



COUNCIL RESOLUTION NO. 5083

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (499, 515, 3790, 3925, AND 3800 NORTH DELTA HIGHWAY, EUGENE, OREGON; PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-07-00 TAX LOTS 304, 305, 1200, 1201, 1202, 1207, AND 1211) AND A PORTION OF RIGHT-OF-WAY (NORTH DELTA HIGHWAY, NORTH OF AYRES ROAD).

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: April 8, 2013

RESOLUTION NO. 5083

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (499, 515, 3790, 3925, AND 3800 NORTH DELTA HIGHWAY, EUGENE, OREGON; PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-07-00 TAX LOTS 304, 305, 1200, 1201, 1202, 1207, AND 1211) AND A PORTION OF RIGHT-OF-WAY (NORTH DELTA HIGHWAY, NORTH OF AYRES ROAD).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Bill Kloos, Law Office of Bill Kloos PC, on behalf of Eric and Deborah Jeffries, Bunker LLC and River Ridge LTD, on December 20, 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 17-03-07-00, Tax Lots 304, 305, 1200, 1201, 1202, 1207, and 1211. Right-of-way is included in this request for the portion of North Delta Highway that bisects the subject property, north of Ayres Road.

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 March 8, 2013 a notice containing the street 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 Northeast Neighbors Neighborhood Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on April 8, 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 17-03-07-00, Tax Lots 304, 305, 1200, 1201, 1202, 1207, and 1211, and the portion of North Delta Highway right-of-way north of Ayres Road that

bisects the subject property depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

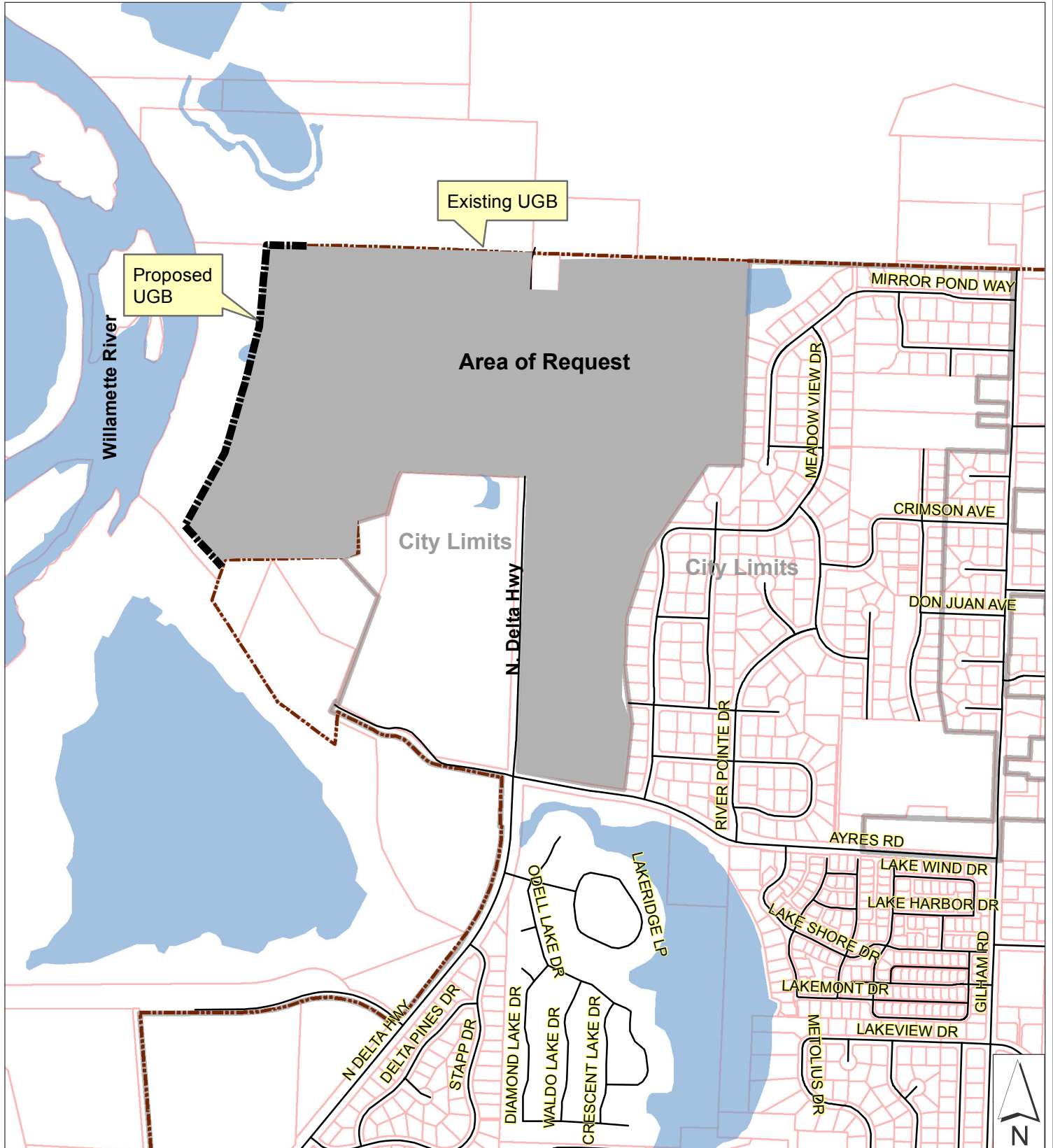
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land as follows: on the west side of North Delta Highway, from R-1/SR/UL to R-1/SR; and, on the east side of North Delta Highway, from AG/UL to AG. This action is pursuant 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 8th day of April, 2013.

Beth Louest

City Recorder

Exhibit A - Vicinity Map



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



March 11, 2013

**Legal Description
Entire Parcel**

Beginning at the northwest corner of the A. Stevens DLC #40, in Township 17 South, Range 3 West, Section 7, in the Willamette Meridian; thence South 89°32'23" East 150.00 feet (along the north boundary of said DLC) to the True Point of Beginning; thence continuing along said north boundary South 89°32'23" East 1035.21 feet; thence leaving said boundary South 0°38'11" West 1117.92 feet along the west boundary of River Pointe Second Addition, as platted and recorded May 9, 1995, File 75, Slides 180 thru 183, Lane County Oregon Deed Records; thence leaving said plat boundary and running along the west boundary of Ashley Estates, as platted and recorded August 30, 2001, Instrument #2001-056863, Lane County Oregon Deeds Records, the following six courses; North 89°21'49" West 186.74 feet, South 32°48'49" West 584.21 feet, South 16°32'52" West 376.22 feet, South 0°38'11" West 264.70 feet, South 8°38'13" East 319.47 feet, and South 5°06'52" West 357.94 feet to a point on the north margin of Ayres Road; thence along the north margin of said road the following three courses; North 84°21'41" West 61.95 feet, along the arc of a 3465.00 foot curve right (the long chord of which bears North 82°33'29" West 218.07 feet) 218.11 feet, and North 80°45'18" West 303.61 feet to a point on the east margin of North Delta Highway; thence along said east margin North 0°39'02" East 1625.12 feet; thence leaving said margin North 89°12'16" West 698.54 feet; thence along the arc of a 95.00 foot curve left (the chord of which bears South 32°22'13" West 39.74 feet) 40.03 feet; thence South 20°18'13" West 47.75 feet; thence South 13°46'01" West 171.00 feet; thence South 72°58'17" West 17.45 feet; thence South 72°58'17" West 151.60 feet; thence South 4°18'19" East 173.06 feet; thence South 73°12'53" West 91.00 feet; thence South 87°18'00" West 637.56 feet; thence South 17°19'00" West 121.41 feet; thence North 43°54'34" West 216.41 feet; thence North 39°13'22" West 103.29 feet; thence North 23°39'19" East 684.35 feet; thence North 8°20'20" East 496.87 feet; thence North 11°44'01" East 501.86 feet; thence South 89°31'04" East 1434.95 feet to the centerline of North Delta Highway; thence along said centerline South 0°39'02" West 200.00 feet; thence leaving said centerline South 89°32'23" East 150.00 feet; thence North 0°39'02" East 200.00 feet; to the True Point of Beginning, all in Lane County, Oregon.

EXHIBIT D.4



**Planning Director's Recommendations and Findings:
River Ridge Golf Complex (A 12-6)**

Application Submitted: December 20, 2012	
Applicant: Deborah and Eric Jeffries (a.k.a. Bunker LLC and River Ridge Ltd.)	
Map/Lot(s): 17-03-07-00 Lots 304, 305, 1200, 1201, 1202, 1207, and 1211	
Zoning: R-1/SR/UL and AG/UL	
Location: North of Ayres Road, on both sides (east and west) of North Delta Highway	
Representative: Bill Kloos, Law Office of Bill Kloos PC	
Lead City Staff:	Becky Taylor, Associate Planner, (541) 682-5437

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.

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>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: With regard to the Urban Growth Boundary (UGB), the <u>Metro Plan</u> states: "The UGB is tax lot-specific where it is coterminous with city limits, where it has been determined through the annexation process, and where it falls on the outside edge of existing or planned rights-of-way. In other places, the UGB is determined on a case-by-case basis through interpretation of the <u>Metro Plan Plan Boundaries Map...</u>" (<u>Metro Plan</u>, page II-G-14). The west boundary of the UGB has not been determined previously, but will be coterminous with city limits upon annexation of the subject request. The <i>Plan Boundaries Map</i> shows the UGB alignment consistent with the applicant's request (see Attachment D.)</p> <p>The <u>Metro Plan</u> also lists factors to consider when interpreting the <i>Plan Boundaries Map</i>. Of the factors listed in the <u>Metro Plan</u> as considerations in making case-specific determinations, the "Floodway Fringe" is the distinguishing factor in this case. The <u>Metro Plan</u> defines "Floodplain" and "Floodway", with the former being the area adjacent to a waterway and subject to a 100-year flooding, and the latter as the normal stream channel and that adjoining area of the floodplain needed to convey the waters of a 100-year flood. (See page V-2, <u>Metro Plan</u>.)</p> <p>The applicant's annexation request would establish the city limits and UGB coterminous with the floodway boundary. In other words, the annexation includes portions of the</p>
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	<p>floodplain, but not the floodway. The <u>Metro Plan</u> Residential Land Supply and Demand Findings confirm that “Undeveloped residential land is considered unbuildable...if it is within...the floodway...” Conversely, the floodplain is only considered a development constraint. (<u>Metro Plan</u>, page III-A-2).</p> <p>Eugene Code (EC) Chapter 9.6705 through EC 9.6709 establishes special flood hazard area standards for development in the floodplain. Those development standards require construction techniques for flood proofing structures and for mitigating flood hazards, such as elevating floors above the based flood elevation. The City’s standards for development in the floodplain are recognized by the Federal Emergency Management Agency (FEMA) as being consistent with their regulations.</p> <p>Based on the above findings, the applicant’s requested UGB is consistent with the <u>Metro Plan</u>. As such, the subject annexation establishes a site-specific UGB that coincides with the proposed city limits. Therefore, the land proposed to be annexed is within the City’s UGB, as required by the above approval criterion.</p> <p>With regard to contiguity with city limits, a portion (about 29 acres) of the golf course was annexed in 2006 (City file A 05-44), in anticipation of hospital siting. The subject annexation would bring in the balance of the golf course (about 109 acres) and the portion of North Delta Highway that bisects the property, north of Ayres Road. Ayres Road is within City limits. Adjacent lands to the east are annexed and have been developed as residential subdivisions. Thus, the subject request is contiguous to City limits to the south and east. As discussed previously, the UGB and City limits will be established along the north and west boundaries of the area of request. Based on these findings, the approval criterion at EC 9.7825(1) is met.</p>
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EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: 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>C. Growth Management, Goals, Findings and Policies:</p> <p><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></p> <p><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>
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Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (Page II-C-4).

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)

Although the Metro Plan (2004 Update) and the Willakenzie Area Plan (September 1992) land use diagrams show the western portion of the property with Parks and Open Space designations, in 2009, the City Council approved Ordinance #20444, which changed the designation to Low-Density Residential (City file MA 09-3). The eastern portion of the property is primarily designated as Low-Density Residential in both the Metro Plan and Willakenzie Area Plan, with a smaller area of medium-density residential located at the northeast corner of North Delta Highway and Ayres Road.

The current zoning of the subject property is also split by North Delta Highway. The portion of the property located on the east side of North Delta Highway is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. Upon annexation, the /UL portion of the zoning will be removed. The AG base zone will remain until a zone change application is processed for consistency with the plan designations of low- and medium-density residential. The portion of the property located on the west side of North Delta Highway is zoned R-1/SR/UL Low-Density Residential with Site Review and Urbanizable Land overlays. The /UL overlay will be removed upon annexation, but the R-1/SR zoning will remain. The /SR overlay indicates that future development of the property will require Site Review approval.

With regard to applicable policies of the WAP, the subject property is within the “Unincorporated” subarea; none of these policies appear to be directly applicable to the subject request. As noted previously, the Parks/Open Space designation shown on the portion of the property west of North Delta Highway was amended to Low-Density Residential (MA 09-3). A portion of the property, located at the northeast corner of North Delta Highway and Ayres Road is designated Medium-Density Residential.

The WAP shows lands east of North Delta Highway as an Opportunity Area with a generalized future park site. The park site has been established, Creekside Park, at the northwest corner of Sterling Woods Drive and Crimson Avenue. It is also noted that most of the properties in the Opportunity Area have been subdivided (i.e. River Pointe and Ashley Estates) abutting the subject property to the east.

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.

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.

Complies		
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
		<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 Two public wastewater mainlines (8-inch and 10-inch) have been extended to the east boundary of the subject property as part of the Ashley Estates subdivision.</p> <p>Stormwater The residential subdivisions to the east currently direct public drainage to the subject property, with a six-inch outfall near the northeast property corner and a 15-inch outfall from Ashley Estates. Dodson Slough and the Willamette River converge near the southwest corner of the subject property. As such, there are several stormwater conveyance options available to the subject property. Stormwater management will be more precisely determined at the time of redevelopment.</p> <p>Streets The property has frontage on North Delta Highway, which is an unimproved local road being included in the annexation request. Improvement needs will be determined as part of a development proposal. Ayres Road also abut the southeast portion of the property, which is an improved major collector street. Public Works staff notes that there is an on-hold street improvement assessment for Ayres Road that will become due upon further development of the property. Referral comments from Lane County staff confirm that the portion of Ayres Road that is west of North Delta Highway is a County road that is being used as a maintenance/cart path for the existing golf course.</p> <p>Solid Waste Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p>Water & Electric Eugene Water and Electric Board (EWEB) staff confirms that there is an existing 12-inch ductile iron water main at the intersection of North Delta Highway and Ayres Road, which is available for future connection to the subject property. EWEB staff also confirms that electric services are already being provided from a feeder line in North Delta Highway.</p> <p>Public Safety The property is currently within the Willakenzie Rural Fire Protection District. Police protection can be extended to this site upon annexation consistent with service</p>

		<p>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.</p> <p>Parks and Recreation A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>. The City’s “Creekside Park” site is located east of the subject property.</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 Gilham Elementary School, Cal Young Middle School and Sheldon High School.</p>
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CONCLUSION:

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. 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.