

## MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: FIRST VOTE OF ORDINANCE ANNEXING A PORTION OF  
LANE COUNTY ROAD NO. 728 – AIRPORT/THORNTON  
ROAD INTO THE CITY OF COTTAGE GROVE (A 3-21)

DATE: December 8, 2021

### Background

Lane County Public Works, owner of County Road No. 728 in the Southeast Quarter of Section 27, Township 20 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon, has applied for an expedited annexation procedure of approximately 310 linear feet of County Road No. 728. The purpose of this annexation application is to transfer the jurisdiction of the right-of-way from Lane County to the City of Cottage Grove.

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 on November 22, 2021 to property owners within 300 feet of the subject right-of-way portions, any affected special district and any local organization that requested notification of proposed annexation. They had fourteen (14) days to provide comments in writing or request a public hearing in writing. The deadline for receipt of requests is 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 If, a request for a Public Hearing is made prior to the 5:00 pm, December 13, 2021 deadline this item will be withdrawn and this item will be scheduled for a Public Hearing at a later date.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 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 as the portions of right-of-way are contiguous to incorporated rights-of-way, Thornton Road and the Cottage Grove State Airport. 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 as the portions of right-of-way subject to this annexation application are fully constructed public roads. All 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.


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  
A PORTION OF LANE COUNTY RD. NO. 728 (AIRPORT/THORNTON RD.)  
APPROXIMATELY 310 FEET IN LENGTH  
TO THE CITY OF COTTAGE GROVE (A 3-21)

WHEREAS, Lane County owns a road (No. 728) in the Southeast Quarter of Section 27, Township 20 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon; and

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

WHEREAS, Lane County Public Works has applied for annexation of approximately 310 linear feet of Road No. 728 into the City of Cottage Grove city limits, in order to transfer the jurisdiction and maintenance of said portion of Road No. 728 to the City of Cottage Grove; 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 a portion of Lane County Road No. 728 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 owner initiated the application to annex the subject portions of right-of-way on November 24, 2021 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 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 as the portions of right-of-way are contiguous to incorporated rights-of-way, Thornton Road, and the Cottage Grove State Airport. 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 as the portions of right-of-way subject to this annexation application are fully constructed public roads. All services and infrastructure are adequate for extension and future development of the annexed area. This criterion is met.

Section 5. Annexation.

1. The territory shown on the map in Exhibit A and as described on 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: \_\_\_\_\_



## EXHIBIT B

### A PORTION OF AIRPORT ROAD (COUNTY ROAD #728 ANNEXATION LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter of Section 27, Township 20 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon and more particularly described as follows:

Beginning at a point on the West margin Airport Road, County Road No. 728, said point being South  $67^{\circ}44'53''$  East, 389.29 feet from the most Northwesterly corner of Parcel 2, Land Partition Plat 2004-P1781, as recorded Reception No. 2004-035716, Lane County Deeds and Records, Lane, Oregon, said point also being on the Cottage Grove City limits; thence continuing along continuing along said margin of Airport Rd. North  $22^{\circ}15'51''$  East, 1.72 feet; thence North  $30^{\circ}51'59''$  West, 49.99 feet; thence 102.94 feet along an arc of a 50.00 foot radius curve to the right (chord bearing North  $28^{\circ}04'39''$  East, 85.70 feet); thence North  $87^{\circ}01'18''$  East, 34.62 feet; thence North  $22^{\circ}15'51''$  East, 20.97 feet to the vacated portion of County Road 728; thence along said vacated portion, South  $87^{\circ}44'09''$  East, 42.57' feet to the East margin of said Airport Road; thence along said East margin, South  $22^{\circ}15'45''$  West, 273.71 feet to the Southwest corner of Parcel 1, Land Partition Plat No. 2007-P2142, as recorded Reception No. 2007-044770, Lane County Deeds and Records, Lane, Oregon, said corner is the initial point of said plat and being on the Cottage Grove City limits also; thence along the Westerly extension of the South line of said Parcel 1 and the City limits, North  $84^{\circ}14'25''$  West, 41.72 feet to the West margin of said Airport Road; thence along said West margin North  $22^{\circ}15'45''$  East, 118.28 feet, to the Point of Beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Ronald K Bradsby*  
OREGON  
JULY 25, 1990  
RONALD K. BRADSBY  
2437

RENEWS: *12/31/2021*