

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: Adoption of Resolution No. 5015 Annexing Land to the City of Eugene  
(Airport Industrial Properties (A 10-2))

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Meeting Date: October 11, 2010  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3C  
Staff Contact: Steve Ochs  
Contact Telephone Number: 541/682-5453

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## ISSUE STATEMENT

This item is a request to annex five contiguous parcels of land located southwest of the Highway 99 and Airport Road intersection at 29536, 29538, 29540, 29548 and 29550 Airport Road on Tax Lots 1500, 1700, 1800, 2000 and 2100 of Assessor's Map 17-04-09-20. A map of the property proposed for annexation is included as Attachment A. This application does not include the annexation of any streets.

## 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, Eugene Water & Electric Board, Junction City Water District and Lane Rural Fire and Rescue. Lane Rural Fire and Rescue referral comments questioned the location of city limits in relation to the properties and indicate opposition to the annexation as the tax base of the fire district will be impacted. As discussed in the attached findings, the proposed request is within the UGB and contiguous to city limits, and 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.

There are existing buildings on each of the five parcels included in the annexation request. The subject properties are zoned I-2 Light Medium Industrial consistent with the Light Medium Industrial designation for the parcels in the Metro Plan.

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

### **RELATED CITY POLICIES**

The Metro Plan contains the policies that are related to this annexation request. There is no refinement plan applicable to the subject properties. The Metro Plan policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

### **COUNCIL OPTIONS**

The 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 No. 5015 included as Attachment B, which approves the proposed annexation request consistent with the applicable approval criteria at EC 9.7825.

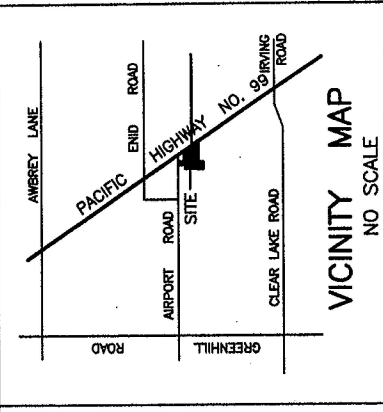
### **ATTACHMENTS**

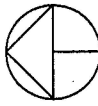
- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Map of Annexation Request
  - Exhibit B: Legal Description
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. Referral Comments

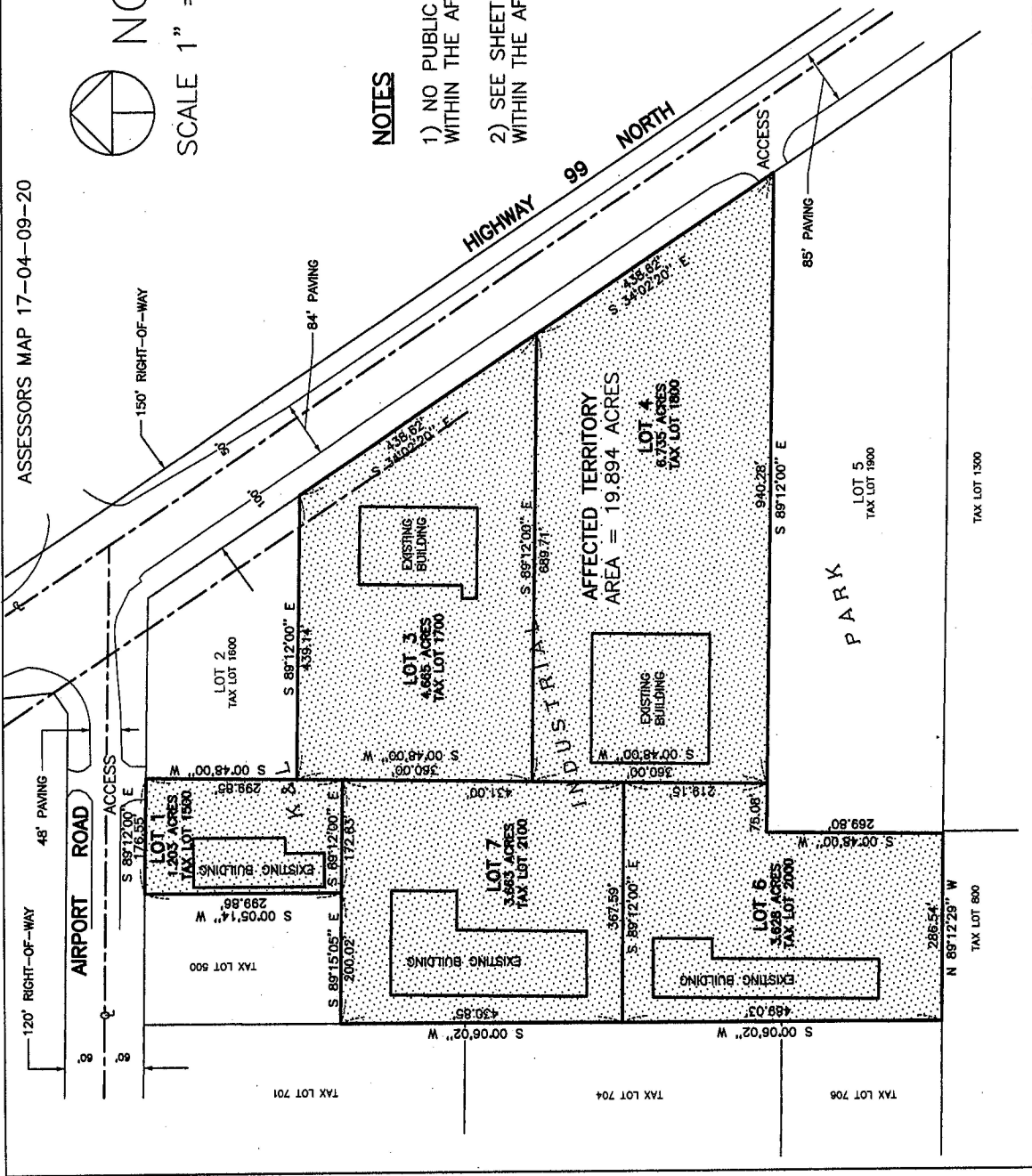
### **FOR MORE INFORMATION**

Staff Contact: Steve Ochs, Associate Planner  
Telephone: 541/682-5453  
Staff E-Mail: [steve.p.ochs@ci.eugene.or.us](mailto:steve.p.ochs@ci.eugene.or.us)

ASSESSORS MAP 17-04-09-20



 NORTH  
SCALE 1" = 200 FT



**NOTES**


- 1) NO PUBLIC RIGHT-OF-WAYS EXIST WITHIN THE AFFECTED TERRITORY
- 2) SEE SHEET 2 FOR EASEMENTS WITHIN THE AFFECTED TERRITORY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052  
RENEWAL: 12-31-2011

SITE PLAN FOR:  
**PROPERTY ANNEXATION**  
IN THE NW 1/4 OF SECTION 9,  
T17S, R4W, W.M., LANE COUNTY, OREGON  
SHEET 1 OF 2



**SSW ENGINEERS**<sup>INC</sup>  
CIVIL • STRUCTURAL • BUILDING DESIGN  
SURVEYING • LAND USE PLANNING

2350 Oakmont Way, Suite 105 Eugene, Oregon 97401 (541) 485-8883  
JOB NO. 10-6837-71 8/09/10

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (29536, 29550, 29548, 29540 AND 29538 AIRPORT ROAD).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Airport Industrial Properties LLC on August 26, 2010, 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 17-04-09-20, Tax Lots 1500, 1700, 1800, 2000 and 2100.

**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 September 10, 2010, a notice containing the street address, 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 Industrial Corridor Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 11, 2010.

**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 depicted 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 I-2/UL/CAS to I-2/CAS

pursuant to EC 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 October, 2010.**

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
**Acting City Recorder**

# Airport Industrial Properties (A 10-2)



Airport Rd

Hwy 99

 Area Proposed for Annexation

 city limits



**Legal Description of Affected Territory to be Annexed**

Lot 1, Lot 3, Lot 4, Lot 6, and Lot 7, K & L INDUSTRIAL PARK, as platted and recorded as Instrument No. 2002-043085, Lane County Oregon Plat Records, in Lane County, Oregon.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052

RENEWAL DATE: 12/31/2011



**Planning Director's Recommendation and Findings:  
Airport Industrial Properties (City File A 10-2)**

<b>Application Submitted:</b> August 11, 2010	
<b>Applicant:</b> Airport Industrial Properties, LLC	
<b>Map/Lot(s):</b> 17-04-09-20 Tax Lots 1500, 1700, 1800, 2000 and 2100	
<b>Zoning:</b> I-2/UL/CAS Light-Medium Industrial with the Urbanizable Land and Commercial Airport Safety Overlay	
<b>Location:</b> 29536, 29538, 29540, 29548 and 29550 Airport Road	
<b>Representative:</b> Michael Dahrens, SSW Engineers Inc.	
<b>Lead City Staff:</b>	Steve Ochs, Associate Planner, (541) 682-5453

**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.

**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.**

<b>Complies</b>		<b>Findings:</b> 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 area of land along the northern and western boundary of the property.
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

**EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.**

<b>Complies</b>		<b>Findings:</b> The proposed annexation area is within the urban growth boundary. Several policies from the Metro Plan 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:  <b>C. Growth Management, Goals, Findings and Policies:</b> <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> <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>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	



*Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).*

*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)*

The Metro Plan designates the annexation area as appropriate for Light Medium Industrial use. There is no adopted refinement plan for the subject properties. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned I-2/CAS, and the /UL overlay will be automatically removed from the annexation area.

As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan 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.

Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan.

**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.**

**Complies**

**YES**     **NO**

**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:

**Wastewater**

These properties are served by an on-site 8-inch public wastewater system within public utility easements. Wastewater equivalent assessments have been paid.

**Stormwater**

Private stormwater systems for existing and pending developments have been approved under commercial building permits. Stormwater runoff from the existing site (17 04 09 20: TL 1500, 1700, 1800, 2000, and 2100) is overland flowing to one of the ditches around the site; either along the south side of Airport Road (flowing west), the ditch along the west side of Hwy. 99 (flowing northwesterly) or a ditch south of the property (flowing southeasterly), all of which eventually connect to the Junction City Water District A-1 or A-2 channel. Existing flows from this site are currently conveyed (indirectly) by JCWD system. Referral comments from JCWD note that any future development would need to ensure that post-development flows do not exceed pre-development rates. This can be accomplished through on-site detention or infiltration.

**Streets**

These properties front Airport Road and Highway 99 North.

Airport Rd (COE jurisdiction):

- Minor arterial
- Irrevocable petition recorded for future improvements
- Roadside ditches may have capacity constraints

Hwy 99N (ODOT jurisdiction):

- Major arterial
- Access onto 99N will require approval from ODOT

**Solid Waste**

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

**Water and Electric**

Water - Eugene Water and Electric Board (EWEB) staff notes that there is an existing 12-inch asbestos cement water main on the south side of Airport Road and on the west side of Highway 99 along the north 200 feet of Lot 3 (Tax Lot 1700) and an existing 16-inch asbestos cement water main on the east side of Highway 99 along the southern frontage of Lot 3 (Tax Lot 1700) and all of Lot 4 (Tax Lot 1800). EWEB Water staff indicates that adequate water service can be made available and therefore has no objection to the annexation.

Electric - Blachly Lane Electric Cooperative currently provides electric services to the subject site. EWEB Electric verified that electric services are available 760 feet west of Highway 99 on Airport Road. (340 feet west of the subject property). Neither agency expressed objection to the proposed annexation request.

**Public Safety**

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 Lane Rural Fire and Rescue. Upon annexation, this property will be automatically withdrawn from Lane Rural Fire and Rescue and fire protection provided by the City of Eugene Fire and EMS Department. 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 property is located in the Bethel-Danebo Parks Planning Area.

**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.

	<p><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Bethel School District.</p>
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**CONCLUSION:**

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is found to be consistent with the applicable approval criteria. Based upon findings above, the Planning Director recommends that City Council approve this annexation proposal. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date is set in accordance with state law.

**INFORMATION:**

- ◆ As an informational item, City Council recently adopted access management regulations (EC 7.408 through 7.435) which may be applicable to proposed development, such as access connections onto arterial and major collectors, which are required to be located outside of intersection influence areas, with some exceptions.
- ◆ For information regarding EWEB requirements at the time of development, please contact Jay Bozievich, EWEB Water, at 684-4759 and Rich Deluna, EWEB Electric, at 341-8522.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

AUG 26 2010

City of Eugene  
Planning Division

## Written Statement in Support of Annexation

Activity: Annexation Application

Property Location: 29536, 29550, 29548, 29540 & 29538 Airport Road, Map 17-04-0920, Tax Lots 1500, 1700, 1800, 2000 & 2100

Representative: Michael R. Dahrens, PLS  
SSW Engineers Inc.  
2350 Oakmont Way, Suite 105  
Eugene, OR 97401  
(541) 485-8383

Owner: Airport Industrial Properties LLC  
Rodney Kempf, Managing Partner  
P.O. Box 2066  
Eugene, OR 97402

Current Zoning: I-2/UL/CAS

Metro Plan Designation: Light-Medium Industrial

Request: Annexation to the City of Eugene due to request by the City of Eugene that this site be annexed prior to the City providing Notice of Completion for a Building Permit on the site.

- 9.7825 Annexation – Approval Criteria.** The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:
- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
    - (a) Contiguous to the city limits; or
    - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

*The land proposed for Annexation is contiguous to the current City Limits. The property adjacent to the West of the site is within the City Limits, and Airport Road adjacent to the North of the site is within the City of Eugene, therefore the proposed annexation satisfies EC 9.7825(1)(a).*

**9.7825      Annexation – Approval Criteria. (continued)**

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

*The land proposed for Annexation is currently zoned I-2/UL/CAS. The Metro Plan designation for this property is I-2, Light-Medium Industrial, therefore proposed annexation is consistent with the applicable policies in the Metro Plan and satisfies EC 9.7825(2).*

- (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.

*The land proposed for Annexation is currently served with an existing City of Eugene gravity wastewater system. The site is currently developed with an approved stormwater system. The site current is provided access from Airport Road on the North, with an approved access point from State Highway 99 on the Easterly side. The site is currently served with an existing network of EWEB water facilities, and is served by Blachly-Lane Electric Co-op with electric services. Northwest Natural Gas facilities and telecommunications facilities are currently present at the site. Highway 99 adjacent to the site is a Lane Transit District bus route. The City of Eugene will provide police, fire, and emergency services after annexation. This satisfies EC 9.7825(3).*

# Transmittal

**To:** Steve Ochs, Associate Planner  
City of Eugene Planning & Development  
99 West 10<sup>th</sup> Avenue  
Eugene, OR 97401

**From:** Jason Goshert  
SSW Engineers Inc.

**Cc:**

**Date:** August 26, 2010

**SSW Job:** #10-6837-71 Airport Industrial Properties

**Pages:** Cover + 25

**Re:** ANNEXATION FOR AIRPORT INDUSTRIAL PROPERTIES (A 10-2)

Urgent       Please Reply       For Your Review       For Your Records

Greetings Steve:

Attached, for your review, please find five (5) copies of the completed Petition for Annexation form for the proposed Airport Industrial Properties, LLC annexation located at the southwest corner of Airport Road and Highway 99 (City File No. A 10-2). The 'Certification of Property Owners' and 'Certification of Electors' portions of the petition form have been completed and signed by the Lane County Department of Assessment & Taxation and Lane County Clerk/Deputy Clerk as required in response to Completeness Review Comment Nos. 10 & 11 dated August 17, 2010 which were accompanied by a letter from you dated August 24, 2010.

Also attached, per your request, please find five (5) additional copies each of the associated written statement and site plans which were submitted for completeness review.

Submittal of the attached materials is intended to satisfy completeness review comments such that the application may be deemed complete and proceed through the remainder of the review process. Please let me or Mike Dahrens know if you have any further questions or comments, or require any additional materials or information. Thank you.

Best Regards,

Jason Goshert  
Survey & Land Use Planning Technician

SSW Engineers Inc.



# SSW

**ENGINEERS**  
INC.  
CIVIL · STRUCTURAL · BUILDING DESIGN  
SURVEYING · LAND USE PLANNING

2350 Oakmont Way, Suite 105  
Eugene, OR 97401  
(541) 485-8383 Fax (541) 485-8384  
email@ssw-engineer.com  
www.sswengineers.com

## RECEIVED

AUG 26 2010

CITY OF EUGENE  
BUILDING & PERMIT SVCS

Application #: C \* 2008 - \_\_\_\_\_  
 For City Use Only

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

**PETITION**

**Petition Signature Sheet**  
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of (Insert Name of City): EUGENE

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
<i>Rodney Kempf</i>	8-11-10	Rodney Kempf, Airport INDUSTRIAL PROPERTIES, LLC		17-04-09-20-01500	✓		1.203 AC
<i>Rodney Kempf</i>	8-11-10	"		17-04-09-20-01700	✓		4.665 AC
<i>Rodney Kempf</i>	8-11-10	"		17-04-09-20-01800	✓		6.735 AC
<i>Rodney Kempf</i>	8-11-10	"		17-04-09-20-02000	✓		3.628 AC
<i>Rodney Kempf</i>	8-11-10	"		17-04-09-20-02100	✓		3.663 AC

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, Michael R. Dahrens (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X MICHAEL R. DAHRENS (signature of circulator)

**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 5 (qty). This petition reflects that 5 (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 which may not yet be reflected on the A&T computerized tax roll.

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 0. I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

Oliver Adnash  
 Lane County Department of Assessment and Taxation

8-26-10

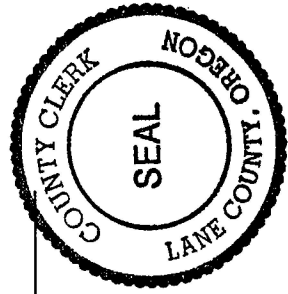
Date Certified

Cheryl Sloboch

Lane County Clerk or Deputy Signature

08-26-10

Date Certified



**Consent to Annexation**

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

MAP 17-04-09-20, TAX LOTS 29536, 29550, 29548, 29540 &  
Map and Tax Lot: 1500, 1700, 1800, 2000, 2100 Address: 29538 Airport Rd, Eugene, 97402

Legal Description: Lot 1, Lot 3, Lot 4, Lot 6 and Lot 7,  
K&L INDUSTRIAL PARK, as platted and recorded as Instrument  
No. 2002-043085, Lane County Oregon Plat Records, in Lane  
County, Oregon.

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

DATED this 11<sup>th</sup> day of Aug, 2010.

Rodney Kempf  
Airport Industrial Properties LLC

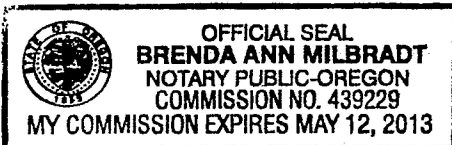
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STATE OF OREGON            )  
  )ss  
County of LANE            )

On this 11<sup>th</sup> day of August, 20 10, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, RODNEY KEMPF, MANAGING PARTNER OF Airport Industrial Properties, LLC, 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.



Brenda Ann Milbradt  
Notary Public for Oregon  
My Commission Expires May 12, 2013



FOR ASSESSMENT  
AND TAXATION  
ONLY

NW1/4 SECTION 9 T.17S. R.4W. W.M.  
LANE COUNTY

SCALE 1" = 200'  
SEE MAP 17 04 04

17 04 09 2

C.A.D. SYS.

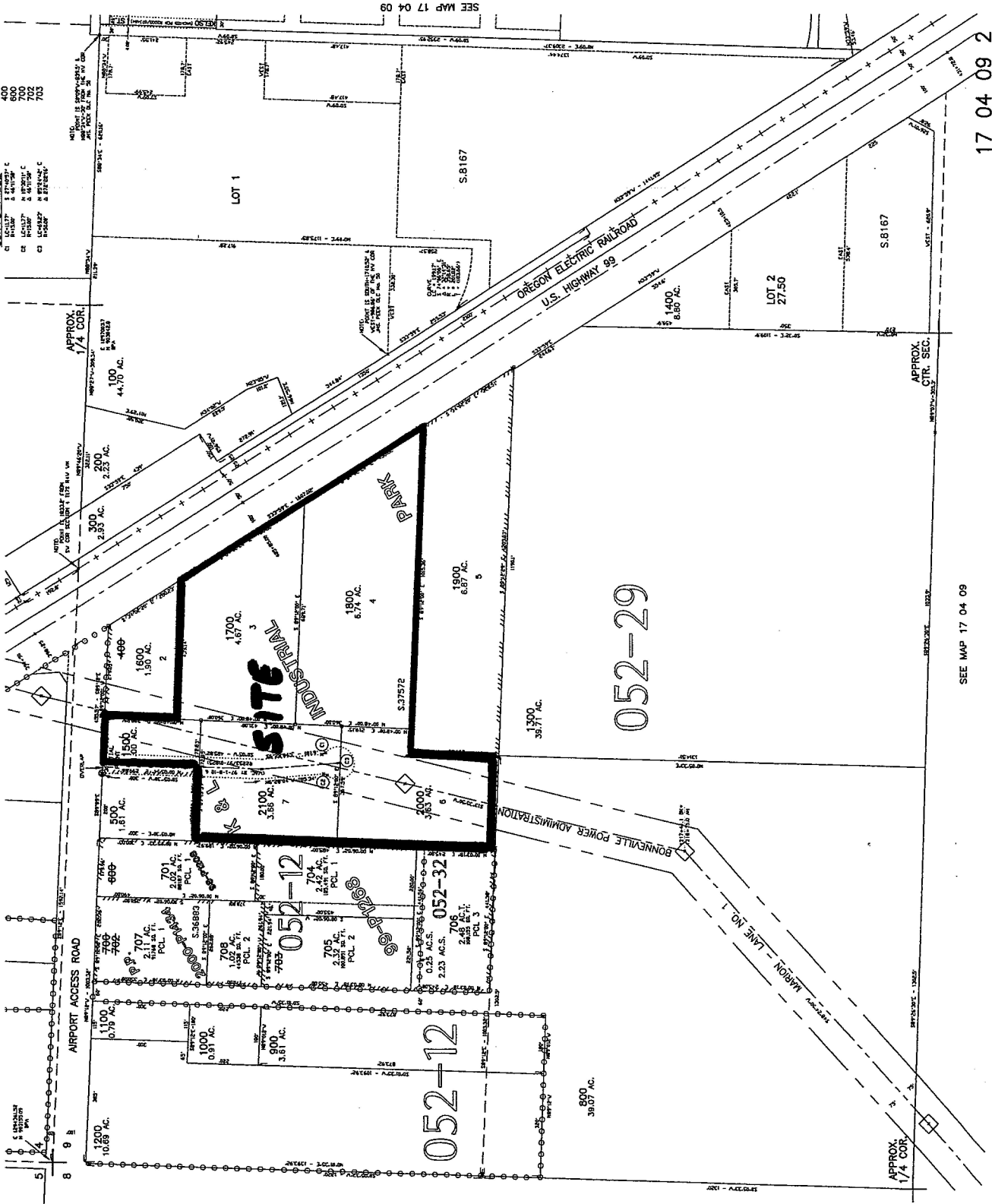
DATE	REVISION	CAUSING
01/15/08	NEW MAP BY CAD SYSTEM	LANE COUNTY
01/15/08	REVISION 1	LANE COUNTY
01/15/08	REVISION 2	LANE COUNTY
01/15/08	REVISION 3	LANE COUNTY
01/15/08	REVISION 4	LANE COUNTY
01/15/08	REVISION 5	LANE COUNTY
01/15/08	REVISION 6	LANE COUNTY
01/15/08	REVISION 7	LANE COUNTY
01/15/08	REVISION 8	LANE COUNTY
01/15/08	REVISION 9	LANE COUNTY
01/15/08	REVISION 10	LANE COUNTY
01/15/08	REVISION 11	LANE COUNTY
01/15/08	REVISION 12	LANE COUNTY
01/15/08	REVISION 13	LANE COUNTY
01/15/08	REVISION 14	LANE COUNTY
01/15/08	REVISION 15	LANE COUNTY
01/15/08	REVISION 16	LANE COUNTY
01/15/08	REVISION 17	LANE COUNTY
01/15/08	REVISION 18	LANE COUNTY
01/15/08	REVISION 19	LANE COUNTY
01/15/08	REVISION 20	LANE COUNTY

CANCELLED

DATE	REVISION	CAUSING
01/15/08	REVISION 1	LANE COUNTY
01/15/08	REVISION 2	LANE COUNTY
01/15/08	REVISION 3	LANE COUNTY
01/15/08	REVISION 4	LANE COUNTY
01/15/08	REVISION 5	LANE COUNTY
01/15/08	REVISION 6	LANE COUNTY
01/15/08	REVISION 7	LANE COUNTY
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01/15/08	REVISION 10	LANE COUNTY
01/15/08	REVISION 11	LANE COUNTY
01/15/08	REVISION 12	LANE COUNTY
01/15/08	REVISION 13	LANE COUNTY
01/15/08	REVISION 14	LANE COUNTY
01/15/08	REVISION 15	LANE COUNTY
01/15/08	REVISION 16	LANE COUNTY
01/15/08	REVISION 17	LANE COUNTY
01/15/08	REVISION 18	LANE COUNTY
01/15/08	REVISION 19	LANE COUNTY
01/15/08	REVISION 20	LANE COUNTY

CURVE TABLE

NO.	START STA.	END STA.	LENGTH	RADIUS	ANGLE
1	0+00	0+50	50.00	1000.00	90.00
2	0+50	1+00	50.00	1000.00	90.00
3	1+00	1+50	50.00	1000.00	90.00
4	1+50	2+00	50.00	1000.00	90.00
5	2+00	2+50	50.00	1000.00	90.00
6	2+50	3+00	50.00	1000.00	90.00
7	3+00	3+50	50.00	1000.00	90.00
8	3+50	4+00	50.00	1000.00	90.00
9	4+00	4+50	50.00	1000.00	90.00
10	4+50	5+00	50.00	1000.00	90.00
11	5+00	5+50	50.00	1000.00	90.00
12	5+50	6+00	50.00	1000.00	90.00
13	6+00	6+50	50.00	1000.00	90.00
14	6+50	7+00	50.00	1000.00	90.00
15	7+00	7+50	50.00	1000.00	90.00
16	7+50	8+00	50.00	1000.00	90.00
17	8+00	8+50	50.00	1000.00	90.00
18	8+50	9+00	50.00	1000.00	90.00
19	9+00	9+50	50.00	1000.00	90.00
20	9+50	10+00	50.00	1000.00	90.00



SEE MAP 17 04 08

SEE MAP 17 04 09

17 04 09 2

## 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:

Airport Industrial Properties, LLC

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

MAP 17-04-09-20, TAX LOTS 1500, 1700, 1800,  
2000 & 2100

**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:

X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

6" & 8" Network runs through site

\_\_\_\_\_ 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?

YES

If yes,

location? Network of EXISTING Storm sewers runs through site.

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

\_\_\_\_\_  
\_\_\_\_\_  
**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. Airport Road provides Access on the North, and an approved access from Highway 99 on the East.

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

\_\_\_\_ Yes                      X No                      \_\_\_\_\_ Unknown

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

\_\_\_\_ Yes                      X 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:

None  
\_\_\_\_\_  
\_\_\_\_\_

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

**Public Safety**

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

**For River Road/Santa Clara area-**

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

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

**LANE RURAL FIRE & RESCUE**

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

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

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

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

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

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

Blachly - Lane Electric Co-op

**Water Service** -- Please provide the size and location of the water main closest to your property. 12" Water Mains along North and East in Road Right of ways.

8" and 4" Water mains Network through the site. EWEB Water.

**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.

**Legal Description of Affected Territory to be Annexed**

Lot 1, Lot 3, Lot 4, Lot 6, and Lot 7, K & L INDUSTRIAL PARK, as platted and recorded as Instrument No. 2002-043085, Lane County Oregon Plat Records, in Lane County, Oregon.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052

RENEWAL DATE: 12/31/2011

## Certification of Description

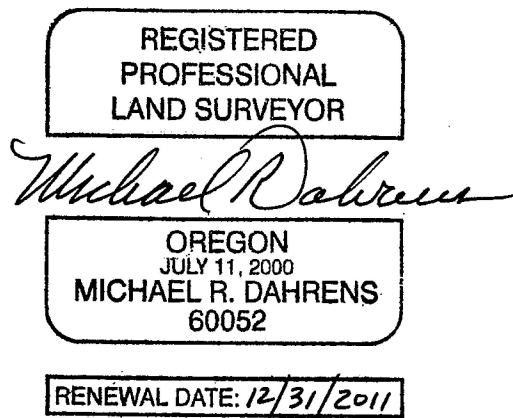
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the legal description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

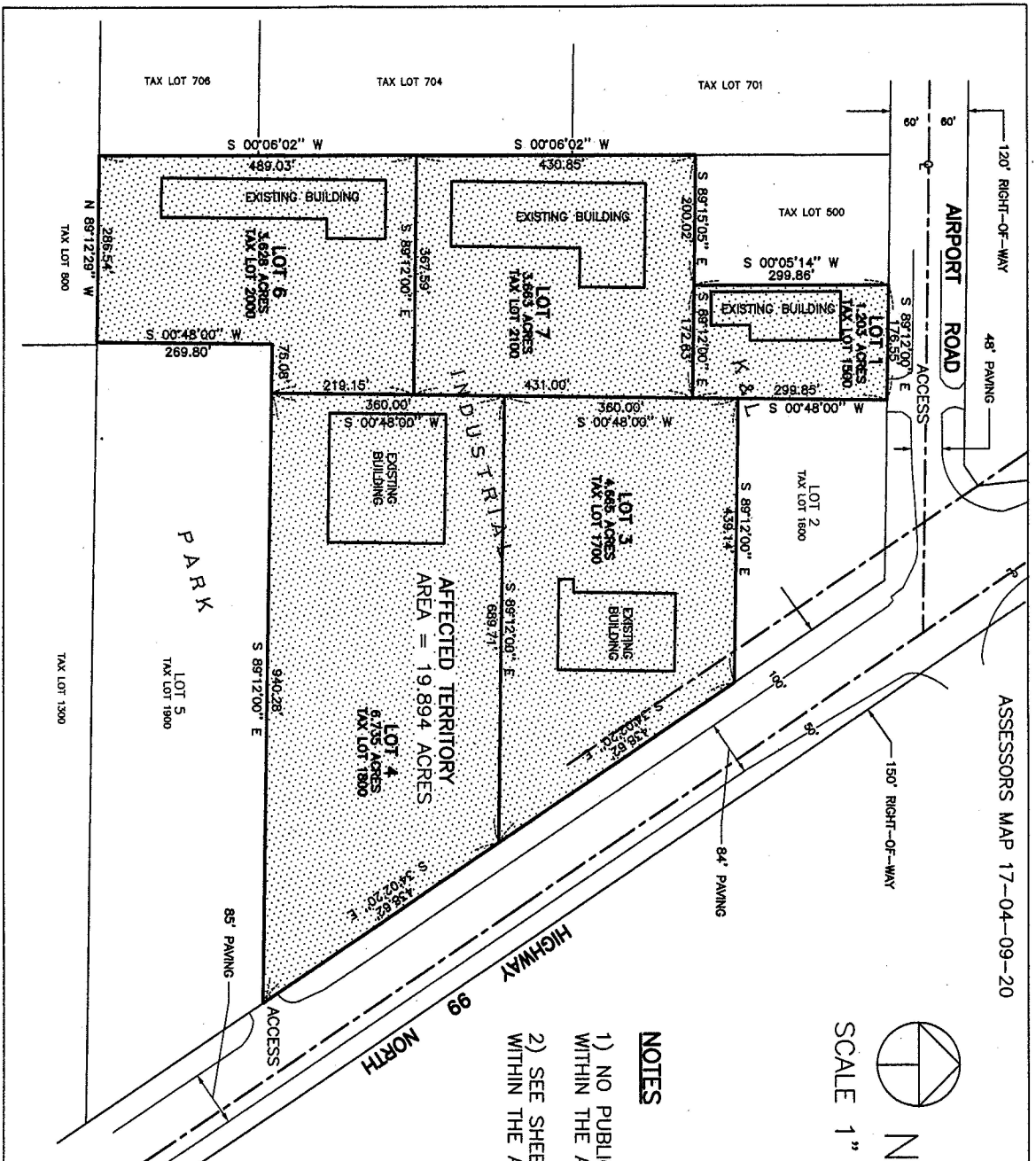
Signature: Michael Dahrens  
Registered Land Surveyor

Print Name: MICHAEL R. DAHRENS

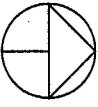
Date: 8/09/2010

Seal:





ASSESSORS MAP 17-04-09-20

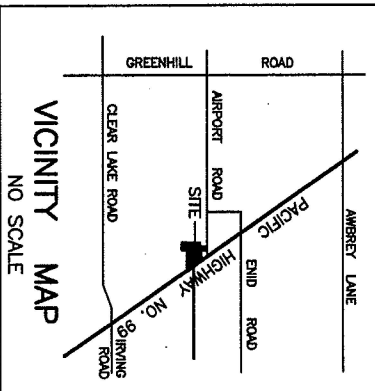


NORTH

SCALE 1" = 200 FT

**NOTES**

- 1) NO PUBLIC RIGHT-OF-WAYS EXIST WITHIN THE AFFECTED TERRITORY
- 2) SEE SHEET 2 FOR EASEMENTS WITHIN THE AFFECTED TERRITORY



VICINITY MAP  
NO SCALE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052

RENEWAL: 12-31-2011

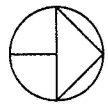
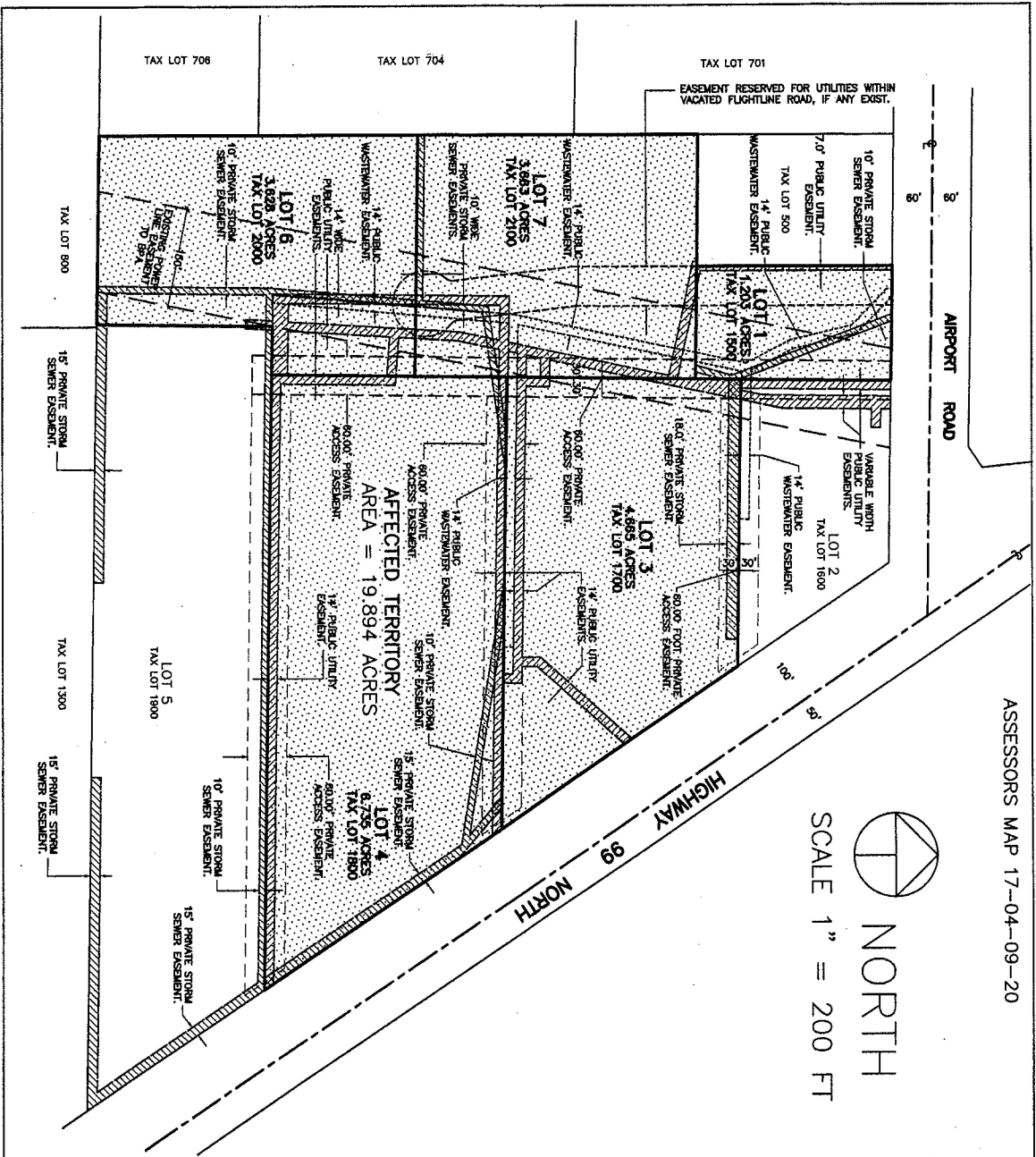
SITE PLAN FOR:  
PROPERTY ANNEXATION  
IN THE NW 1/4 OF SECTION 9,  
T17S, R4W, W.M., LANE COUNTY, OREGON  
SHEET 1 OF 2



**SSW ENGINEERS**<sup>INC.</sup>

CIVIL • STRUCTURAL • BUILDING DESIGN  
SURVEYING • LAND USE PLANNING

2350 Oakmont Way, Suite 105 Eugene, Oregon 97401 (541) 485-8383  
JOB NO. 10-6837-71 8/09/10



NORTH

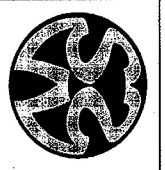
SCALE 1" = 200 FT

- LEGEND**
- ===== EXISTING 14' PUBLIC WASTEWATER EASEMENT PER INSTRUMENT NO. 2000-041557, LANE COUNTY OFFICIAL RECORDS.
  - ===== EXISTING PUBLIC UTILITY EASEMENT
  - ===== EXISTING PRIVATE STORM SEWER EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Dahrens*  
OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052  
RENEWAL: 12-31-2011

SITE PLAN FOR:  
**PROPERTY ANNEXATION**  
IN THE NW 1/4 OF SECTION 9,  
T17S, R4W, W.M., LANE COUNTY, OREGON  
SHEET 2 OF 2



**SSW ENGINEERS**  
CIVIL • STRUCTURAL • BUILDING DESIGN  
SURVEYING • LAND USE PLANNING

2350 Oakmont Way, Suite 105 Eugene, Oregon 97401 (541) 485-8383  
JOB NO. 10-6837-71 8/09/10





# LANE RURAL FIRE / RESCUE

29999 Hallett Street - Eugene OR 97402-9616 - Phone (541) 688-1770 • Fax (541) 688-3937



Received

SEP 17 2010

City of Eugene  
Planning Division

17 September 2010

To: Steve Ochs, City of Eugene Planning Division

From: Dale Borland, Fire Chief

RE: File number A10-2

This letter of response is in reference to the proposed annexation of properties owned by Airport Industrial Properties LLC located at the intersection of Highway 99 and Airport Road. The land proposed to be annexed does not appear to be contiguous to the city limits of Eugene, which per our understanding does not meet city code requirements. To the best of our knowledge the true city limit is south of Belt Line Road. We are very aware that select properties of Airport Road, and many other portions of our District within the UGB, have been annexed to the city in prior years.

This proposed annexation, along with any other that may potentially transpire, only further deteriorates the already declining revenue available for this District to maintain its Fire and EMS service operations currently and into the future. This continued practice of spot annexation by the City of Eugene has negative impact on the overall services provided by our agency. Most significant is our ability to provide (ALS) Advanced Life Support Ambulance Transport.

In recent years with reductions in Medicare Medicaid transport reimbursements, just to name a few, we supported ALS Transport operations out of our "General Fund" tax dollars to the amount of roughly \$400,000 during the 09/10 fiscal year. Annexation of properties within our District by the city will only continue to erode away at the ambulance transport system of Central Lane County and the ability to provide services to not only our District patrons but those within our (ASA) Ambulance Service Area and others.

The Lane Rural Fire/Rescue does not support the proposed annexation.

Sincerely,

Dale Borland  
Fire Chief

## OCHS Steve P

---

**From:** MCNEEL Gary A  
**Sent:** Tuesday, September 21, 2010 11:28 AM  
**To:** OCHS Steve P  
**Cc:** WALCH Therese; KREGER Deanna N; KEPPLER Peggy A; STARK Donna L  
**Subject:** RE: Airport Industrial Properties Annexation Request (A 10-2)

Steve, from our research it would appear that any stormwater runoff from the existing site (17 04 09 20: TL 1500, 1700, 1800, 2000, and 2100) is overland flowing to one of the ditches around the site; either along the south side of Airport Road (flowing west), the ditch along the west side of Hwy. 99 (flowing northwesterly) or a ditch south of the property (flowing southeasterly), all of which eventually connect to the JCWD A-1 or A-2 channel. Since the district acknowledges that existing flows from this site are currently conveyed (indirectly) by their system, any future development would need to ensure that post-development flows do not exceed pre-development rates (through some form of on-site detention). Please let us know if you need anything further for this application. Thanks, G.Mc.

-----Original Message-----

**From:** KREGER Deanna N  
**Sent:** Thursday, September 16, 2010 12:15 PM  
**To:** OCHS Steve P  
**Cc:** MCNEEL Gary A; WALCH Therese  
**Subject:** RE: Airport Industrial Properties Annexation Request

Hi Steve,

Yes, I will look into this and respond as soon as possible. I'm pulling Therese Walch into this loop, since she's familiar both with the stormwater systems in that area, and with current Policy Team meeting conversations ongoing with this jurisdiction via their attorney.

Thanks,  
Deanna

-----Original Message-----

**From:** OCHS Steve P  
**Sent:** Thursday, September 16, 2010 12:04 PM  
**To:** KREGER Deanna N  
**Cc:** MCNEEL Gary A  
**Subject:** FW: Airport Industrial Properties Annexation Request

Hi Deanna,

Could you take a look at Steve's thoughts below and see what we think? Thanks, Steve O.

-----Original Message-----

**From:** Steve Cornacchia [mailto:scornacchia@hershnerhunter.com]  
**Sent:** Thursday, September 16, 2010 12:01 PM  
**To:** OCHS Steve P; Larry Mikkelsen  
**Cc:** Shane Hughes  
**Subject:** RE: Airport Industrial Properties Annexation Request

Thanks Steve. I had previously reviewed the referral notice that went to the District office. From my conversation with the District Manager, it appears that the subject property is not directly connected to either the District's A-2 or A-1 Channel. What is your understanding of how the subject property will discharge post-development (non-historical)

flows from it--where to, at what rate, etc.? We eventually get just about all storm water flows in the area, but it doesn't appear that the subject property discharges directly to us. That may cause you additional problems with adjoining properties. What do you think? In situations where developing property contains one of our ditches (we maintain a system from essentially Belt Line to the City of Monroe) or will be discharging directly into one of them, we require that the storm water engineering plans be provided to EGR, the District's retained engineers, for EGR's review and comment (with the additional requirement that the property owner pay for EGR's review). I'm not convinced that we are in that situation here and it appears to me that the subject property will be discharging into county or State of Oregon roadside ditches. We need to pin point origins and receiving structures to determine exactly which entity receives the discharges. Let me know what you think. steve

Steve Cornacchia | Attorney  
Hershner Hunter, LLP | Attorneys  
180 East 11th Avenue | Eugene, Oregon 97401  
Direct: 541.686.8511 | Fax: 541.344.2025  
[www.hershnerhunter.com](http://www.hershnerhunter.com)

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-----Original Message-----

From: OCHS Steve P [mailto:Steve.P.Ochs@ci.eugene.or.us]  
Sent: Thursday, September 16, 2010 9:07 AM  
To: Steve Cornacchia  
Cc: KREGGER Deanna N  
Subject: Airport Industrial Properties Annexation Request

Hi Steve,

Attached are annexation request materials for five taxlots on the corner of Airport Road and Highway 99. It was indicated that it was possible that stormwater from this area may go to areas controlled by JCWD. We have sent these materials to Junction City Water District but did not specify a contact person. It was noted that we should provide the information to you. Please provide any comments you may have in regards to this request or let me know if you have any questions. Thanks, Steve O.

Steve Ochs | Associate Planner

City of Eugene | Planning & Development  
99 West 10th Avenue | Eugene OR 97401  
Phone 541.682.5453 | Fax 541.682.5572

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**Land Use Referral  
City of Eugene**

Date: August 17, 2010  
File Number: A10-02 Airport Industrial Properties  
From: Deanna Kreger  
Referral Group: Public Works Engineering, Team Central

Tax Map / Lots: 17-04-09-20-01500, 01700, 01800, 02000, 02100

**City of Eugene Public Works finds the annexation petition to be consistent with urbanization policies specific to key urban services, as determined below.**

**Wastewater**

These properties are served by an on-site 8-inch public wastewater system within public utility easements. Our records indicate that wastewater equivalent assessments have been paid.

**Stormwater**

Originally, a private stormwater system appears to have been approved under a commercial building permit (#96-06029-01).

Conditions of approval, related to stormwater, were then imposed with a subsequent 7 lot industrial subdivision (ST01-06 / SF01-22: K & L Industrial Park), including:

- COA #8 required them to submit a letter of understanding which notes that the ditch to the south of the site is not covered by known easements and that specific maintenance responsibilities in the ditch have not been identified. The letter should also acknowledge that if maintenance needs are required to maintain the hydrological function of the ditch, such maintenance will be resolved by private parties.
- COA #12 required private storm easements over the proposed private stormwater system.
- COA #14 required the proposed private storm drainage system to limit post-development peak flows to pre-development levels for a 5-year storm event.
- COA #16 required PUE's to remain unobstructed.
- COA #18 required irrevocable petitions for Airport Rd., including paving, curb and gutter, stormwater, wastewater, concrete walks, street lights, and street tree improvements.
- COA #20 required a note on final plat, in summary, stating that jurisdictional wetlands exist within Lots 5 and 6, and impacts to the wetlands may require permits from Department of State Lands and Army Corps of Engineers.
- COA #21 required Base Flood Elevations to be determined within the SFHA.

Under permit #06-01621-01, a private swale with a level spreader was designed with overflow to existing on-site wetlands (the overflow to the wetlands was noted as being "previously approved"); and in August 2010, before this permit was issued, supplemental information was submitted in order to design the swale to meet the current (2008) Stormwater Management Manual for pollution reduction needs for 9.39 acres of future development (also noted, an outfall had already been constructed). Inspections for this permit have not yet been approved.

Permit #10-02884-01, currently under review, indicates that “upon receipt of the recorded [stormwater] O&M documentation, this site will be allowed to connect the site stormwater to the grassy swale for treatment and eventual overflow to the wetlands, which discharge to the public storm system is the Amazon Channel outside of the City's jurisdiction”.

It is possible that the receiving system for stormwater overflow from existing and future development is within Junction City Water Control District authority. It is appropriate to send an annexation referral to this jurisdiction for comment. For more information regarding referrals that ought to be sent to JCWCD, please contact Therese Walch, Water Resource Manager for City of Eugene.

### **Streets**

These properties front Airport Road and Highway 99 North.

Airport Rd (COE jurisdiction):

- Minor arterial
- Irrevocable petition recorded for future improvements (see subdivision file notes, above)
- Roadside ditches may have capacity constraints

Hwy 99N (ODOT jurisdiction):

- Major arterial
- Access onto 99N will require approval from ODOT

As an informational item, City Council recently adopted access management regulations (EC 7.408 through 7.435) which may be applicable to proposed development, such as access connections onto arterial and major collectors, which are required to be located outside of intersection influence areas, with some exceptions.

## OCHS Steve P

---

**From:** Steve Cornacchia [scornacchia@hershnerhunter.com]  
**Sent:** Monday, September 20, 2010 9:37 AM  
**To:** OCHS Steve P  
**Subject:** FW: Airport Road/Hwy 99 Report (1997)  
**Attachments:** Airport RoadHighway 99

Also for the record. S

Steve Cornacchia | Attorney  
Hershner Hunter, LLP | Attorneys  
180 East 11th Avenue | Eugene, Oregon 97401  
Direct: 541.686.8511 | Fax: 541.344.2025  
[www.hershnerhunter.com](http://www.hershnerhunter.com)

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-----Original Message-----

**From:** Shane Hughes [mailto:shanehughes@egrassoc.com]  
**Sent:** Monday, September 20, 2010 9:35 AM  
**To:** Steve Cornacchia  
**Subject:** Airport Road/Hwy 99 Report (1997)

Steve,

FYI - Report attached. It is in the public record, you can distribute as you see fit.

This was prepared and constructed in a time when detention was not required if you could show adequate existing hydraulic capacity and also at a time when hydraulic capacity was not apportioned between potential users.

The site is at the top of the basin and about 1/3 flowed north and the remainder flowed south. Some of the water gets to each basin by first flowing through the Highway 99 ditch system.

Interestingly, the ditch shows adequate capacity even with the industrial development to accommodate a 10-year storm without overtopping. If the balance of the land in the Metro boundary was fully developed, I would expect a day or two of inundation of the downstream agricultural land. In complete conformance with the original design objectives of the District system.

In that work you will recall, that it was expected that urban lands would carry and pass a 50-year design flow and that the agricultural lands were intended to carry 10-year flows but would be periodically inundated for short periods of time of up to three days.

We may not have all of those design reports, but it looks like they were well done.

Shane

**From:** Shane Hughes [mailto:shanehughes@egrassoc.com]  
**Sent:** Thursday, September 16, 2010 2:13 PM  
**To:** Steve Cornacchia  
**Subject:** RE: Airport Industrial Properties Annexation Request

Steve,

FYI. If this is the property I think it is (South of Airport Road and west of Highway 99 where Pape is located and owned by Rod Kempf), EGR analyzed and designed the stormwater facilities for this site many years ago.

Most of the water flows off site to the south through a ditch across agricultural lands and then into a District ditch. We analyzed the hydraulic capacity of these ditches at the time and demonstrated that they were adequate to carry the flow. We did not look at District ditch capacity. A small part of the stormwater flows into the Highway 99 ditch along the east side of the property and a very small amount goes into the Airport Road system which is under-sized and has no remaining capacity. In general, we tried to keep the post-development flows going to the same place as the pre-development flows were going. Detention was not required or included in the design. The City of Eugene approved the designs and analysis.

Most if not all of this system is built and should not change or be changed as a result of annexation.

If you want, I can try to dig this report out of our archived files.

Shane

April 27, 2010

Lane County Board of Commissioners  
Attn: Daniel Hurley  
Land Management Division  
125 E. 8<sup>th</sup> Avenue  
Eugene, OR 08401

Re: Eugene Stormwater Basin Master Plan – River Road/Santa Clara  
Junction City Water Control District  
Our File No. 10461.20102

Commissioners:

We represent Junction City Water Control District (“District”). The District has requested that we respond on its behalf to the City of Eugene’s proposed Stormwater Basin Master Plan (Volume VIII) for River Road/Santa Clara (“Master Plan”). On behalf of our client we wish to thank the Board of Commissioners for delaying Lane County acceptance and approval of the Master Plan until the District has had an opportunity to comment on it.

In general, it must be recognized that the majority of the storm water runoff from the northern developed lands of the City of Eugene will eventually enter the District’s system of flood control ditches. The District believes that the Master Plan does not adequately address either that fact or the fact that the District’s system was not built to completely handle the discharges of storm water from developed urban lands and uses.

The District has three major concerns regarding the city’s plan for discharging storm water from urban development into the District’s ditch system:

1. How will the District’s system of ditches be maintained following urban development of the land that contains that system?
2. How will flow rates (and the District’s policies regarding flow rates) from developed urban lands that exceed historical levels of flow rates from agricultural land be addressed before development is approved?

**FILE COPY**



3. How will potential urban pollution be addressed and be prevented from entering the District's ditches?

Our late arrival on the scene of the Master Plan results from the continuation of a communication problem that exists between the City of Eugene, Lane County and the District. The District has not been directly included in the drafting of the storm water basin planning document and first learned of its existence last month. The District did not directly participate in the drafting of the document even though, on at least two occasions, the District has requested, in writing, that the city and the county communicate with it on matters regarding development of land in the northern River Road/Santa Clara area that is within the boundary of the District. In 2002 and again in 2005 we sent written requests to the city and the county asking that both governmental entities improve communication with the District prior to further development within the northern River Road/Santa Clara area. Copies of the letters containing the District's requests are attached to this correspondence for inclusion in the record of this proceeding.

On December 17, 2002 we requested:

"... that you assign the appropriate persons within the affected divisions of Lane County Public Works (Surveyor, Building and Planning) to contact and work with us to establish a process that provides a determination of future maintenance responsibility prior to the approval of any planning or building action for property within the subject area. Specifically we suggest that, at a minimum, the process provide the District an opportunity to respond to any application for subdivision or partition of land within the subject area and following that response, for Lane County to place the necessary conditions or restrictions (e.g., C,C&Rs) on the subdivision or partition to ensure that maintenance of the ditches continues after residential development has occurred. We note that the same type of process should be in place regarding any subdivision or partitioning of property in the area north of Beacon Drive and the Urban Growth Boundary that includes either of the subject channels."

On that same date we made the same request to the City of Eugene. The District has not received a response to its 2002 correspondence. In response to a City of Eugene ordinance withdrawing property from the District in 2005, the District again requested that the city communicate with it prior to development of the subject area. The District has received no response to that request.

The District maintains a system of agricultural drainage ditches that extend from the Amazon Channel in west Eugene to the City of Monroe. The District's boundary and its ditch system overlap the City of Eugene's Urban Growth Boundary between Beltline Road and Beacon Drive. Essentially, the District eventually receives all of the city's storm water from that area. The District's A-1 Channel and its F Channel are located in that area.

The District's system was developed over 40 years ago to partially drain agricultural lands in the area between Eugene and the City of Monroe. The District operates and maintains its system pursuant to numerous easements across private property. The District's system was developed to serve flooded agricultural lands—it was not developed to receive water discharges from the impervious surfaces of urban lands and urban uses. The District's system was developed to drain flood waters from agricultural lands and was engineered to limit inundation of those lands to several days in duration—it was not engineered to immediately remove all storm water from those agricultural lands. The District's system has no additional capacity to handle storm water from impervious surfaces of urban land that exceed historical pre-development flow rates.

The impact of discharging storm water from urban lands into the District's system is exacerbated by the development of residential subdivisions over lands that contain the ditches. In the case of the southern end of the two channels between Beltline Road and Beacon Drive, the District is prevented from performing any function on them in areas of residential development. The construction of fences and other residential development serves as a barrier to District efforts to maintain the channels for the free flow of flood and irrigation waters. The Lynnbrook II subdivision is a perfect example of such a situation. Even though C,C&Rs were recorded with the subdivision, many property owners have not provided any maintenance effort and, in some cases, have actually placed structures and vegetation, including trees, within the ditches. Back yard fences prevent the District from any access to the ditches for maintenance purposes.

Out of concern about encroaching urban development from both the cities of Eugene and Junction City, the District retained the services of EGR & Associates, Inc. ("EGR"), to conduct a capacity study of that portion of the Flat Creek basin that contains the F, F-2 and F-2-a Channels (the area closest to Eugene on the south, Junction City on the north and including the site of the planned State of Oregon hospital and corrections facilities). EGR concluded that the District's system of flood control ditches is at capacity during significant rainfall events. It also concluded that high water tables throughout the area limited the amount of storm water absorbed by soil. Concluding that the District's ditch system has no additional capacity for post-development storm water discharges from newly-developed urban land, EGR recommended to the District that it promulgate policies to apply to requests from urban development for the discharge of post-development flow rates of storm water into the District's system. Those policies were adopted by the District's Board of Directors and are as follows:

1. For properties within the Flat Creek basin, post-developed storm water flow rates shall be regulated for the 2-year through 50-

year, 24-hour, rainfall events. Rainfall events in excess of the 50-year, 24-hour, storm will not be regulated.

2. The allowable post-developed flow rate, for each regulated recurrence interval, shall be limited to the greater of:

- a. A flow rate equal to 0.116 cfs per acre, or
- b. Historic pre-development flow rates considering any constraints up to the point of connection with the District's system.

The Master Plan does not adequately address the three issues presented earlier in this response. The Master Plan does not adequately recognize and implement the District's policies regarding the discharge of storm water from developed urban lands.

The District requests that before adoption of the Master Plan the participating jurisdictions work with the District to modify the Master Plan to address the District's issues and to recognize and implement its policies regarding those issues.

At a minimum, and for example, the following sections of the Master Plan should be modified:

- Section 2.5.1 Waterways needs to be modified to accurately describe the District's system of ditches and the capacity of those ditches to move water from the area (particularly the A-1 Channel and Flat Creek);
- Section 2.5.5 needs to be modified to accurately describe the District's system, its capacity and existing flow rates (and the implementation of District policies regarding the same);
- Section 3.1 needs to be modified to incorporate the District's hydrologic and hydraulic information regarding its capacity and both pre-development and post-development flow rates.

In conclusion, the District requests a simple acknowledgement by Lane County and the City of Eugene that it is an agricultural flood control district whose system of ditches does not have the capacity to absorb additional water from newly-developed urban lands and uses. In concert with that acknowledgement, the District requests that the Master Plan reflect those facts and that the Master Plan include the District's policies regarding storm water discharge from newly-developed urban land and uses.

Lane County Board of Commissioners  
April 27, 2010  
Page 5

Please contact me if you have questions regarding this response.

Best regards,

*/s/ Steve Cornacchia*

STEVE CORNACCHIA

PSC:psc

Enclosures

cc: District Manager

## OCHS Steve P

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**From:** BOZIEVICH Jay [Jay.BOZIEVICH@eweb.org]  
**Sent:** Tuesday, September 14, 2010 11:01 AM  
**To:** OCHS Steve P  
**Cc:** BERGMAN Kate; JOHNSON Bill; CLOUSTON Tonda; LOWEN Gretchen  
**Subject:** A 10-02 Airport Industrial Road (29550 Airport Road)

Water service for development is provided in accordance with EWEB policies and procedures which are available at our main office or online at <http://www.eweb.org/policies>

There is an existing 12-inch asbestos cement water main on the south side of Airport Road and on the west side of Hwy 99 along the north 200' of Lot 3 and an existing 16-inch asbestos cement water main on the east side of Hwy 99 along the southern frontage of Lot 3 and all of Lot 4.

EWEB water believes that adequate water service can be made available at the time of development and therefore has no objection to the annexation.

The following items are information for the applicant:

Please contact the Fire Marshall concerning fire protection requirements for building permits.

State Drinking Water regulations (OAR 333-061-0050(10)) requires a minimum separation between water and sewer lines of 10-feet where they run parallel to each other, unless the sewer lines is located with 1.5 feet of clearance lower than the water line then the required separation is 5-feet.

EWEB owned water facilities will be located in the right-of-way, or in a minimum 7' public utility easements (PUE's) adjacent to the public right-of-way, or in a minimum 14' PUE's when not adjacent to public right-of-way.

Jay Bozievich, P.E.  
Sr. Engineer  
541-685-7337  
[jay.bozievich@eweb.org](mailto:jay.bozievich@eweb.org)

## OCHS Steve P

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**From:** FIELDS Phil [Phil.Fields@co.lane.or.us]  
**Sent:** Wednesday, September 15, 2010 12:56 PM  
**To:** OCHS Steve P  
**Cc:** BARRY Celia; BAJRACHARYA Shashi  
**Subject:** A 10-02 (Airport Industrial Properties) (Hwy. 99 @ Airport Rd.)

**TP File:** 10028  
**File No.:** A 10-02  
**Applicant:** Airport Industrial Properties  
**Owner:** Airport Industrial Properties  
**Location:** Hwy. 99 @ Airport Road  
**TRS:** 17-04-09-20

**Tax Lots:** 1500, 1700, 1800, 2000, & 2100

**Proposal:** Annexation (ICCO Area)

**Comments from Lane County Transportation Planning:**

These properties have frontage on Airport Road, the adjacent portion of which is a City of Eugene street, and Highway 99, which is a State of Oregon (ODOT) facility. The proposal does not involve Lane County roads or right-of-way.

Thank you for providing the opportunity to comment.

*Phil Fields*  
*Lane County Transportation Planning*  
*3040 N. Delta Hwy.*  
*Eugene, OR 97408-1696*  
*541-682-6976*  
[phil.fields@co.lane.or.us](mailto:phil.fields@co.lane.or.us)

## OCHS Steve P

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**From:** BERGMAN Kate [Kate.BERGMAN@eweb.org]  
**Sent:** Wednesday, September 22, 2010 1:05 PM  
**To:** OCHS Steve P  
**Cc:** DELUNA Rich; TONCRAY Tony; DEMMERS Karen; BERGMAN Kate; BOZIEVICH Jay; BRECKENRIDGE Jaime; CLOUSTON Tonda; EGGLESTON Carol; HOBIE Gina; BRECKENRIDGE Jaime; JOHNSON Bill; LOWEN Gretchen; LYNCH Marcus; LYNCH Marcus  
**Subject:** RE: A 10-2 Referral  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Steve,

EWEB Electric Distribution has no objection to the annexation request on Airport Rd. These properties are not served electrically by EWEB. Our electric service territory begins approximately 760 ft. west of Hwy. 99 on Airport Rd.

Re: your question about EWEB serving electricity to this site; Generally the process is that request would have to go to Blachly Lane Coop's General Manager. If Blachly agreed to that the request they would then contact EWEB's Electric Distribution Engineering Supervisor - Tony Toncray or Electric Division Director - James Wiley.

Please contact me with any questions or concerns. Sorry for the delay, the referral was caught up in routing.

Thank you Steve.

Regards,

*Kate Bergman*

Electric Distribution Engineering Designer  
Eugene Water & Electric Board  
541-685-7124 [kate.bergman@eweb.org](mailto:kate.bergman@eweb.org)

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**From:** OCHS Steve P [mailto:Steve.P.Ochs@ci.eugene.or.us]  
**Sent:** Wednesday, September 22, 2010 12:05 PM  
**To:** BERGMAN Kate  
**Subject:** RE: A 10-2 Referral

Hi Kate,

It was sent our here on Sept. 3<sup>rd</sup>....Let me know if you need the info and I can send to you. It is currently served by Blachly Coop. We are finishing up the recommendation early next week.....I think the main question we would need answered would be...Could EWEB provide service once annexed? Thanks much!

Steve O.