

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. 6453

AN ORDINANCE ANNEXING CERTAIN TERRITORY (1279 JANUS STREET AND PUBLIC RIGHTS-OF-WAY FOR THE INTERSECTION OF ASPEN STREET AND JANUS STREET, AN APPROXIMATELY 339-FOOT LONG SEGMENT OF JANUS STREET, AND JANUS COURT) TO THE CITY OF SPRINGFIELD AND WILLAMALANE PARK AND RECREATION DISTRICT; WITHDRAWING THE SAME TERRITORY FROM THE RAINBOW WATER DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council is authorized by Springfield Development Code (SDC) Article 5.7.100 and Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act upon annexations to the City;

WHEREAS, a request to annex certain territory was submitted on June 28, 2022, said territory being Assessor's Map Township 17 South, Range 03 West, Section 34, Map 22, Tax Lot 211, which is addressed as 1279 Janus Street and is generally depicted and more particularly described in **Exhibit A** to this Ordinance;

WHEREAS, the concurrent annexation of the intersection of Aspen Street and Janus Street, an approximately 339-foot long segment of Janus Street, and Janus Court as generally depicted and more particularly described in **Exhibit A** to this Ordinance is in the public interest as the City will be undertaking public sewer line installation within these streets;

WHEREAS, in accordance with SDC 5.7.125(A) and ORS 222.111, the property owners of 1279 Janus Street initiated the annexation action by submittal of the required application forms and petition for annexation attached hereto as **Exhibit B** to this Ordinance;

WHEREAS, this annexation has been initiated in accordance with SDC 5.7.125(A) and ORS 222;

WHEREAS, the territory proposed for annexation is within the Springfield Comprehensive Plan Urban Growth Boundary and is contiguous to the city limits. (SDC 5.7.140(A));

WHEREAS, the annexation is consistent with the *Springfield 2030 Comprehensive Plan – Urbanization Element* requiring annexation to the City of Springfield as the highest priority for receiving urban services;

WHEREAS, the City Council of the City of Springfield has determined that the provision of City services to the subject area is necessary because the septic system on the property has failed;

WHEREAS, the applicant has executed an Improvement Agreement and Application for Sewer Hookup (**Exhibit C**) that addresses the timing and responsibility for provision of sanitary sewer service to the property;

WHEREAS, in accordance with SDC 5.7-150(A), upon annexation the Urbanizable Fringe Overlay District (UF-10) will cease to apply to the property and the underlying R-1 Residential District zoning will be retained;

WHEREAS, a Staff Report (**Exhibit D**) was presented to the City Council with the 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 to withdraw the subject territory from the Rainbow Water District as the City of Springfield by and through the Springfield Utility Board (SUB) will provide water and emergency response services directly to the area after it is annexed to the City;

WHEREAS, this action is consistent with the intergovernmental agreement between Lane County and Springfield regarding boundary changes dated May 21, 2008; and

WHEREAS, on October 3, 2022, the Springfield Common Council conducted a public hearing on the annexation application consistent with the notice requirements in SDC 5.7.130;

WHEREAS, on October 17, 2022, the Springfield Common Council adopted Ordinance 6450 approving the annexation application based on the recommendation and findings in support of approving the annexation request as set forth in the aforementioned Staff Report to the Council, incorporated herein by reference, and the evidence and testimony presented at the public hearing held in the matter of adopting this Ordinance; and

WHEREAS, as adopted, Ordinance 6450 includes an error in the Exhibit A attached thereto, which provides an incorrect legal description not otherwise apparent on the face of the Ordinance, which has been corrected in the Exhibit A attached hereto,

NOW, THEREFORE, THE COMMON COUNCIL OF 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 generally depicted and more particularly described in **Exhibit A** to this Ordinance.

Section 2. The Common Council of the City of Springfield does hereby approve withdrawal of the following described territory from the Rainbow Water District, said territory being generally depicted and more particularly described in **Exhibit A** to this Ordinance.

Section 3. The City Manager or the Development & Public Works Director or their designee shall send copies of this Ordinance to effected State and local agencies as required by SDC 5.7.155.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 5. Effective Date of Ordinance. This Ordinance shall become effective 30 days from the date of its passage by the Council and approval by the Mayor, or upon the date of its filing with the Secretary of State as provided by ORS 222.180, whichever is later.

Section 6. Repeal of Prior Ordinance. This Ordinance repeals and replaces Ordinance 6450 adopted on October 17, 2022.

ADOPTED by the Common Council of the City of Springfield, this 7th day of November, 2022,
by a vote of 5 for and 0 against. (1 absent - Woodrow)

APPROVED by the Mayor of the City of Springfield this 7th day of November, 2022.



Mayor

ATTEST:



City Recorder

**REVIEWED & APPROVED
AS TO FORM**

Mary Bridget Smith
DATE: November 7, 2022
SPRINGFIELD CITY ATTORNEY'S OFFICE

Annexation Description
For
City of Springfield
Map 17-03-34-22, Tax Lot 00211 / Janus St. / Janus Ct. / Aspen St.

Lot 2, Block 2 of Garden Grove, as platted and recorded in Book 32, Page 21, Lane County Oregon Plat Records, Lane County, Oregon.

AND: those portions of Janus Street, Janus Court, and Aspen Street being more particularly described as follows:

Beginning at the southeast corner of Lot 6, Block 1 of Garden Grove, as platted and recorded in Book 32, Page 21, Lane County Oregon Plat Records, Lane County Oregon, said Point of Beginning also being on the northerly margin of Janus Street; thence North $89^{\circ}11'$ West, along said northerly margin of Janus Street, 86.64 feet; thence along the arc of a 20.00 foot radius curve to the right, the chord bearing of which bears North $44^{\circ}11'$ West, 28.28 feet, to a point of tangency on the easterly margin of Janus Court; thence continuing along said easterly margin, North $00^{\circ}49'$ East 53.10 feet, to a point of curvature; thence continuing along said easterly margin along the arc of a 20 foot radius curve to the right, the chord bearing of which bears North $23^{\circ}54'37.5''$ East 15.68 feet, to a point of reverse curvature; thence continuing along the easterly, northerly, and westerly margin of Janus Court along the arc of a 45.00 foot radius curve to the left, the delta angle of which is $263^{\circ}03'05''$, an arc distance of 206.60 feet, more or less, to a point of reverse curvature; thence continuing along the westerly margin of said Janus Court along the arc of a 20.00 foot radius curve to the right, the chord bearing of which bears South $22^{\circ}16'37.5''$ East, 15.68 feet, to a point of tangency; thence continuing along said westerly margin, South $00^{\circ}49'$ West, 53.10 feet, to a point of curvature; thence continuing along said westerly margin along the arc of a 20.00 foot radius curve to the right, the chord bearing of which bears South $45^{\circ}49'$ West, 28.28 feet, to a point on the northerly margin of Janus Street; thence North $89^{\circ}11'$ West, along said northerly margin of Janus Street, 145.28 feet, to a point of curvature; thence continuing along said northerly margin of Janus Street along the arc of a 20.00 foot radius curve to the right, the chord bearing of which bears North $44^{\circ}35'30''$ West, 28.08 feet, to a point on the westerly margin of Aspen Street; thence leaving said easterly margin of Aspen Street in a northwesterly direction, 61.4 feet, more or less, to the most easterly southeast corner of Lot 42 of Oak Tree Subdivision, as platted and recorded in File 73, Slides 781 and 782, Lane County Oregon Plat Records, Lane County, Oregon, said point also being on the westerly margin of Aspen Street; thence along the westerly margin of Aspen Street along the arc of a non-tangent 644.07 foot radius curve to the right, the chord bearing of which bears South $00^{\circ}22'$ East 8.24 feet; thence continuing along said westerly margin, South 86.19 feet, more or less, to a point measuring North 311.99 feet from the Initial Point of said Oak Tree Subdivision; thence leaving said westerly margin of Aspen Street in a southeasterly direction, 62.7 feet, more or less, to the most westerly northwest corner of Lot 1, Block 2 of said Garden Grove, said point being on the easterly margin of said Aspen Street; thence along the arc of a non-tangent 20.00 foot radius curve to the right, the chord bearing of which bears North $45^{\circ}24'30''$ East, 28.49 feet, to a point on the southerly margin of said Janus Street; thence South $89^{\circ}11'$ East, along said southerly margin of Janus Street, 321.28 feet to the northeast corner of Lot 4, Block 2 of said Garden Grove; thence leaving said southerly margin of Janus Street, North $00^{\circ}04'$ West, 60.00 feet, to the Point of Beginning all in Lane County, Oregon.

Bearings and distances are based on the plat of Garden Grove, as platted and recorded in Book 32, Page 21, Lane County Oregon Plat Records, Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JUNE 13, 2008
MIKEAL J. BLOMME
74387

EXPIRES DEC 31, 2023

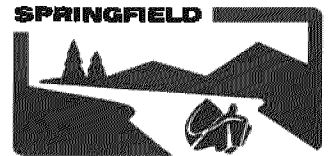
N.W. 1/4 N.W. 1/4 SEC. 34 T.17S. R.3W. W.M.
Lane County

Exhibit A Page 3 of 3
17033422
SPRINGFIELD

L.C.A.T.S.K.P. - 2018-11-25 07:48



City of Springfield
Development & Public Works
225 Fifth Street
Springfield, OR 97477



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:	LOUISE D'AMBROSIO	Phone:	541-232-3688
Address:	1279 JANUS ST. SPRINGFIELD 97477	Fax:	
		E-mail:	louise.dambrosio@hotmail.com
Owner Signature:	See second page		
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 the petition.			
ASSESSOR'S MAP NO:	17-03-34-22	TAX LOT NO(S):	211
Property Address:	1279 Janus Street		
Area of Request:	Acres: 0.26	Square Feet:	
Existing Use(s) of Property:	RESIDENTIAL DWELLING		
Proposed Use of Property:	RESIDENTIAL DWELLING		
Required Property Information		(City Intake Staff: Complete This Section)	
Case No.:	811-22-000152 - TYP4	Date:	6/28/2022
		Reviewed By: (initials)	af
Application Fee:	3790.81	Postage Fee:	658
		Total Fee:	4448.81

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:

Date:

Signature

Print

FORM 1

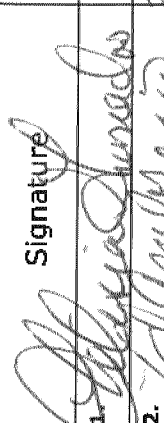
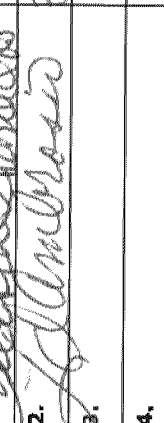
PETITION/PETITION SIGNATURE SHEET Annexation by Individuals [SDC 5.7-125(2)(b)(i)/ORS 222.170(1)]

RECEIVED

MAR 18 2022

Lane County
Assessment & Taxation

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

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Acres (qty)
	3/8/22	Felisia Granados	1279 Janus St.	17-03-34-22-00241	☒	0.26
	3/8/22	Louise Dambrosio	1084 Laurel Ave			

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 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.



Lane County Department of Assessment and Taxation

3/18/2022

Date Signed and Certified

Revised 4/8/14 B3

FORM 2**OWNERSHIP WORKSHEET**(This form is **NOT** the petition)

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

OWNERS

Property Designation (Map/lot number)	Name of Owner	Acres	Assessed Value	Imp. Y / N	Signed Yes	Signed No
17-03-34-22-00211	Louise D'Ambrosio	0.26	\$341,712	✓		
TOTALS:			\$341,712			

TOTAL NUMBER OF OWNERS IN THE PROPOSAL	2
NUMBER OF OWNERS WHO SIGNED	2
PERCENTAGE OF OWNERS WHO SIGNED	100%
TOTAL ACREAGE IN PROPOSAL	0.26
ACREAGE SIGNED FOR	0.26
PERCENTAGE OF ACREAGE SIGNED FOR	100%
TOTAL VALUE IN THE PROPOSAL	\$341,712
VALUE CONSENTED FOR	\$341,712
PERCENTAGE OF VALUE CONSENTED FOR	100%

FORM 3**SUPPLEMENTAL INFORMATION FORM**

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

Contact Person: Louise D'Ambrosio
 E-mail: louisedambrosio@hotmail.com

Supply the following information regarding the annexation area.

- Estimated Population (at present): 7
- Number of Existing Residential Units: 1
- Other Uses: _____
- Land Area: 0.26 total acres
- Existing Plan Designation(s): Low Density Residential
- Existing Zoning(s): LDR
- Existing Land Use(s): LDR
- Applicable Comprehensive Plan(s): Metro Plan / Springfield Comp. Plan
- Applicable Refinement Plan(s): _____
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. Annexation required to provide sewer service due to failed septic.
- Are there development plans associated with this proposed annexation?
 Yes ☒ No _____
 If yes, describe.
Connect existing house to sewer system.
- 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).
Annexation of Janus Street right-of-way will provide contiguity along northern boundary.

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:

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

- 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)**

**CITY OF SPRINGFIELD
IMPROVEMENT AGREEMENT AND APPLICATION FOR SEWER HOOKUP**

Tax Map & Lot Numbers 17-03-34-22-00211 (on the date of execution)

We, the undersigned property owners, Louise D'Ambrosio, Trustee of the Louise D'Ambrosio Family Revocable Living Trust and Felisia Sosa-Granados hereinafter referred to as Applicant(s), request permission to connect the following described property to the sanitary sewer owned and maintained by the City of Springfield, hereinafter referred as the City. We therefore agree to pay a charge of \$0.74 per square foot of the benefiting property for the first 150 feet of depth as a deposit against future assessments for sanitary sewer. Area in excess of the above mentioned 150 feet of depth is charged \$0.37 per square foot. Additionally, the City charges a non-refundable 5% technology fee, hereinafter TECH FEE.

Address: 1279 Janus Street, Springfield, OR 97477 Receipt No. 483483

PROPERTY DESCRIPTION:

**LOT 2, BLOCK 2, GARDEN GROVE, AS PLATTED AND RECORDED IN BOOK 32, PAGE 21,
LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.**

FEE CALCULATION: <u>11,297</u>	Sq. Ft. at \$0.74 per Sq. Ft. =	\$ <u>8,359.78</u>
	Sq. Ft. at \$0.37 per Sq. Ft. =	\$ <u>0.00</u>
	Subtotal =	\$ <u>8,359.78</u>
TECH FEE = Subtotal x 0.05% =		\$ <u>417.99</u>
TOTAL =		\$ <u>8,777.77</u>

This agreement does not include the cost of a house connection to said City Sewer, sewer user charges, connection fees, plumbing permits or other such costs to be assumed by the property owner.

IT IS UNDERSTOOD that the Applicant understands that this agreement is enforceable by the State of Oregon, Lane County or the City. It is further understood that the applicant agrees to sign any and all waivers, petitions, consents and all other documents necessary to obtain the above said sanitary sewer improvement under any improvement act or proceeding of the State of Oregon, Lane County or the City as may be proposed or adopted. The applicant agrees to waive all right to remonstrate against an improvement project for sanitary sewer to be duly initiated by the City Council, but not the right to protest the amount or manner of spreading the assessment thereof, if the same shall appear to Applicant to bear inequitably or unfairly upon said property of Applicant. Applicant's acceptance of the non-remonstrance condition is in consideration for the City's waiver of the requirement for the immediate construction of the public improvements that the development necessitates. The improvement agreement waives the property owner's right to file written remonstrance. It does not waive a property owner's right to speak on the proposed district or any related matters orally or in writing.

NOW THEREFORE, the City agrees that if Applicant complies with the terms of this agreement, Chapter 3, Sections 3.350-3.356 of the Springfield Municipal Code and Ordinance 5584 along with all other applicable laws of the State of Oregon, Lane County, and the City, the said Applicant shall be entitled to connect the existing residence to the public sewer systems.

RETURN TO:
ATTN: SURVEYING, JON DRISCOLL
CITY OF SPRINGFIELD
DEVELOPMENT & PUBLIC WORKS DEPT.
225 FIFTH ST
SPRINGFIELD, OREGON 97477

Lane County Clerk Lane County Deeds and Records	2022-016944
 02017002202200169440020022	\$97.00
04/14/2022 11:49:51 AM	
RPR-AGRE Cnt=2 Pgs=2 Stn=1 CASHIER 05 \$5.00 \$10.00 \$10.00 \$11.00 \$61.00	

The covenants herein contained shall run with the land herein described, and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and a burden upon the property herein described. This agreement shall be recorded in the Lane County Deed Records.

WHEREFORE, the parties have hereunto set their hand this 30th day of March, 2022.

Signature: Louise D'Ambrosio

Louise D'Ambrosio, Trustee of the Louise D'Ambrosio Family Revocable Living Trust
Print name (Title & Company)

State of Oregon }
County of LANE } ss

This instrument was acknowledged before me on March 30th, 2022
by Louise D'Ambrosio, Trustee of the Louise D'Ambrosio Family Revocable Living Trust.



Kelly R Notary
Notary Public for Oregon

Signature: Felisia Sosa-Granados

Felisia Sosa-Granados
Print name

State of Oregon }
County of Lane } ss

This instrument was acknowledged before me on March 31st, 2022
by Felisia Sosa-Granados



Kelly R Notary
Notary Public for Oregon

CITY OF SPRINGFIELD

Accepted by Engineering/Surveying:

Signature: Jeffrey Paschall

Jeffrey Paschall
Print Name

City Engineer
Position

State of Oregon }
COUNTY OF LANE } ss

This instrument was acknowledged before me on April 1st, 2022
by Jeffrey Paschall as City Engineer of the CITY OF SPRINGFIELD.



Kelly R Notary
Notary Public for Oregon

FINANCE DEPARTMENT INFORMATION:

Trunk Sewer Lateral Sewer



TYPE IV – ANNEXATION STAFF REPORT AND RECOMMENDATION



File Name: Louise D'Ambrosio Annexation

Case Number: 811-22-000152-TYP4

Proposal Location: 1279 Janus Street (Map 17-03-34-22, Tax Lot 211); the intersection of Aspen Street and Janus Street; Janus Court; and a ~339-foot long segment of Janus Street

Current Zoning & Comprehensive Plan Designation: R-1 / Low Density Residential (LDR)

Applicable Comprehensive Plan: *Springfield 2030 Comprehensive Plan*

Application Submittal Date: June 28, 2022

Associated Applications: 811-22-000049-PRE (Development Issues Meeting); 811-22-000077-PRE (Pre-submittal Meeting)

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	Chris Carpenter	541-744-4153

Review Process (SDC 5.7.115): The subject annexation request is being reviewed under Type 4 procedures, without Planning Commission consideration.

The City of Springfield adopted comprehensive changes to its Development Code on July 1, 2022 (Ordinance 6443). The subject annexation request is being reviewed in accordance with the Development Code provisions in effect on the date of application submittal, which is June 28, 2022; however, there were no substantive changes to the Annexation section, SDC 5.7.100, adopted by Ordinance 6443. For ease of reading, citations appearing in this staff report use the formatting of the Code in effect at the time of this decision (e.g. 5.7.100, rather than 5.7-100).

Development Issues Meeting (SDC 5.7.120): A Development Issues Meeting (DIM) is required of all public agency and private landowner-initiated annexation applications, unless waived by the Director.

Finding: The property owners submitted an application for a Development Issues Meeting on February 22, 2022 and the meeting was held on March 17, 2022. Subsequently, a pre-submittal meeting for the annexation request was held on March 29, 2022 (File 811-22-000077-PRE).

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 2, Exhibit B).

Conclusion: The application requirements in SDC 5.7.125 have been met.

Site Information: The subject annexation area consists of a rectangular parcel that is approximately 0.26 acres in size and contains an existing single-detached dwelling and detached accessory structures. The property is located on the south side of Janus Street just east of the intersection with Aspen Street. The subject site is inside the Springfield Urban Growth Boundary (UGB) and is not contiguous to the Springfield city limits. Concurrent with annexation of the subject property, the intersection of Aspen Street and Janus Street, an approximately 339-foot long segment of Janus Street, and Janus Court are proposed to be annexed. The purpose for annexing these public rights-of-way is twofold: it provides necessary contiguity with the subject property along the northern boundary (the southern edge of the Janus Street right-of-way) in accordance with SDC 5.7.140(A)(1); and it allows the City to extend public sanitary sewer lines and service laterals within the Aspen Street, Janus Street, and Janus Court rights-of-way. This is one of three capital projects the City is undertaking this calendar year for local sewer extensions.

At the time of initial application submittal on June 28, 2022, zoning for the property was Low Density Residential (LDR) with an Urbanizable Fringe Overlay (UF-10) applied. After implementation of the new Development Code on July 1, 2022 the property is now within the R-1 residential district and it retains the UF-10 overlay; the change to this zoning district, as applicable to this application, is in name only. According to the applicant's submittal, the primary purpose of the annexation request is to facilitate connection of the existing house to City sanitary sewer due to a failed septic system on the property. Currently, the nearest public sanitary sewer line is in the intersection of Aspen Street and Janus Street approximately 125 west of the northwest corner of 1279 Janus Street. The public street frontage of the property is not developed to urban standards and lacks curb, gutter, sidewalk, street trees, and piped stormwater facilities. For this reason, an Improvement Agreement and Application for Sewer Hookup that outlines the applicant's responsibilities and financial obligations for provision of public sewer service to the property has been prepared and signed by the property owners to facilitate this request (Attachment 2, Exhibit C).

Existing public services are provided to the annexation area as follows: police (Lane County Sheriff), schools (Springfield School District), roads (Lane County and City of Springfield), and Fire (Eugene-Springfield Fire under contract with the Rainbow Water District). Springfield Utility Board (SUB) operates the existing electric infrastructure along the site frontages. Upon annexation, the City of Springfield will be responsible for all urban services, including sanitary sewer, water (through SUB), electricity (through SUB), 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 September 13, 2022, which is at least 14 days prior to the public hearing date, to the affected property owner(s); owners and occupants of properties located within 300 feet of the perimeter of the proposed annexation territory; affected 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. The list of recipients of the mailed notice is included with the Affidavit of Mailing for this annexation application and is retained as part of the public record for Planning Case 811-22-000152-TYP4.

Newspaper Notice. Notice of the October 3, 2022 public hearing was published in the print version of *The Chronicle* on September 22 and 29, 2022. The digital version of the newspaper published the notice on September 20 and 27, 2022. The notification meets the requirements of SDC 5.7.130(B) for two consecutive notices in the two-week period before the hearing.

Posted Notice. Notice of the October 3, 2022 public hearing was posted in four physical places in the City: at the intersection of Aspen Street and Janus Street; along the public street frontage of 1279 Janus Street; near the City limits line on Janus Street east of Janus Court; and on the Public Notices bulletin board in the lobby of City Hall. The public hearing notice was also digitally posted on the electronic display in the foyer of the Development & Public Works office and on the City of Springfield website.

Finding: Upon annexation of the subject territory to the City, the underlying R-1 residential zoning will be retained, but the Urbanizable Fringe Overlay District (UF-10) will no longer apply. Due to this change, the Oregon Department of Land Conservation and Development (DLCD) was notified in writing of the annexation proceedings prior to the public hearing. Notification to DLCD regarding the proposed annexation was sent on August 12, 2022, which is 52 days prior to the initial public hearing on the matter.

Conclusion: Notice of the public hearing was provided consistent with SDC 5.7.130.

Recommendation to City Council (SDC 5.7.135): The Director shall forward a written recommendation on the annexation application to the City Council based on the approval criteria specified in SDC 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 (see additional discussion in Subsection B below). The property requested for annexation does not currently abut the Springfield city limits. However, upon concurrent annexation of the Janus Street right-of-way along the northern property boundary the parcel will be contiguous with the City limits line. Therefore, with the inclusion of the public rights-of-way this annexation application meets the statutory definition of contiguity as found in ORS 222.111(1).

Conclusion: The proposal meets and complies with Criterion (A)(1), SDC 5.7.140.

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

Finding: The *Metro Plan* was acknowledged by the Land Conservation and Development Commission (LCDC) in August, 1982 and has been subsequently amended. The original *Metro Plan* UGB encompassed both Eugene and Springfield, with I-5 being the acknowledged boundary between Eugene and Springfield. With the passage of House Bill 3337 in 2007 and adoption of Ordinance 6268 in 2011, a separate and distinct UGB was created for Springfield using a tax lot by tax lot delineation. Springfield's UGB as delineated by Ordinance 6268 was subsequently revised and expanded upon adoption of Ordinance 6361 in 2016. The revised and expanded UGB is delineated on an individual tax lot basis and has been acknowledged by LCDC. Territory within the acknowledged UGB ultimately will be within the City of Springfield.

Finding: In December 2016, Springfield adopted the *Springfield 2030 Comprehensive Plan - Urbanization Element* as a component of Springfield's comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The *Urbanization Element* explicitly retains the *Metro Plan*'s long-standing urbanization policy criteria for approving annexations. The *Urbanization Element* has been acknowledged by LCDC.

Finding: The territory requested for annexation is within an area that is zoned R-1 (titled "LDR" at the time the application was filed) which is consistent with the Low Density Residential plan designation. The adopted elements of the *Springfield 2030 Comprehensive Plan* apply to areas within the Springfield UGB, particularly the *Urbanization Element* adopted by Ordinance 6361. At present, there are no proposed changes to the zoning or plan designation for the property, although the Urbanizable Fringe (UF-10) overlay will be effectively removed upon annexation.

Finding: The continued annexation of properties to the City of Springfield is consistent with Policy 29 of the *Springfield 2030 Comprehensive Plan - Urbanization Element* which specifies annexation as the preferred mechanism for provision of urban services to properties within the UGB, which will result in the elimination of special districts within the urbanizable area.

Finding: More detailed discussion of Public Facilities and Services in the *Metro Plan* (Section III-G) and the *Eugene-Springfield Public Facilities and Services Plan* (PFSP) – a refinement plan of the Metro Plan – contemplates eventual elimination of special service districts within each city's UGB as annexation occurs incrementally. Policy G.9 of the Eugene-Springfield PFSP states that Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall ultimately be the water service providers within their respective urban growth boundary. The requested annexation is consistent with this adopted policy.

Finding: The territory requested for annexation is currently within the service area of the Rainbow Water District. The rural water district has a contractual service arrangement with Eugene-Springfield Fire Department for provision of fire response to certain unincorporated areas of north and west Springfield. After the public hearing and Council adoption of the annexation Ordinance, the annexation area will be withdrawn from the Rainbow Water District consistent with ORS 222.520 and 222.524 and the City of Springfield will provide fire and life safety services to the annexation area via the consolidated Eugene-Springfield Fire department.

Finding: In accordance with Policy 33 of the *Springfield 2030 Comprehensive Plan - Urbanization Element*, SUB is the exclusive water service provider within the Springfield city limits. Rainbow Water District serves unincorporated properties in this area of west Springfield. Therefore, upon annexation and withdrawal of the territory from the Rainbow Water District, the City by and through the Springfield Utility Board will provide water service to the annexation area. Water service billing will be transferred from Rainbow Water District to SUB in the calendar year following final acknowledgement of the annexation.

Finding: In accordance with Policy 34 of the *Springfield 2030 Comprehensive Plan - Urbanization Element*, when unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by one of the following methods in this priority order: a) Annexation to City; or b) Contractual annexation agreements with City.

Finding: In accordance with Policy 35 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, the City shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard abatement annexation is required.

Finding: The requested annexation is to facilitate connection of the existing house to City sanitary sewer due to a failed septic system on the property. Therefore, the subject annexation is a health hazard abatement action. Public sanitary sewer service will be available to the property along the Janus Street frontage of the site when the City completes the capital project for local sewer extension. The anticipated timing of the sewer extension work is late Fall 2022, assuming receipt of viable bid submittals and contractor availability.

Conclusion: The proposal meets and complies with Criterion B, SDC 5.7.140.

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

Finding: In accordance with Policy 29 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, annexation shall continue to be a prerequisite for urban development and the delivery of City services in accordance with the Springfield Comprehensive Plan and Springfield Development Code.

Finding: In accordance with Policy 31 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, key urban facilities and services are defined as wastewater service; stormwater service; transportation; solid waste management; water service; fire and emergency medical services; police protection; citywide park and recreation programs; electric service; land use controls; communication facilities; and public schools on a districtwide basis.

Finding: In accordance with Policy 32 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, urban services provided by the City upon annexation to Springfield include storm and sanitary sewer; water; transportation systems; police and fire protection; planning, building, code enforcement and library services; and public infrastructure maintenance of City owned or operated facilities.

Finding: The territory requested for annexation is not contiguous with the City limits line but will be made contiguous with concurrent annexation of fronting public rights-of-way. Urban utilities including water and electricity, have been extended along adjacent public streets and are available to serve the subject property, adjacent properties, and areas beyond the annexation territory. The City is sponsoring a capital project to extend public sanitary sewer service from the intersection of Aspen Street and Janus Street eastward to a point just west of the current City limits line near Janus Court. Sanitary sewer service is also being extended northward to property frontages on Janus Court with this capital project. Therefore, the urban service delivery systems are already available and in place or can be logically extended from points in the vicinity to serve the subject property. The following urban utilities, facilities and services are either available or can be extended to this annexation area:

Water – The Springfield Utility Board operates the public water utility system within incorporated areas of west Springfield. As noted above, SUB is the exclusive water service provider for properties within the City limits. Rainbow Water District operates a 6-inch water line that runs along the subject property frontage in Janus Street. From the 6-inch line, a 2-inch water service line runs northward to serve properties on Janus Court. The water line is available for provision of water service to the property and also provides for fire protection in the form of an existing fire hydrant near the intersection of Aspen Street and Janus Street, just west of the subject site. Upon annexation of the parcel and rights-of-way, the property will be eligible to receive SUB Water service.

Electricity – SUB provides electric service to the neighborhoods in west Springfield. SUB owns and maintains electrical system infrastructure along the Aspen Street alignment and at the rear of properties on Janus Street. Existing electrical system infrastructure within the public rights-of-way and easements will continue to be maintained by the affected utility provider.

Police Services – Springfield Police Department currently provides service to areas of west Springfield that are already inside the City limits. The annexation territory is currently within the jurisdiction of the Lane County

Sheriff's Department. Upon annexation, this area will receive Springfield Police services on an equal basis with other properties inside the City.

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

Emergency medical transport (ambulance) services are provided on a metro-wide basis by the Eugene Springfield Fire Department. 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 within the City of Springfield by the Willamalane Park & Recreation District. The park district operates several indoor recreation facilities, such as the Willamalane Park Swim Center, Lively Park Swim Center, Bob Keefer Center for Sports and Recreation, and Willamalane Adult Activity Center. The park district offers various after-school and other programs for children at schools and parks throughout the community. Also available are pathways and several categories of parks, including community parks, sports parks, special use parks, and natural area parks.

Concurrent with annexation to the City of Springfield, the subject property will be annexed to the Willamalane Park & Recreation District consistent with City policy, an intergovernmental agreement between the City of Springfield and Lane County, and the adopted Willamalane Comprehensive Plan.

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

Schools – The Springfield School District serves this area of west Springfield. Based on the existing use of the subject property as a single detached dwelling, it is expected that the annexation territory sustains permanent residents and could generate a school-age population in the future. The Springfield School District has capacity to serve the annexation area in its current configuration, and in the event the property redevelops in the future.

Sanitary Sewer – The annexation territory does not currently have sanitary sewer service. A City capital project will extend local sewer service eastward from the intersection of Aspen Street and Janus Street along the Janus Street frontage. Sewer laterals will be installed to serve properties with frontage on Janus Street, although only one property (1279 Janus Street) has requested connection at this time. Sewer service also will be extended northward into Janus Court. The applicant has arranged for payment of applicable fees and obtained necessary permits to connect the existing house to the public sanitary sewer system after it is installed. Connection to the public sanitary sewer system will require a plumbing permit.

Stormwater – The subject annexation territory is served by the public stormwater management system located in Janus Street. However, the public system along the property frontage is an open ditch and is not developed as a piped, underground system similar to properties along Janus Street to the east of the current City limits line. Should further development or redevelopment of the site occur in the future, extension and expansion of public and private stormwater facilities necessary to serve the property will be done concurrently with construction of other site improvements and utilities.

Streets – The northern boundary of the subject annexation area abuts Janus Street, which has been partially developed with paving and roadside ditch stormwater facilities on the southern side of the street. East of Janus Court and the current City limits line, Janus Street has been improved with curb, gutter, sidewalk, full pavement width, piped stormwater facilities, and street trees. Janus Street is classified as a local street and is developed with one vehicle travel lane in each direction. The pavement width allows for vehicle parking on both sides of the street east of the City limits line, but the pavement tapers down along the subject property frontage such that there is no opportunity for on-street parking. Instead, vehicle parking is done within the variable-width unpaved shoulder and drainage ditch along the subject property frontage.

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 would be provided by Sanipac.

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

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

Finding: The minimum level of key urban facilities and services, as outlined in the *Springfield 2030 Comprehensive Plan – Urbanization Element* are immediately available to the site.

Conclusion: The proposal meets and complies with Criterion C, SDC 5.7.140.

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

Finding: The area proposed for annexation is a residential parcel containing an existing single detached dwelling and accessory structures. The applicant has arranged for payment of the applicable sewer assessment fees and system development charges for connection to the City’s sanitary sewer system. Because the required sanitary sewer service is contingent upon completion of a City capital project for local sewer extension, the applicant is awaiting completion of the project before obtaining a plumbing permit for connecting the house to City sanitary sewer. To facilitate connection of the house to City sanitary sewer, when available, the applicant has executed and recorded an Improvement Agreement and Application for Sewer Hookup (Document 2022-016944, Lane County Deeds & Records; Attachment 2, Exhibit C).

Finding: The applicant has submitted an application for annexation to the City (Attachment 2, Exhibit B), and has executed an Improvement Agreement and Application for Sewer Hookup (Attachment 2, Exhibit C). Further, the applicant has made necessary arrangements for payment of the applicable sewer assessment fees and System Development Charges (SDCs) and will obtain necessary permits for connecting the house to the public sanitary sewer system when it is available.

Finding: The Improvement Agreement and Application for Sewer Hookup has been recorded at Lane County Deeds & Records, so the obligations detailed therein run with the property title.

Conclusion: The proposal meets and complies with Criterion D, SDC 5.7.140.

City Council Decision (SDC 5.7.145): City Council approval of the annexation application shall be by Ordinance.

Finding: The City Council gave first reading of the Annexation Ordinance and held a Public Hearing on October 3, 2022 for the subject annexation request. No testimony was provided at the public hearing meeting. Based on the staff analysis and recommendations, and on testimony provided at the Public Hearing, the City Council adopted Annexation Ordinance 6450 at the regular meeting on October 17, 2022. The City Council may now take action to adopt a new annexation Ordinance with correct Exhibit “A” to repeal and replace Ordinance 6450.

Zoning (SDC 5.7.150): The area requested for annexation is zoned R-1 residential district (titled “LDR” at the time the application was submitted) and is designated Low Density Residential in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. Properties that are outside the City limits have the Urbanizable Fringe Overlay District (UF-10) applied to the zoning. Upon the effective date of the annexation, the UF-10 overlay will be automatically removed and the property will retain the R-1 zoning.

Effective Date and Notice of Approved Annexation (SDC 5.7.155): The subject annexation request was presented to the City Council for consideration at an initial public hearing on October 3, 2022. Second reading and adoption of the annexation Ordinance occurred on October 17, 2022. Staff is recommending giving third reading to a revised annexation Ordinance to replace and repeal Ordinance 6450 that has an incorrect Exhibit A.

Withdrawal from Special Service Districts (SDC 5.7.160): Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The Director shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222. In determining whether to withdraw the territory, the 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 SDC 5.7.130.

Finding: The annexation area is within the delineated service territory of SUB (electric) and Rainbow Water District (water and contracted fire response). The Cities of Eugene/Springfield will directly provide fire and emergency services after annexation, and the City of Springfield by and through the Springfield Utility Board will provide water service after annexation. Consistent with SDC 5.7.160, notice was provided for the public hearing on October 3, 2022. Withdrawal from the Rainbow Water District concurrently with annexation of the territory to the City of Springfield is in the best interest of the City. The withdrawal from the Rainbow Water District is necessary to implement Policies 31 and 32 of the *Springfield 2030 Comprehensive Plan – Urbanization Element* whereby annexation is prioritized for the City of Springfield to provide urban services to its incorporated territory, and existing special service districts within the City's UGB are to be dissolved over time.

DIRECTOR'S RECOMMENDATION: The proposal complies with the annexation criteria of approval listed in SDC 5.7.140, and Council is within its authority to approve annexation of the subject territory to the City of Springfield and Willamalane Park and Recreation District and withdrawal of the subject territory from the Rainbow Water District.