

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of Resolution 5080 Annexing Land to the City of Eugene (Knox - A 12-5)

Meeting Date: January 28, 2013
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2E
Staff Contact: Becky Taylor
Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

This item is a request to annex 2.94 acres of property located on the east side of Gilham Road, at the north terminus of Walton Lane. There are currently two dwellings on the subject property, which is zoned R-1/UL Low-Density Residential with Urbanizable Land Overlay. The /UL overlay will automatically be removed upon annexation. The applicant is in the process of purchasing the property and intends to file a subdivision following annexation.

BACKGROUND

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board. These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment D. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The Willakenzie Area Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation is approved.

SUGGESTED MOTION

Move to adopt Resolution 5080 which approves the proposed annexation request consistent with the applicable approval criteria.

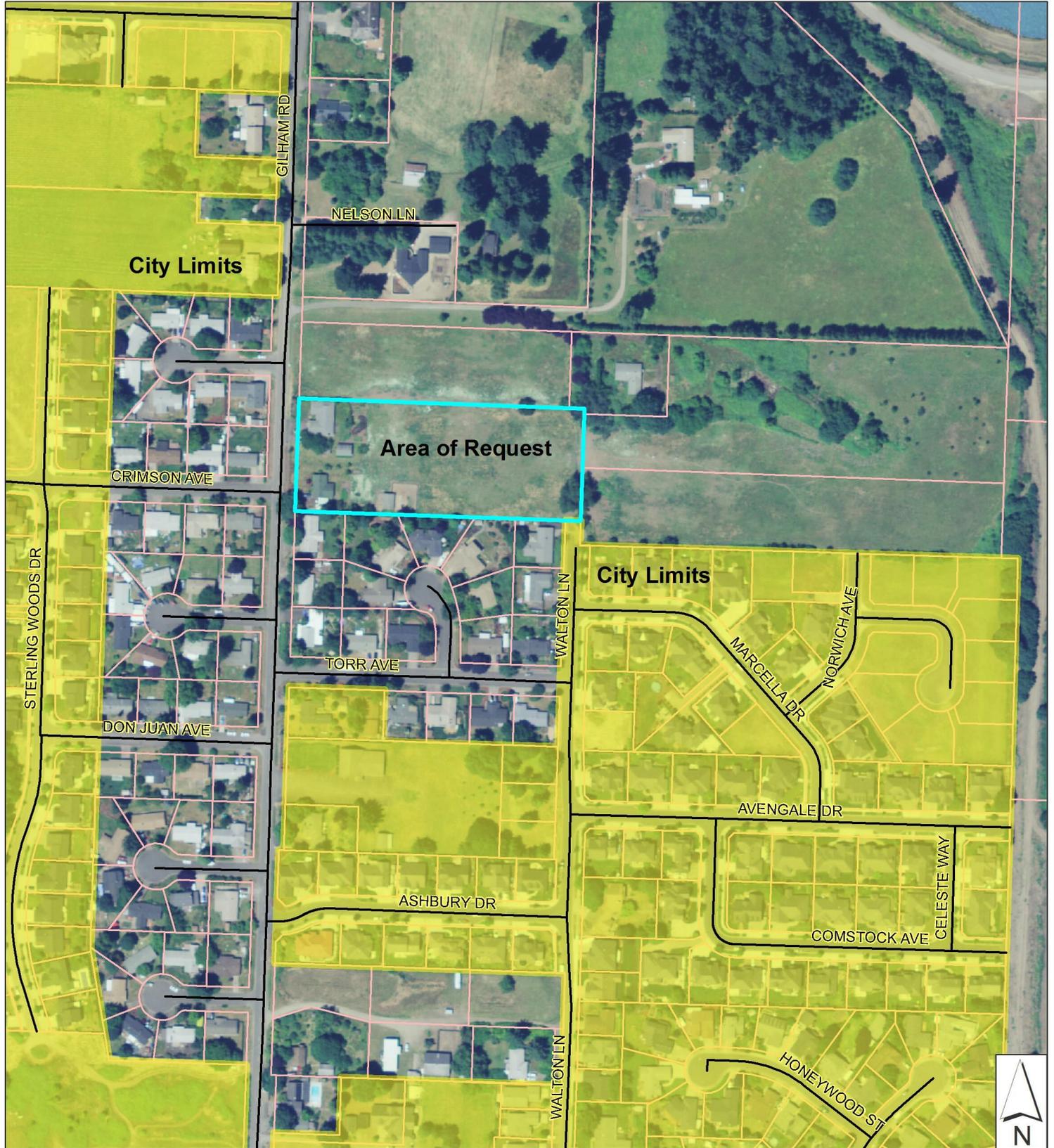
ATTACHMENTS

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

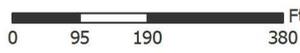
FOR MORE INFORMATION

Staff Contact: Becky Taylor, Associate Planner
Telephone: 541/682-5437
Staff E-Mail: becky.g.taylor@ci.eugene.or.us

Attachment A - Map of Annexation Request



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



January 09, 2013



RESOLUTION NO. _____

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (3775 AND 3793 GILHAM ROAD, EUGENE, OREGON; PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00 TAX LOT 7700).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Scott Knox on December 20, 2012, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-08-00, Tax Lot 7700.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

D. On December 20, 2012 a notice containing the street and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors Neighborhood Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on January 28, 2013.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-08-00, Tax Lot 7700 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL to R-1 pursuant to EC

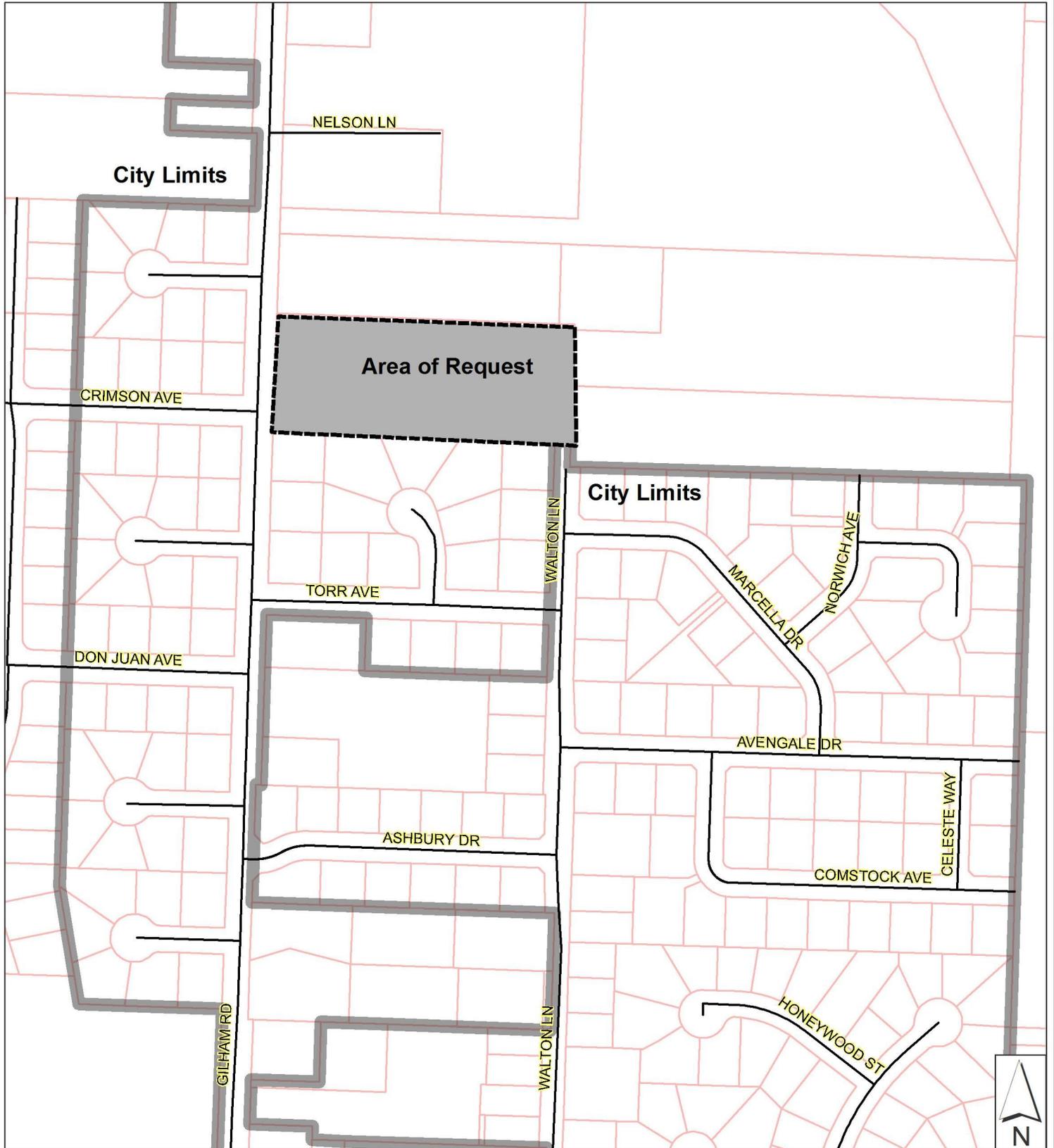
Attachment B - Draft Resolution

9.7820(3) shall be effective upon the date a copy of this Resolution is filed with the Secretary of the State of Oregon.

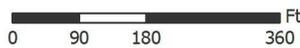
The foregoing Resolution adopted the ____ day of January, 2013.

City Recorder

Exhibit A - Vicinity Map



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



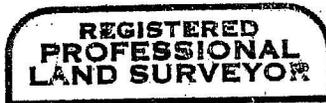
January 09, 2013



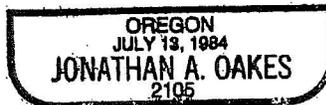
Exhibit B - Legal Description

**Legal Description for Annexation to the City of Eugene
of
Assessor's Map No. 17-03-08-00, Tax Lot No. 7700**

Beginning at the re-entrant angle of the Thomas N. Aubrey Donation Land Claim No. 39 in Section 8, Township 17 South, Range 3 West of the Willamette Meridian, which is marked by a 1-1/2 inch iron well pipe replacing the original stone; thence South 1200.4 feet along the West line of the Thomas N. Aubrey Donation Land Claim No. 39 to a point; thence South 89°54' East 20 feet across a 20 foot right of way to a point marked by an iron pipe, said point being the True Point of Beginning; thence continuing South 89°54' East 579.5 feet to an iron pipe set in an old fence line; thence South 225.5 feet along the old fence line to a point marked by an iron pipe; thence North 89°54' West 579.5 feet to a point marked by an iron pipe; thence North 225.5 feet along the East side of a 20 foot right of way to the True Point of Beginning, all in Lane County, Oregon.



Jonathan A. Oakes



Expires: Dec 31 2012



**Planning Director's Recommendations and Findings:
Knox (A 12-5)**

Application Submitted: December 20, 2012	
Applicant: Scott Knox	
Map/Lot(s): 17-03-08-00 Lot 7700	
Zoning: R-1/UL	
Location: East side of Gilham Road, at the north terminus of Walton Lane	
Representative: None	
Lead City Staff:	Becky Taylor, Associate Planner, (541) 682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<p>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is: (a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>	
<p style="text-align: center;">Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). The City limits are contiguous with the subject property at the southeast property corner, at the terminus of Walton Lane.</p>
<p>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</p>	
<p style="text-align: center;">Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p> <p>C. Growth Management, Goals, Findings and Policies: <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p>

		<p><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The Metro Plan designates the annexation area as appropriate for residential use. The <u>Willakenzie Area Plan (WAP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned R-1, and the /UL overlay will be automatically removed from the annexation area.</p> <p>With regard to applicable policies of the <u>WAP</u>, the subject property is within the “Unincorporated” subarea; none of these policies appear to be directly applicable to the subject request.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
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EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

<p>Complies</p>		<p>Findings: The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p>Wastewater Public wastewater is available to serve the subject property from the existing 10-inch mainline located within Walton Lane, which terminates at the southeast property corner. The applicant proposes to extend public wastewater through the site as part of a subsequent subdivision of the property.</p>
<p><input checked="" type="checkbox"/> YES</p>	<p><input type="checkbox"/> NO</p>	

Stormwater

Public stormwater is available to serve the property from the existing 12-inch mainline located within Walton Lane, which terminates at the southeast property corner. The applicant proposes to extend public stormwater through the site as part of a subsequent subdivision process. Stormwater management will be more precisely determined at the time of development.

Streets

Gilham Road abuts the west property boundary and Walton Lane terminates at the southeast property corner. The abutting segment of Gilham Road is classified as a medium-volume local residential street and is currently under Lane County's jurisdiction. The roadway has 20 feet of pavement width; any upgrades to Gilham Road will be more precisely determined in the subsequent subdivision process. Extension of Walton Lane through the subject site will also be considered as part of the future subdivision proposal.

Solid Waste

Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water & Electric

Eugene Water and Electric Board (EWEB) services are available to serve the subject property. An eight-inch cast iron water main is located on the west side of Gilham Road, abutting the subject property.

Public Safety

The property is currently within the Willakenzie Rural Fire Protection District. Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.

Parks and Recreation

A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan. The City's "Creekside Park" site is located approximately 550 feet west of the subject property.

Planning and Development Services

Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.

Communications

Qwest communications and a variety of other telecommunications providers offer

		<p>communications services throughout the Eugene/Springfield area.</p> <p>Public Schools The subject property is within the Eugene 4J School district and is served by Gilham Elementary School, Cal Young Middle School and Sheldon High School.</p>
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CONCLUSION:

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

INFORMATION:

- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.
- ◆ Future development of the property will require a feasible stormwater proposal and demonstration that all applicable stormwater management standards have been met.



Planning &
Development
Planning

ANNEXATION APPLICATION

City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 Fax
www.eugene-or.gov

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

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

Assessor's Map	Tax Lot	Zoning	Acreage
17-03-08-00	07700	R-1/UL	2.94

Property Address: ~~3793~~ 3793 : 3775 Gilham Rd. Eugene, OR 97401

Plans for Future Development: Residential subdivision

Population of Property to be Annexed: _____ Number of Existing Residential Units: 2

Applicable Refinement Plan: Willakenzie Area Plan

Refinement Plan Designates Property as: low-density residential

Does the Proposal Include All Contiguous Property Under the Same Ownership? Yes No

Public Service Districts:

Name			
Parks:	City of Eugene		
Electric:	EW&B		
Water:	EW&B		
Sanitary Sewer:	City of Eugene		
Fire:	Willakenzie / Eugene RFPD		
Schools:	Elementary: Gilham	Middle: Cal Yamd	High: Sheldon
Other:			

Attachment C - Application Materials

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

PROPERTY OWNER OF TAX LOT: 07700

Name (print): Neil P Lathen

Address: 1915 Hedden St Email: N.Lathen@Spartan.edu

City/State/Zip: Schenectady NY 12302 Phone: 518 581 2421 Fax: 518 588 2179

Signature: Neil P Lathen *Subject: Taxes of the University family tax*

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____ Email: _____

City/State/Zip: _____ Phone: _____ Fax: _____

Signature: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____ Email: _____

City/State/Zip: _____ Phone: _____ Fax: _____

Signature: _____

SURVEYOR:

Name (print): _____

Company/Organization: _____

Address: _____

City/State/Zip: _____ Phone: _____ Fax: _____

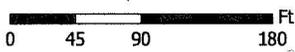
E-mail: _____

Signature: _____

17-03-08-00-07700



- Legend**
- Waste Lines
 - EUG
 - Taxlots



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

July 09, 2012



Consent to Annexation

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

Map and Tax Lot: 17-03-08-00 0700 Address: 3793; 3775 Gilham Rd.

Legal Description: Attached

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

DATED this 30th day of July, 2012.

*

Wendy R. Fisher - Subject Trustee
of the assets of Family Trust

STATE OF OREGON)
)ss
County of)

On this 30 day of July, 2012, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Wendy R. Fisher who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:

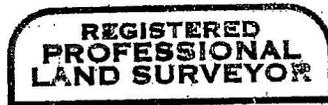
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



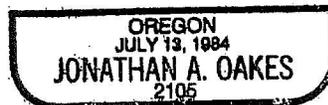
Kathleen R. Hampton
Notary Public for Oregon
My Commission Expires 4/27/2015

**Legal Description for Annexation to the City of Eugene
of
Assessor's Map No. 17-03-08-00, Tax Lot No. 7700**

Beginning at the re-entrant angle of the Thomas N. Aubrey Donation Land Claim No. 39 in Section 8, Township 17 South, Range 3 West of the Willamette Meridian, which is marked by a 1-1/2 inch iron well pipe replacing the original stone; thence South 1200.4 feet along the West line of the Thomas N. Aubrey Donation Land Claim No. 39 to a point; thence South 89°54' East 20 feet across a 20 foot right of way to a point marked by an iron pipe, said point being the True Point of Beginning; thence continuing South 89°54' East 579.5 feet to an iron pipe set in an old fence line; thence South 225.5 feet along the old fence line to a point marked by an iron pipe; thence North 89°54' West 579.5 feet to a point marked by an iron pipe; thence North 225.5 feet along the East side of a 20 foot right of way to the True Point of Beginning, all in Lane County, Oregon.



Jonathan A. Oakes



Expires: Dec 31 2012

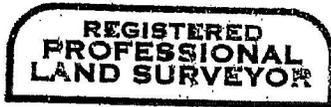
Certification of Description

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

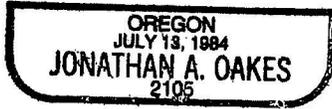
Signature: Jonathan A. Oakes 11-27-12
Registered Land Surveyor Date

Print Name: JONATHAN A. OAKES

Seal:



Jonathan A. Oakes



Expires: DEC 31, 2012

Summary of Urban Service Provision

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

Property Owner(s) Name:

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

17-03-08-00: 0770

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

The property(ies) in this annexation request:

will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

8" in Gilham Rd - 10" in Walter Ln.

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

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

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

Is the site currently served by an approved stormwater system?

No

If yes,
location? _____

Attachment C - Application Materials

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

Extension of 12" storm in Walton

and/or on-site retention; following soil testing for infiltration rates

Streets - What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. Gilham Rd. Walton Ln.

Will dedication for additional street right-of-way be required upon further development of this site? ~~Walter Ln.~~ Walton Ln. will be extended through the property

Yes No Unknown

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

Yes No Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

Parks, Recreation, and Cultural Services

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

Creekside Park, ~ 550' to West

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

Public Safety

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

For River Road/Santa Clara area-

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

Attachment C - Application Materials

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

N/A Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District. Upon annexation, this property will be automatically withdrawn from the Santa Clara RFPD, and fire protection will be provided by the City of Eugene Fire & EMS Department.

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

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

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

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

Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property. 8" cast iron.

main on W side of Gilham Rd.

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

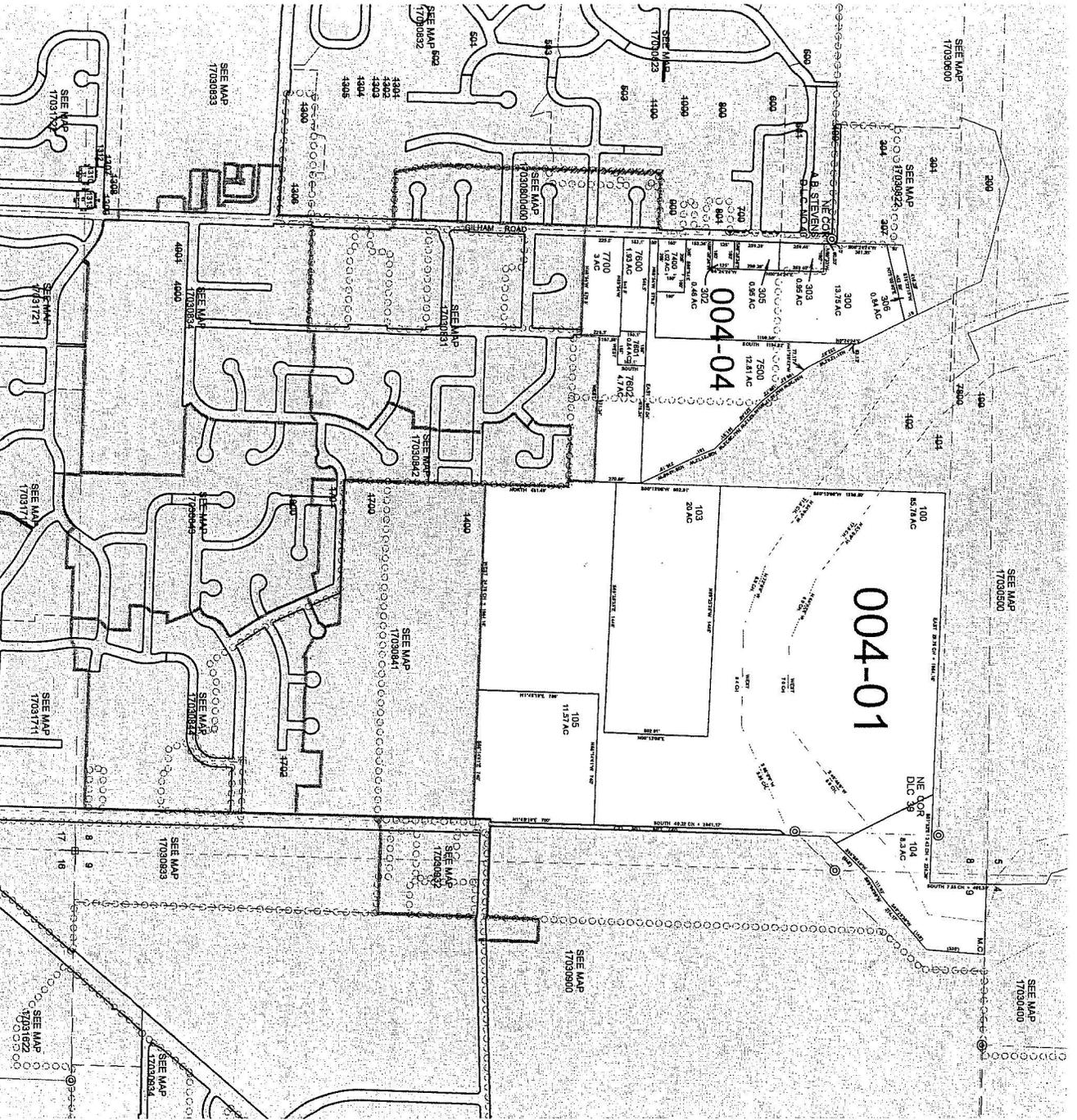
Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

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

Attachment C - Application Materials

FOR ASSESSMENT AND
MAY NOT BE USED

SECTION 8 T.17S. R.3W. WM.
Lane County
1" = 400'



17030800
EUGENE

1/14/2011 09:51:17 AM - 1:45pm

CANCELLED:

- 1000
- 101
- 102
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- 7800
- 801
- 801
- 900

REVISIONS:
1/14/2011 - LOCAL GOVERNMENT MAP TO G.A.
1/14/2011 - LOCAL GOVERNMENT MAP TO G.A.
1/14/2011 - LOCAL GOVERNMENT MAP TO G.A.

EUGENE
17030800