

## MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: FIRST VOTE ON AN ORDINANCE ANNEXING 2.68 ACRES IDENTIFIED AS:

- 78314 & 78310 HWY 99; Map/TL: 20-03-33-32-00100,
- 78300 HWY 99; Map/TL: 20-03-33-32-00300,
- 78278 HWY 99; Map/TL: 20-03-33-32-00400, and
- 78294, 78290, 78286, & 78282 HWY 99; Map/TL: 20-03-33-32-00200

INTO CITY OF COTTAGE (A 1-21) GROVE

DATE: December 8, 2021

### Background

The following applied for expedited annexation of 2.68 acres of land, identified as:

- 78314 & 78310 HWY 99; Map/TL: 20-03-33-32-00100; Ruth Hemenway-Duran, November 24, 2021
- 78300 HWY 99; Map/TL: 20-03-33-32-00300; David R. Day, November 29, 2021
- 78278 HWY 99; Map/TL: 20-03-33-32-00400; HFS Capital, LLC, August 24, 2021
- 78294, 78290, 78286, & 78282 HWY 99; Map/TL: 20-03-33-32-00200; Jo Bond Principal, LLC, August 24, 2021

The map and legal description 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 of the Cottage Grove Municipal Code.

Notification. Public Notice was sent November 22, 2021 and November 29, 2021 to property owners within 300 feet of the subject parcels, any affected special district and any local organization that requested notification of the proposed annexation on. They had fourteen (14) days to provide comments in writing or request a public hearing in writing. The deadline for receipt of requests is at the end of the business day on December 13, 2021. At the time this memo was created no written comments or requests for Public Hearings have been received. If, a request for a Public Hearing is made prior to the 5:00 pm, December 13, 2021 deadline this item will be withdrawn and this item will be scheduled for a Public Hearing at a later date.

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 properties are 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 properties are contiguous to current city limits.* The area to be annexed is contiguous to the current city limits to the north (Hayden's Riverwalk Subdivision), east (HWY 99) and west (Coast Fork Willamette and Old River Road) as shown in Exhibit A and described in Exhibit B 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 provided to meet the comprehensive plan designation of Community Commercial. City services can be provided to the properties from HWY 99 (water) and from the north via a pre-installed sewer line out of Hayden's Riverwalk Subdivision. Street access is available and currently exists from HWY 99. 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 applicants have submitted a concurrent Zone Change Application to change the zoning on the property from Lane Code Chapter 10 AGT-5 to C2P Community Commercial (ZC 1-21 (TL 200 & 400) & ZC 2-21 (TL 100 & 300)).

Recommendation

That, if no timely requests for a Public Hearing received, 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

  
Eric Mongan, City Planner

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING  
2.68 Acres of Land Identified as:  
78314 & 78310 HWY 99; Map/TL: 20-03-33-32-00100,  
78300 HWY 99; Map/TL: 20-03-33-32-00300,  
78278 HWY 99; Map/TL: 20-03-33-32-00400, and  
78294, 78290, 78286, & 78282 HWY 99; Map/TL: 20-03-33-32-00200  
INTO THE CITY OF COTTAGE GROVE (A 1-21)

WHEREAS, Ruth Hemenway-Duran (Map/TL: 20-03-33-32-00100), David R. Day (Map/TL: 20-03-33-32-00300), Jo Bond Principal, LLC (Map/TL: 20-03-33-32-00200), and HFS Capital, LLC (78278 HWY 99; Map/TL: 20-03-33-32-00400) own 2.68 acres of land between four parcels; and

WHEREAS, the parcels are within the Cottage Grove Urban Growth Boundary and immediately adjacent to the City of Cottage Grove city limits; and

WHEREAS, Ruth Hemenway-Duran (TL 100), David R. Day (TL 300), Jo Bond Principal, LLC (TL 200), and HFS Capital, LLC (TL 400) have applied for annexation of 2.68 acres consisting of four parcels into the City of Cottage Grove city limits, in order to develop the subject parcels under City of Cottage Grove Development Code; and

WHEREAS, the adjacent right-of-way of HWY 99 is within city limits; and

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; and

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 2.68 acres, consisting of four separate parcels of land identified as:

- 78314 & 78310 HWY 99; Map/TL: 20-03-33-32-00100,
- 78300 HWY 99; Map/TL: 20-03-33-32-00300,
- 78278 HWY 99; Map/TL: 20-03-33-32-00400, and
- 78294, 78290, 78286, & 78282 HWY 99; Map/TL: 20-03-33-32-00200

into the City of Cottage Grove which is shown on the map in Exhibit A and described 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 August 24, 2021 (TL 200 & 400), November 24, 2021 (TL 100), and November 29, 2021 (TL 300) 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 22, 2021 (TL 200 & 400) and November 29, 2021 (TL 100 & 300) 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 at 5:00pm on December 13, 2021, 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 the north (Hayden's Riverwalk Subdivision), east (HWY 99) and west (Coast Fork Willamette and Old River Road) as described in Exhibit A and shown in Exhibit B 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 provided to meet the comprehensive plan designation of Community Commercial. City services can be provided to the property from HWY 99 (water) and from the north via a pre-installed sewer line out of Hayden's Riverwalk Subdivision. Street access is available and currently exists from HWY 99. All of these services and infrastructure are adequate for extension and future development of the annexed area. This criterion is met.

Section 5. Annexation.

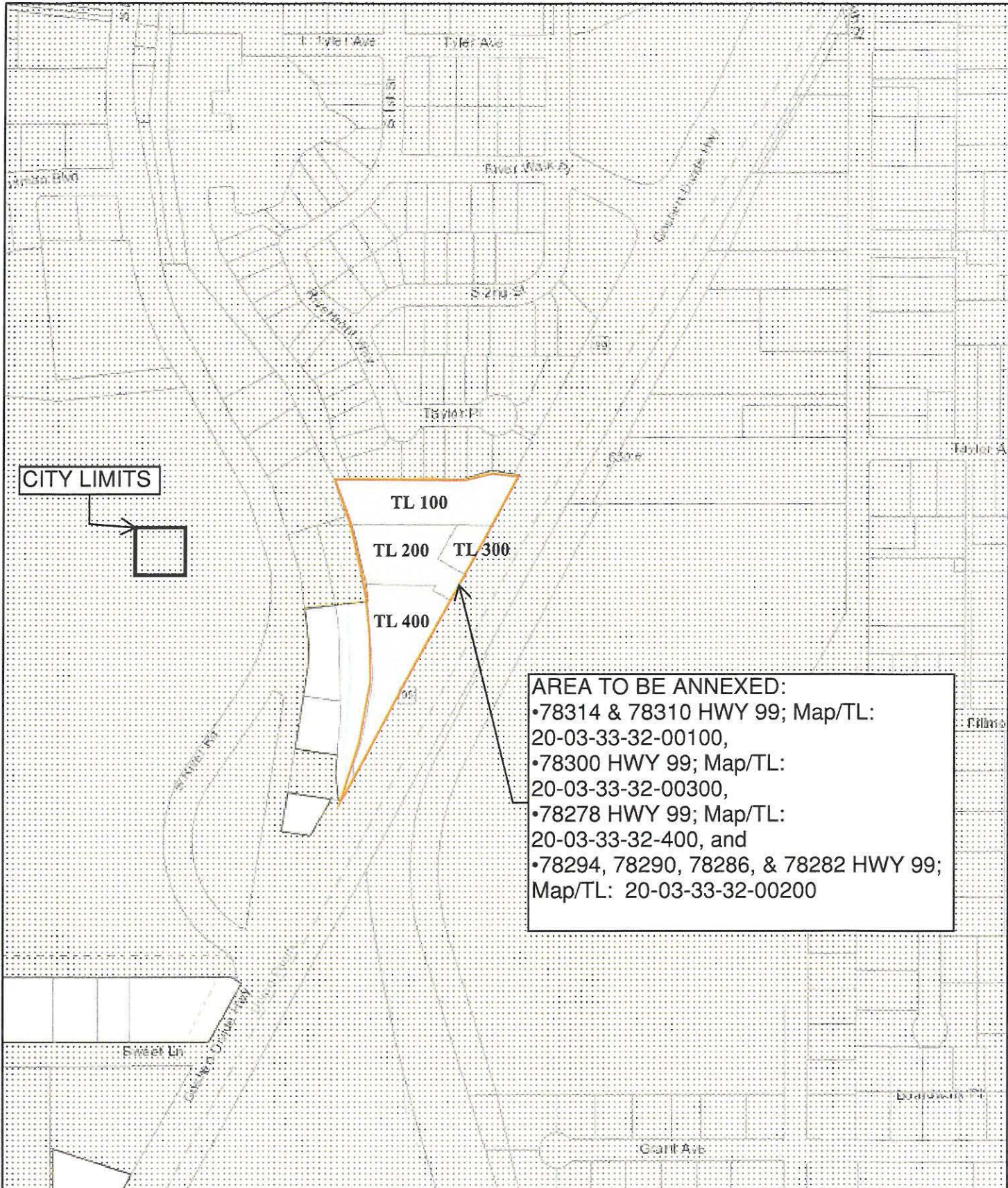
1. The territory is shown on the map in Exhibit A and described in Exhibit B, both attached hereto and incorporated herein by this reference, is hereby declared annexed to the City of Cottage Grove, without withdrawal from any special district.
2. This Ordinance shall take effect 30 days after final passage.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jeffrey D. Gowing, Mayor  
Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Richard Meyers, City Manager  
Dated: \_\_\_\_\_



CITY LIMITS

TL 100

TL 200

TL 300

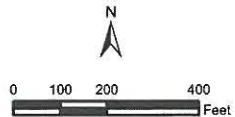
TL 400

**AREA TO BE ANNEXED:**

- 78314 & 78310 HWY 99; Map/TL: 20-03-33-32-00100,
- 78300 HWY 99; Map/TL: 20-03-33-32-00300,
- 78278 HWY 99; Map/TL: 20-03-33-32-400, and
- 78294, 78290, 78286, & 78282 HWY 99; Map/TL: 20-03-33-32-00200

Sources: Esri; HERE; Garmin; Intermap; increment P Corp.; GEBCO; USGS; FAO; NPS; NRCAN; GeoBase; IGN; Kadaster NL; Ordnance Survey; Esri Japan; METI; Esri China (Hong Kong); (C) OpenStreetMap contributors; and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



**EXHIBIT A**  
**A 1-21**

## **EXHIBIT B**

Legal Description