

MEMORANDUM

TO: Mayor and City Council

FROM: Faye Stewart, Public Works & Development Director

SUBJECT: FIRST VOTE ON AN ORDINANCE ANNEXING 77967
SOUTH 6TH STREET (MAP/TL: 21-03-04-21-00800) INTO THE
CITY OF COTTAGE GROVE (A 1-23)

DATE: February 8, 2023

Background

Paul Johal (GJR, LLC) the owner of 77967 South 6th Street located in the Northeast One-Quarter of Section 4, Township 21 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, has applied for an expedited annexation procedure of 77967 South 6th Street, Cottage Grove, OR 97424 (Map/TL: 21-03-04-21-00800). The purpose of this annexation application is to redevelop the property under City of Cottage Grove jurisdiction.

The map and legal description of the area being annexed are 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 January 26, 2023 property owners within 300 feet of the subject property, 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 Friday, February 10, 2023 at 5:00 PM. At the time this memo was created one written comment has been received (attached to this memo), no requests for a Public Hearing 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 abuts city limits on the western side of the subject parcel where it abuts South 6th Street, which was annexed by Ordinance No. 3169. 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. The subject property can be served by City water, sewer, and storm sewer. The subject property is accessed via South 6th Street a 60' wide right-of-way that is paved with two travel lanes and bike lanes. This criterion is met.


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

Recommendation

That City Council hold the first vote on the attached Ordinance. The Ordinance will be brought back to Council at the February 27th City Council Meeting for a second vote.

Cost

None


Richard Meyers, City Manager


Faye Stewart, Public Works & Development
Director

Received

FEB 01 2023

City of Cottage Grove
City Manager's Office

Wednesday, February 01, 2023

Michael C. & Lisette A. Parker

77969 S. 6th Street

Cottage Grove, OR. 97424

Contact: Michael Parker: (541) 654-2151

Re: notice A 1-23 Expedited Annexation 77697 S. 6th Street

Eric Mongan, City Planner:

We have received notice A 1-23 regarding the Expedited Annexation 77697 S. 6th Street. We are writing to express our concerns of the future development of the above property.

Our primary concern is our access to our property from 6th Street, which is frequently blocked by delivery semi trucks blocking our entry, as well as leaving our property to enter 6th Street. Signage of some approved type would be very helpful. In the past we have attempted to leave signs indicating a private access driveway which have either been ignored or become hidden by plant overgrowth.

Another issue of concern is rain water runoff. There is a ditch and storm drain which runs through the field that abuts the east side of our property through to 6th Street, which then extends further in the storm drain at the edge of 6th Street. We have always had questions as to the maintenance of the storm drains and ditch that feeds the storm drain. It becomes a stream at times. We are concerned about any elevation changes that might occur.

At this point we have a well which supplies our water. We are concerned about water contamination with any possible gas pumps being added to the above property. Perhaps (just as a suggestion for consideration for the future in Cottage Grove and the sustainability of the surrounding properties in this area) there could be an EV recharging hook-up installed instead of gasoline pumps?

Hopefully, lighting will not become "Light Pollution". We enjoy the stars at night.

We are happy to see the growth of the local market both for us and our neighborhood, particularly if handled in a neighborly fashion it will be wonderful for the neighborhood.

Sincerely,

Michael C. Parker
Lisette A. Parker.
H

ORDINANCE NO. ____

AN ORDINANCE ANNEXING
77967 SOUTH 6TH STREET; MAP/TL: 21-03-04-21-00800 (A 1-23)
INTO THE CITY OF COTTAGE GROVE

WHEREAS, Paul Johal on behalf of GJR, LLC, in the Northeast One-Quarter of Section 4, Township 21 South, Range 3 West of the Willamette Meridian, Lane County, Oregon; and

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

WHEREAS, Paul Johal on behalf of GJR, LLC has applied for annexation of 77967 South 6th Street, Cottage Grove, OR 97424, into the City of Cottage Grove city limits, in order to redevelop the property under City of Cottage Grove jurisdiction; 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 77967 South 6th Street, Cottage Grove, OR 97424 (Map/TL: 21-03-04-21-00800) 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 owner initiated the application to annex 77967 South 6th Street, Cottage Grove, OR 97424 (Map/TL: 21-03-04-21-00800) 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 Thursday, January 26, 2023 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 February 10, 2023, with one comment received, but no Public Hearing requested.

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 where it abuts South 6th Street, which was annexed by Ordinance No. 3169. 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 serve the subject property. All services and infrastructure are adequate for extension and future redevelopment 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.

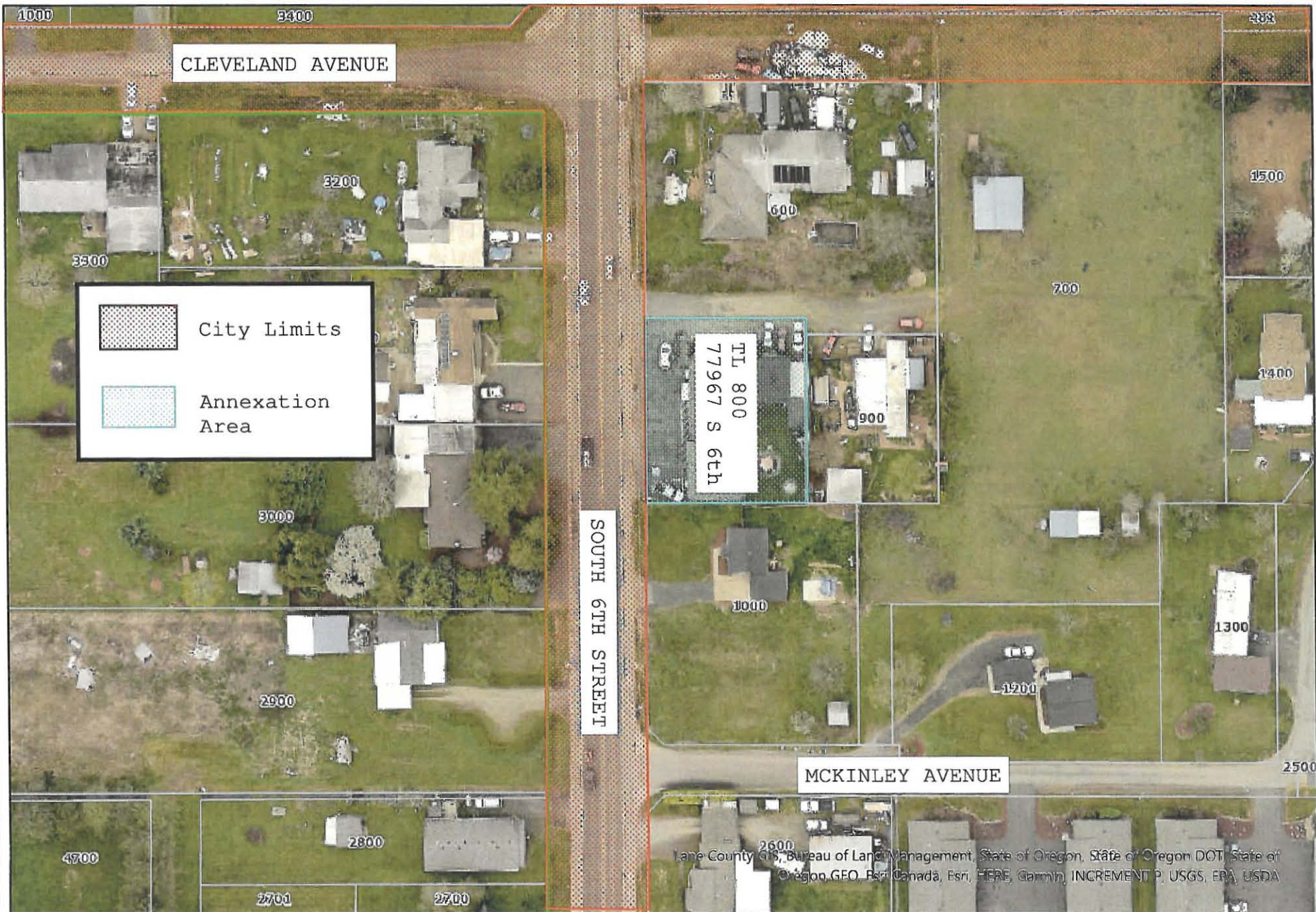
2. This Ordinance shall take effect 30 days after final passage.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 27th
DAY OF FEBRUARY, 2023.

Candace Solesbee, Mayor
Dated: _____

ATTEST:

Richard Meyers, City Manager
Dated: _____



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 it 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.



A 1-23; Exhibit A
21-03-04-21-00800

EXHIBIT B

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A POINT 10.64 CHAINS SOUTH AND 35.04 CHAINS WEST OF THE NORTHEAST CORNER OF LOT 1, SECTION 4, TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, WHICH POINT IS ON THE EAST BOUNDARY OF COUNTY ROAD; AND RUN THENCE SOUTH ALONG EAST BOUNDARY OF SAID COUNTY ROAD 140 FEET TO A POINT WHICH IS THE TRUE BEGINNING POINT OF THE PROPERTY HEREINAFTER DESCRIBED; THENCE SOUTH 110 FEET TO A POINT; THENCE EAST 100 FEET TO A POINT; THENCE NORTH 110 FEET TO A POINT; THENCE WEST 100 FEET TO SAID TRUE BEGINNING POINT, ALL IN SECTION 4, TOWNSHIP 21 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LANE COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO LANE COUNTY, OREGON BY DEEDS RECORDED JANUARY 5, 1996, RECEPTION NOS. 96-00796 AND 96-00797, OFFICIAL RECORDS OF LANE COUNTY, OREGON.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.