

RESOLUTION NO. 5052

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (925 RIVER ROAD AND PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-24-24, TAX LOTS 7701 AND 7800).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by W. Dickinson Properties LLC on September 28, 2011, 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 17-04-24-24, Tax Lots 7800 and 7701.

B. The territory proposed to be annexed is depicted on the maps 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 December 21, 2011, a notice containing the street address and assessor's map and tax lot number, 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 River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on January 23, 2012.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

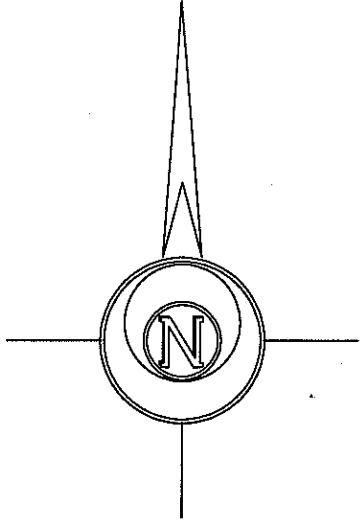
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

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 identified as Assessor's Map 17-04-24-24, Tax Lots 7800 and 7701 on the maps 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 C-1/UL to C-1 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 23rd day of January, 2012.

Beth Jonest
City Recorder



RIVER ROAD

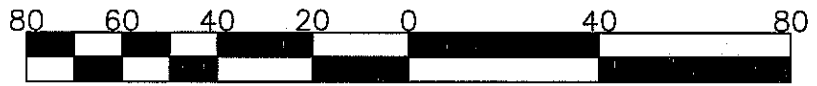
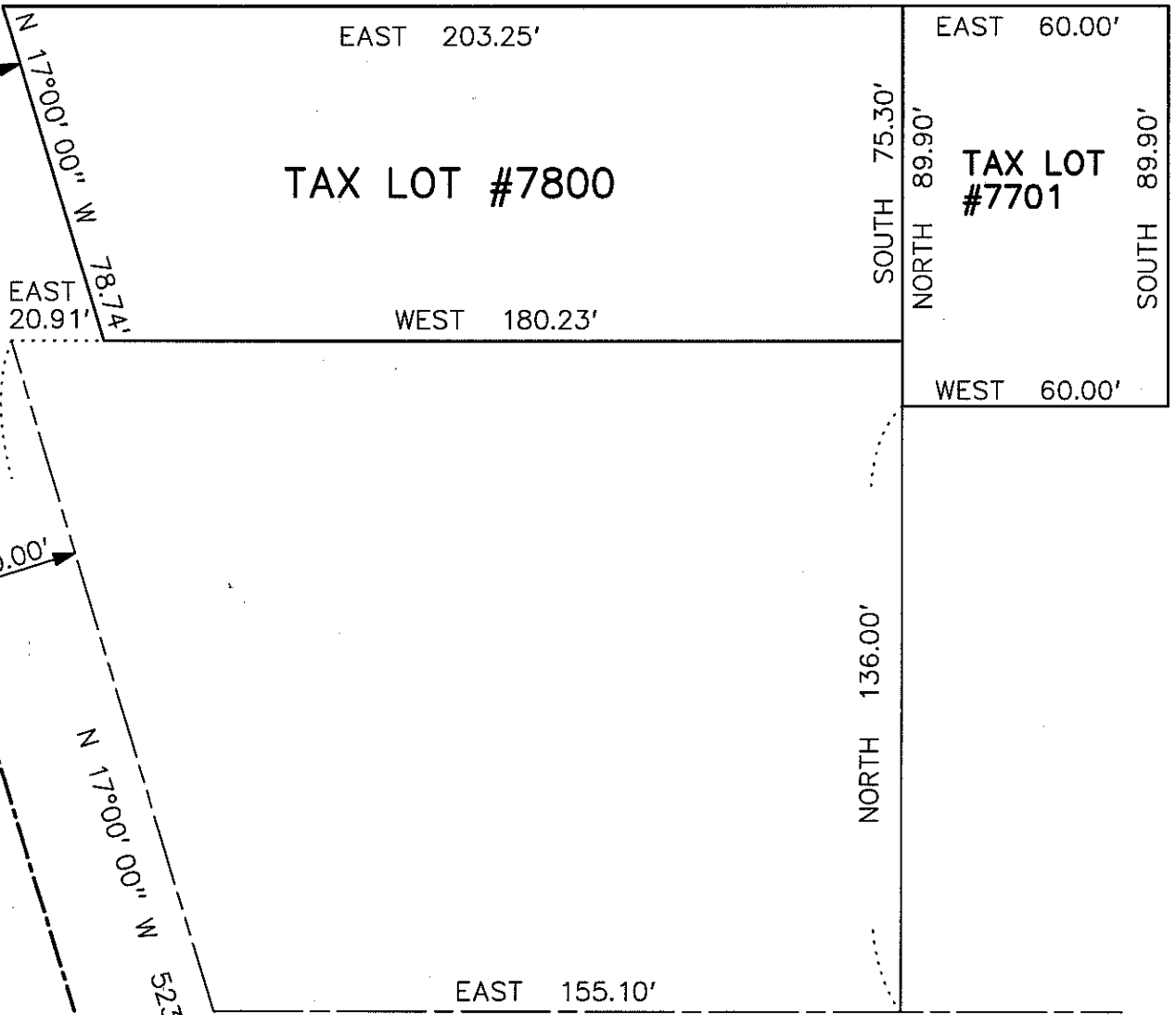
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

EXPIRES 12-31-2011

SOUTHWEST CORNER
BENJAMIN DAVIS
DONATION LAND
CLAIM NO. 45

EAST 4843.40'



SCALE: 1 INCH = 40 FEET

FOR ASSESSMENT
AND TAXATION
ONLY

S.E.1/4 N.W.1/4 SEC.24, T.17S. R.4 W.W.M.

LANE COUNTY

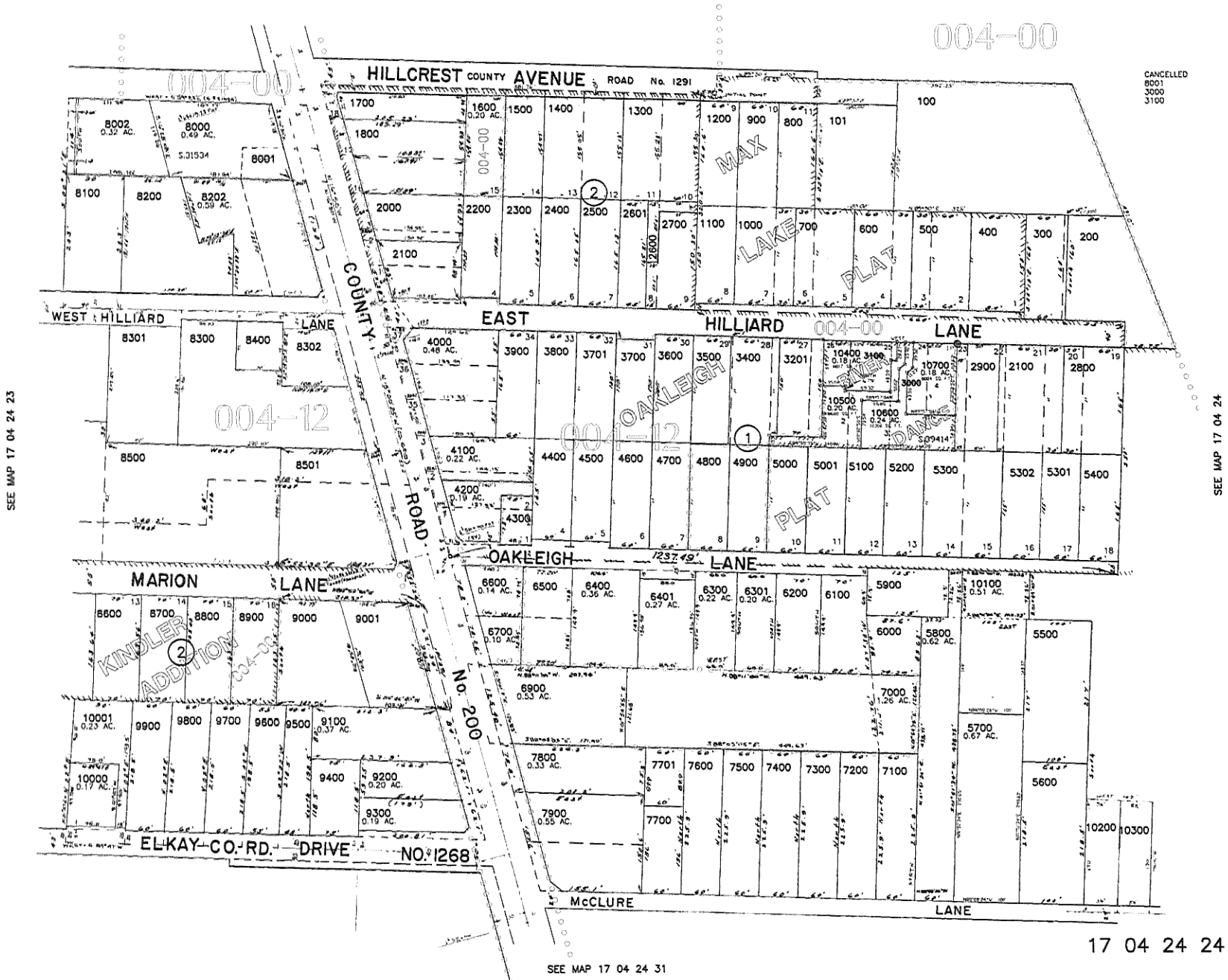
SCALE 1" = 100'

SEE MAP 17 04 24 21

DATE	REVISION	EMPLOYEE
01/27/91	MAP RECEIVED BY BUREAU	CLAYTON
01/27/91	FILED WITH THE BUREAU	CLAYTON
01/27/91	RECORDED WITH THE COUNTY CLERK	CLAYTON
01/27/91	ADDED TO THE BUREAU	CLAYTON
01/27/91	ADDED TO THE BUREAU	CLAYTON
01/27/91	ADDED TO THE BUREAU	CLAYTON

17 04 24 24

NAD 83/91



SEE MAP 17 04 24 23

SEE MAP 17 04 24

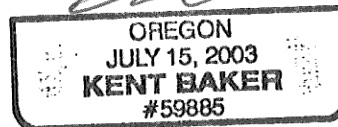
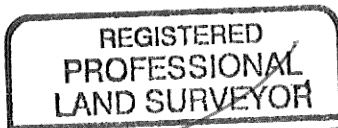
SEE MAP 17 04 24 31

17 04 24 24

Legal Description of Affected Territory to be Annexed

(Tax Lot #7800)

Commencing at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45; thence East 4843.4 feet to a point on the easterly right-of-way line of River Road; thence along the easterly right-of-way line of River Road, parallel to and 30.00 feet from the centerline, North 17°00'00" West 523.42 feet; thence East 20.91 feet to a point being parallel to and 50.00 feet from the centerline of River Road and the **POINT OF BEGINNING** of this tract of land; thence along the easterly right-of-way line of River Road, parallel to and 50.00 feet from the centerline, North 17°00'00" West 78.74 feet; thence leaving the easterly right-of-way line of River Road and running East 203.25 feet; thence South 75.30 feet; thence West 180.23 feet to the point of beginning, in Lane County, Oregon

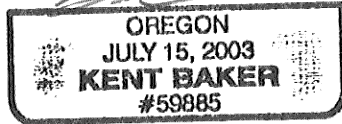
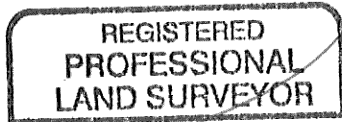


Expires 12-31-2011

Legal Description of Affected Territory to be Annexed

(Tax Lot #7701)

Commencing at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45; thence East 4843.4 feet to a point on the easterly right-of-way line of River Road; thence along the easterly right-of-way line of River Road, parallel to and 30.00 feet from the centerline, North 17°00'00" West 365.94 feet to the intersection of the easterly right-of-way line of River Road with the northerly right-of-way line of McClure Lane; thence along the northerly right-of-way line of McClure Lane, East 155.10 feet; thence leaving the northerly right-of-way line of McClure Lane and running North 136.00 feet to the **POINT OF BEGINNING** of this tract of land; thence continuing North 89.90 feet; thence East 60.00 feet; thence South 89.90 feet; thence West 60.00 feet to the point of beginning, in Lane County, Oregon



Expires 12-31-2011



**Planning Director's Recommendations and Findings:
W. Dickinson Properties LLC (A 11-1)**

Application Submitted: September 28, 2011	
Applicant: W. Dickinson Properties LLC	
Map/Lot(s): 17-04-24-24 Lots 7800 and 7701	
Zoning: C-1/UL	
Location: 925 River Road	
Representative: Richard Satre, Schirmer Satre Group (541)686-4540	
Lead City Staff:	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.

<p>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.</p>	
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: 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 boundaries of the property.</p>
<p>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</p>	
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: 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:</p> <p>C. Growth Management, Goals, Findings and Policies: <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</i></p>

		<p><i>in an orderly and efficient manner.</i></p> <p><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></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>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)</i></p> <p>The Metro Plan generally designates the annexation area as appropriate for Commercial use. The adopted refinement plan the River Road Santa Clara Urban Facilities Plan is the adopted refinement plan for the subject properties and also generally designates the area for commercial uses. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned C-1, and the /UL overlay will be automatically removed from the annexation area.</p> <p>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.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan.</p>
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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.

<p>Complies</p>		<p>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:</p> <p>Wastewater An 8-inch public wastewater line is within River Road, adjacent to this site. Sewer connection records (#48100) indicate a connection to the public system within River Road. The related wastewater assessments have been paid.</p> <p>Stormwater There are public stormwater lines within River Road, owned and maintained by the city</p>
<p><input checked="" type="checkbox"/> YES</p>	<p><input type="checkbox"/> NO</p>	

in this location. As an informational item, future development of the property will require the applicant to submit a feasible stormwater proposal and demonstrate that all applicable stormwater management standards have been met, including establishing capacity of the receiving system, pre-treating impervious areas prior to discharge, and possibly oil and source controls, depending on proposed development.

Streets

Taxlot 7800 has frontage on River Road. This segment of River Road was previously annexed into the city limits. River Road is a major arterial with an existing right-of-way width of at least 100 feet, which is the minimum standard for this classification. As an informational item, this property may be within an intersection influence area where access connections are managed (such as number of, widths of, and locations of) at EC 7.408 through 7.445. Taxlot 7701 appears to be landlocked, though aerial photos indicate a possible shared driveway with properties to the north and west.

Solid Waste

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

Water

Eugene Water and Electric Board (EWEB) staff notes that the subject properties are served by the River Road Water District (RRWD). There is an existing 4-inch cast iron water main on the north property line. In 1960, River Road Water District (RRWD) installed the water line serving these parcels and was granted easement from both the property owner to the North of applicant's property for the water line extension and the owner of tax lot 7701 for the installation of the water line and meter. (October 7, 1960, Instrument No. 12156, Reel 160 D, Lane County Deeds & Records) This easement granted access for installation, maintenance, repairing, replacing and reading the meter. The water meter installed and on Tax Lot 7701 is covered under that easement as mentioned above. It does not appear there are water facilities crossing over Tax Lot 7800 that would require additional easement. EWEB will request assignment from RRWD including its easement rights for its water facilities along this water line. EWEB has no objections to the annexation.

Electric EWEB currently serves the subject property and noted no objections to the annexation.

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 City of Eugene. 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

	<p>the Metro Plan. The property is currently located in River Road Park and Recreation District. Once withdrawn from the district, parks staff confirm that park service will continue to be provided by the City with the property becoming part of the River Road – Santa Clara parks planning district with nearby parks serving that area being West Bank and Razor Parks.</p> <p>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> <p>Communications Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p>Public Schools The subject property is within the Eugene 4J School district and is served by River Road Elementary School, Kelly Middle School and North Eugene High School.</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.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.
- ◆ Future development of the property will require a feasible stormwater proposal and demonstration that all applicable stormwater management standards have been met, including establishing capacity of the receiving system, pre-treating impervious areas prior to discharge, and possibly oil and source controls, depending on proposed development.