

MEMORANDUM

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: FIRST VOTE OF ORDINANCE ANNEXING 1726 W. MAIN STREET & 55 Q STREET INTO CITY OF COTTAGE (A-2-16) GROVE

DATE: December 5, 2016

Background

Jim & Janet Tidrick, owners via land sales contract of the single family dwelling addressed at 1726 W. Main Street and the nursery addressed at 55 Q Street, applied for expedited annexation of their two parcels, which total 1.85 acres, on November 8, 2016. Signatures from the fee simple owners Terry Hibbard, Pamela Kay Hill, and Christine Evenson were submitted with the application.

Per Lane County's request, the annexation area was extended to include the adjacent public right-of-ways, W. Main Street and Ash Avenue.

The legal description and map of the area being annexed is attached as exhibit A and B respectively to the ordinance. The expedited process is being used pursuant to Section 18.04.050.

Notification. Public Notice was sent to property owners within 300 feet of the subject parcels, any affected special district and a local organization that requested notification of the proposed annexation on November 14, 2016. They had fourteen (14) days to provide comments in writing or request a public hearing in writing. The deadline for receipt of requests was at the end of the business day on November 28, 2016. No comments or requests have been received.

Criteria. Section 18.04.040 A-D provides that the decision to approve an annexation shall be based on the findings of fact with respect to each of the criteria and standards in this section which are also included as Section 4 of the Ordinance. They are:

- A. *The property is within the City's urban growth boundary.* The area to be annexed is located in the City's urban growth boundary. This criterion is met.
- B. *The property is contiguous to current city limits.* The area to be annexed is contiguous to the current city limits on the east boundary as shown on Exhibit A attached to and forming part of this Ordinance. Part of TL 2402 is already in the City. This criterion is met.

C. *Unless the proposed annexation area is surrounded by the city, the majority of property owners and electors within the proposed annexation area have consented in writing to the annexation for a standard procedure with a public hearing; or all property owners and at least fifty percent of electors within the annexation area have consented in writing to the annexation for an expedited procedure without a public hearing as per ORS 222.125 or 222.170.* The proposed annexation area is not surrounded by the City. However, all property owners, including owners via land sales contract and the original owners, and all of the electors have consented in writing to the annexation for an expedited procedure without a public hearing as per ORS 222.125 or 222.170. This criterion is met.

D. *Adequate services and infrastructure exist or can be provided at the proposed annexation site as per the applicable comprehensive plan designation. These services and infrastructure include: provision of water, sewage service, storm drainage, and streets.* Adequate services and infrastructure exist and can be to meet the comprehensive plan designation of Medium Density Residential. City services are already provided to both parcels. Street access is available from the two streets (W. Main Street and Q Street). All of these services and infrastructure are adequate for extension and future development of the annexed area. This criterion is met.

The annexation is in compliance with Section 18.04.040 A-D.



Future Actions. The applicant has submitted a concurrent Zone Change Application to change the zoning on the properties from Lane Code Chapter 10 FF20 to RC Residential Commercial (ZC 3-16).

Recommendation

That the Annexation be approved, and that City Council hold the first vote on the attached Ordinance. The Ordinance was prepared and has been available for at least one week prior to this meeting. This Ordinance could be adopted at one meeting.

Cost:

None


Richard Meyers, City Manager
Howard P. Schesser, Community
Development Director

ORDINANCE NO. _____

AN ORDINANCE ANNEXING 1726 W. MAIN STREET & 55 Q STREET
TO THE CITY OF COTTAGE GROVE (A-2-16)

Jim & Janet Tidrick

WHEREAS, Jim and Janet Tidrick live and own the home at 1726 W. Main Street (Map 20-03-29-42 TL 2401) and business at 55 Q Street (Map 20-03-29-42 TL 2402);

WHEREAS, both parcels are within the Cottage Grove Urban Growth Boundary and part of 55 Q Street (TL 2402) is already within the City limits of Cottage Grove;

WHEREAS, the Tidricks have applied for annexation of the remainder of TL 2402 and all of TL 2401, both of which already receive city services;

WHEREAS, the adjacent streets of W. Main Street and Ash Avenue are also included in this annexation as recommended by Lane County;

WHEREAS, as the owners/electors are unanimously in favor of the annexation and there are no other electors within the proposed annexation area, the application qualifies for the expedited procedure in Section 18.04.050;

WHEREAS, the annexation is in compliance with the standards and criteria listed in Section 18.04.040 of the Cottage Grove Municipal Code

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to annex the parcels identified as 1726 W. Main (Map 20-03-29-42 TL 2401) and 55 Q Street (remainder of 20-03-29-42 TL 2402) and adjacent portions of W. Main Street and Ash Avenue into the City of Cottage Grove which is described in Exhibit A and shown on the map in Exhibit B both which are attached to and forming part of this Ordinance.

Section 2. Owner Initiation. The property owners initiated the application to annex the subject parcels on November 8, 2016 pursuant to Section 18.04.080 of the Cottage Grove Municipal Code using the expedited procedure in Section 18.04.050 of the Cottage Grove Municipal Code.

Section 3. Expedited Procedure. This amendment is in compliance with Section 18.04.050 which provided written notification to the property owners in the annexation area, property owners within 300 feet, any special district, and any neighborhood groups of the proposed annexation. The notice was mailed on Monday, November 14, 2016 and provided for a fourteen day comment period for the submittal of written comments or written request for a public hearing. The comment period ended on November 28, 2016 with no comments received.

Section 4. Criteria, Standards & Conditions. Section 18.04.040 A-D of the Cottage Grove Municipal Code provides that the decision to approve an annexation shall be based on the findings of fact with respect to each of the criteria and standards below:

- A. *The property is within the City's urban growth boundary.* The area to be annexed is located in the City's urban growth boundary. This criterion is met.
- B. *The property is contiguous to current city limits.* The area to be annexed is contiguous to the current city limits to their east as shown on Exhibit A attached to and forming part of this Ordinance. This criterion is met.
- C. *Unless the proposed annexation area is surrounded by the city, the majority of property owners and electors within the proposed annexation area have consented in writing to the annexation for a standard procedure with a public hearing; or all property owners and at least fifty percent of electors within the annexation area have consented in writing to the annexation for an expedited procedure without a public hearing as per ORS 222.125 or 222.170.* The proposed annexation area is not surrounded by the City. However, all property owners, including owners via land sales contract and the original owners, and all of the electors have consented in writing to the annexation for an expedited procedure without a public hearing as per ORS 222.125 or 222.170. This criterion is met.
- D. *Adequate services and infrastructure exist or can be provided at the proposed annexation site as per the applicable comprehensive plan designation. These services and infrastructure include: provision of water, sewage service, storm drainage, and streets.* Adequate services and infrastructure exist and can be to meet the comprehensive plan designation of Medium Density Residential. City services are already provided to both parcels. Street access is available from the two streets (W. Main Street and Q Street). All of these services and infrastructure are adequate for extension and future development of the annexed area. This criterion is met.

Section 5. Annexation.

1. The City Council hereby approved the annexation of 1726 W. Main Street and 55 Q Street with adjacent portions of W. Main Street and Ash Avenue as described in Exhibit A and depicted on the map in Exhibit B attached to and forming part of this Ordinance.

2. The effective date of this annexation is January 10, 2017.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY
OF _____, 2016.

Thomas C. Munroe, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____

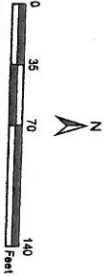
EXHIBIT A

TIDRICK ANNEXATION LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter and Southwest Quarter of the Southeast Quarter of Section 29, Township 20 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon and more particularly described as follows:

Beginning at the southwest corner of Lot 1, ½ Block 5 of the D. G. McFarland's Fifth Addition to Cottage Grove, Oregon as platted and recorded in Book 2, Page 56, Lane County Oregon Plat Records, said point being the TRUE POINT OF BEGINNING and a point of the northerly right of way of Main Street (Cottage Grove - Lorane Road); thence Northerly along the west line of said Lot 1 and extension thereof 240 feet to the northwest corner of Lot 2 of said ½ Block 5; thence continuing North 60 feet to the southwest corner of Lot 1, ½ Block 5 of the James Henry McFarland First Addition to Cottage Grove as platted and recorded in Volume 2, Page 64, Lane County Oregon Plat Records, said corner being on the north right of way line of Ash Avenue; thence West along said Ash Avenue right of way 240 feet the terminus of Ash Avenue; thence leaving said northerly right of way line, South 60 feet to the terminus point of the southerly right of way line of Ash Avenue; thence continuing South 132 feet; thence West 52.50; thence South 127.00 feet to the centerline of Silk Creek; thence along centerline of said creek, North 31° 42' 00" East 100.00 feet; thence South 57° 32' 00" East 52.10 feet; thence South 40° 36' 00" East 46.10 feet; thence leaving said creek centerline South 45 feet to the northerly right of way of Main Street; thence leaving the northerly right of way line continuing south 67 feet more or less to the southerly right of way line of Main Street (Cottage Grove - Lorane Road; thence easterly along said south right of way line to a point that is South of the southwest corner of Lot 1, ½ Block 5 of the D. G. McFarland's Fifth Addition to Cottage Grove, Oregon as platted and recorded in Book 2, Page 56, Lane County Oregon Plat Records, thence North to the POINT OF BEGINNING.

The information on this map was derived from digital databases on the date of this map, but is provided "as is" without warranty, express or implied, of accuracy, completeness or political neutrality in the digital data or the information contained on this map. The user assumes all responsibility for any errors or omissions, and the user agrees to hold the provider harmless from any claims, damages, or expenses, including reasonable attorneys' fees, arising from the use of this product. However, redaction of any areas will be indicated.



TIDRICK ANNEXATION
EXHIBIT B