council may order modifications to this Ordinance in consideration of evidence in the record.

Zoning (SDC 5.7-150): The annexation area is zoned and designated Low Density Residential in accordance with the adopted *Metro Plan*. 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 zoning.

Effective Date and Notice of Approved Annexation (SDC 5.7-155): If the annexation is approved by the City Council after a second reading on July 22, 2013, the Ordinance will become effective immediately after adoption by the City Council and signature of 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 consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222. In determining whether to withdraw the territory, the 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 the Willakenzie Rural Fire Protection District. Eugene/Springfield Fire & Life Safety will provide emergency response service after annexation. Consistent with SDC 5.7-160, notice was provided, a public hearing was held, and the City Council determined that withdrawal from the Willakenzie Rural Fire Protection District was in the best interest of the City. The withdrawal decision was codified in Ordinance No. _____.

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DEVELOPMENT SERVICES DEPARTMENT
225 5th ST
SPRINGFIELD, OR 97477

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

DEPT OF

SEP 13 2013

LAND CONSERVATION
AND DEVELOPMENT