



**COUNCIL RESOLUTION NO. 5078**

**A RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (1270 IRVINGTON DRIVE, EUGENE, OREGON,  
AND PROPERTY IDENTIFIED AS ASSESSOR'S  
MAP 17-04-03-34, TAX LOTS 500 AND 10100).**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: January 28, 2013**

**RESOLUTION NO. 5078**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (1270 IRVINGTON DRIVE, EUGENE, OREGON, AND PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-03-34, TAX LOTS 500 AND 10100).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Bruce Wiechert Custom Homes, Inc. on October 23, 2012, 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 17-04-03-34, Tax Lots 500 and 10100.

**B.** The territory proposed to be annexed is depicted on the map 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 18, 2012, 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 Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on January 28, 2013.

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

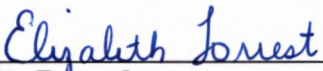
**NOW, THEREFORE,**

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

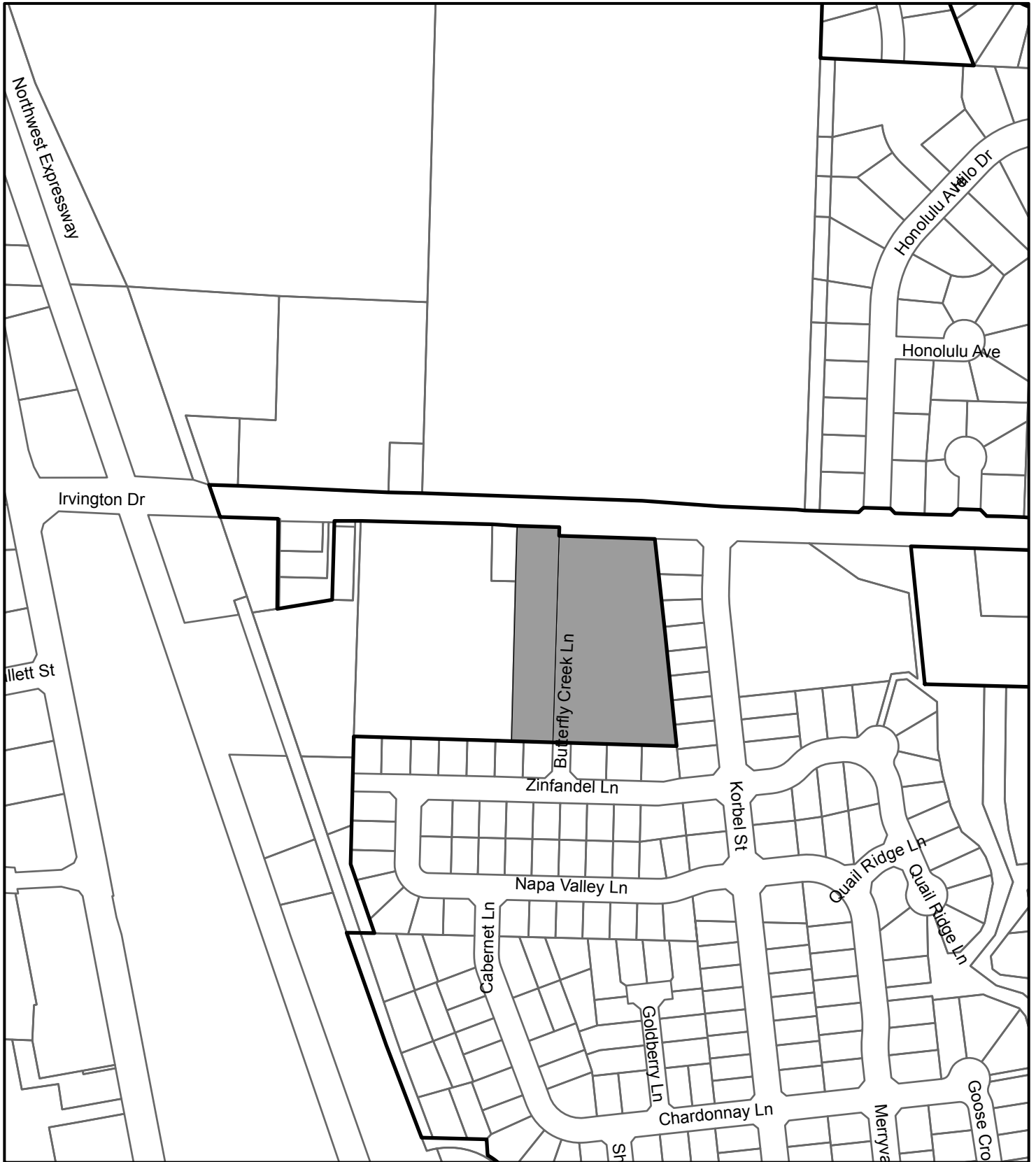
**Section 1.** Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-03-34, Tax Lots 500 and 10100 on the map attached as Exhibit A, and 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 AG/UL/CAS to AG/CAS 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 28<sup>th</sup> day of January, 2013.**

  
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City Recorder

# Bruce Wiechert Custom Homes (A 12-3)





-  Annexation Area
-  Eugene City Limits

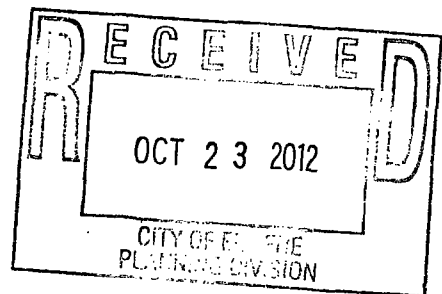


Exhibit B

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF THE JAMES PEEK SR. DONATION LAND CLAIM NO. 50, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, SAID NORTHEAST CORNER BEARS NORTH 89°06' EAST 132.0 FEET FROM THE SOUTHEAST CORNER OF THE MARION SCOTT DONATION LAND CLAIM NO 56, SAID TOWNSHIP AND RANGE, THENCE SOUTH 00°06'50" WEST 7.20 FEET ALONG THE EAST LINE OF SAID CLAIM NO. 50, THENCE SOUTH 89°39'25" WEST 2550.64 FEET TO THE TRUE POINT OF BEGINNING ; THENCE SOUTH 89°39'25" WEST 301.75 FEET, THENCE SOUTH 00°03'30" EAST 475.0, NORTH 89°39'25" EAST 366.51 FEET, THENCE NORTH 07° 50'10" WEST 479.08 FEET TO THE TRUE POINT OF BEGINNING IN LANE COUNTY, OREGON.

EXCEPT THEREFROM THAT PART DESCRIBED IN DEED TO LANE COUNTY, OREGON, RECORDED FEBRUARY 26, 2003, RECEPTION NO. 2003-017139, LANE COUNTY DEEDS AND RECORDS, IN LANE COUNTY, OREGON.





**Planning Director's Recommendations and Findings:  
Bruce Wiechert Custom Homes (A 12-3)**

<b>Application Submitted:</b> October 23, 2012	
<b>Applicant:</b> Bruce Wiechert Custom Homes, Inc.	
<b>Map/Lot(s):</b> 17-04-03-34 Lots 500 and 10100	
<b>Zoning:</b> AG/UL/CAS	
<b>Location:</b> 1270 Irvington Drive south side of Irvington Drive, west of Korbel Street	
<b>Representative:</b> Kent Baker, Roberts Surveying	
<b>Lead City Staff:</b>	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><b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b>  <b>(a) Contiguous to the city limits; or</b>  <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> 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, eastern and southern boundaries of the property.</p>
<p><b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b></p>	
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> 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><b>C. Growth Management, Goals, Findings and Policies:</b>  <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 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 <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The adopted refinement plan the <u>River Road Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned AG/CAS, and the /UL overlay will be automatically removed from the annexation area. The applicant has submitted a zone change (City File Z 12-5) to rezone the property to R-1 once the annexation has been approved.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is just outside of the k. Northwest Expressway subarea and of the general “Residential Land Use Policies” at Section 2.2, none appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies for the provision of urban services is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> 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>
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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.**

<b>Complies</b>		<p><b>Findings:</b> 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><b>Wastewater</b> An 8-inch public wastewater line is available within the public streets adjacent to this site, with an 8-inch stub to the subject property from Irvington Drive, per as-construct</p>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

records. There is no sewer connection record for 1270 Irvington Dr. (TL 00500), though there is one for 1278 Irvington Dr. (TL 10100 / connection record no. 037627). There are no liens or assessments of record due.

**Stormwater**

There is an 18-inch public stormwater line within the Zinfandel Lane, just south of the property that may be able to be extended to the site via Butterfly Creek Lane. As-construct records show that a stub to the property was not constructed, though on-site infiltration may also be an option, provided the infiltration facility is sized to store and infiltrate the Flood Control Design Storm and on-site tests demonstrate the viability of infiltration. 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 to that system, and possibly oil and source controls, depending on proposed development.

**Streets**

Both properties have frontage on Irvington Drive which is under Lane County Jurisdiction and functions as a minor arterial street. Street standards must be addressed with future development which may require right of way dedication, special setbacks and street improvements.

**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 there is an existing 12-inch concrete cylinder water main along the south side of Irvington Drive and a 6-inch ductile water main on the east side of Butterfly Creek Lane and adequate service can be made at the time of development.

**Electric**

EWEB currently serves the subject properties and has 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 the Metro Plan. The property is currently located the River Road – Santa Clara parks planning district with Arrowhead Park about 500 feet to the east being the nearest park



		<p>serving that area.</p> <p><b>Planning and Development Services</b> 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><b>Communications</b> Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><b>Public Schools</b> The subject property is within the Bethel School district and is served by Irving Elementary School, Shasta Middle School and Willamette 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:**

- ◆ 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.