



COUNCIL RESOLUTION NO. 5093

**A RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP
17-04-14-32, TAX LOT 3800).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: September 23, 2013

RESOLUTION NO. 5093

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-14-32, TAX LOT
3800).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by John W. Pennington Family Trust (Trustee: Thomas W. Pennington) on May 22, 2013, 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 17-04-14-32, Tax Lot 3800.

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 June 19, 2013, 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 July 22, 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 17-04-14-32, Tax Lot 3800 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

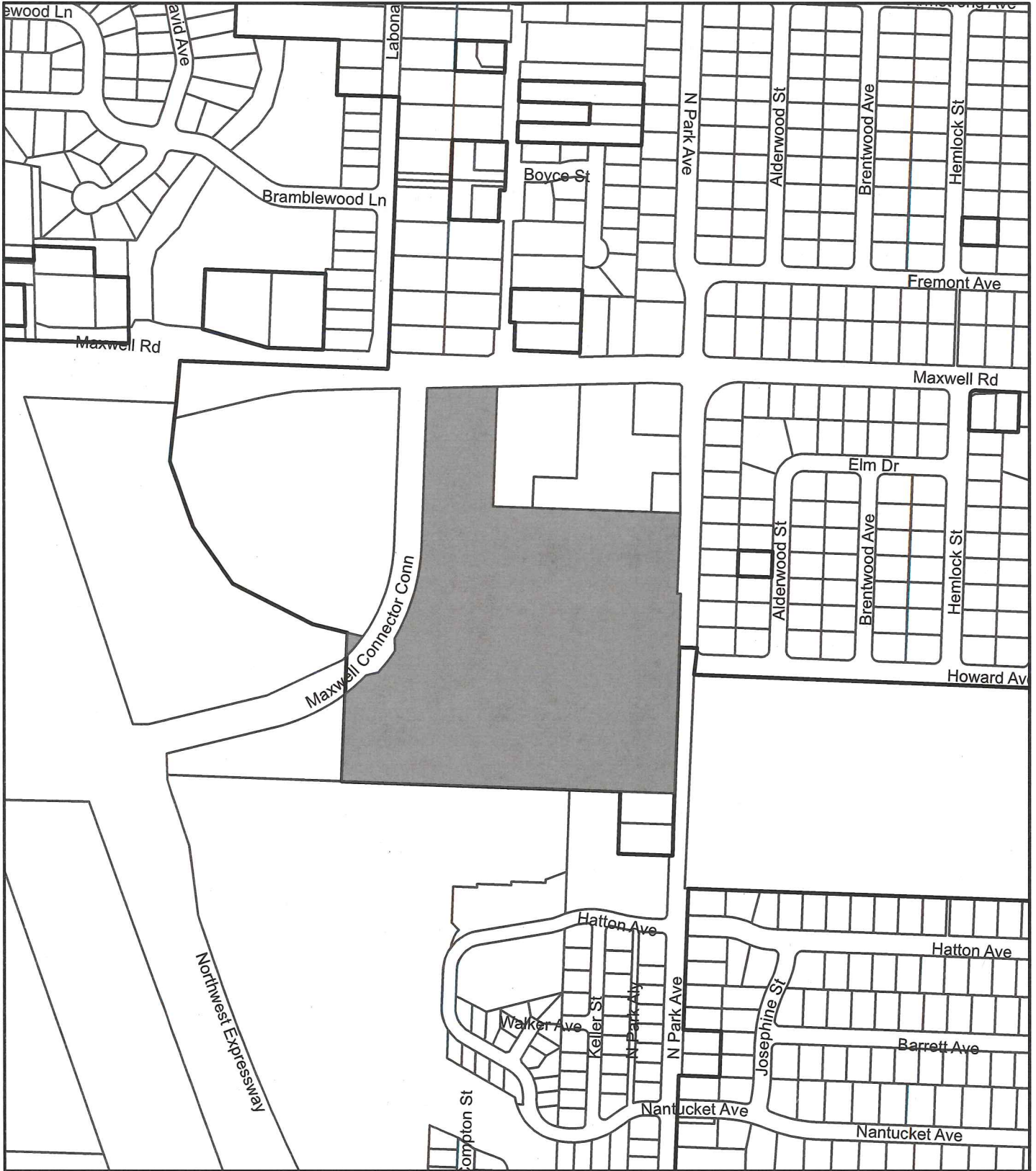
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL/WR; C-1/UL/WR to R-1/WR; C-1/WR pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 23rd day of September, 2013.

Elizabeth Forrest

City Recorder

Pennington Family Trust (A 13-3)





-  Eugene City Limits
-  Annexation Area



Exhibit B

Legal Description of Affected Territory to be Annexed

Map and Tax Lot 17-04-14-32-03800

A unit of land being situated in Southwest $\frac{1}{4}$ Section 14, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Northeast corner of the James E. McCabe Donation Land Claim No. 46, in Township 17 South, Range 4 West of the Willamette Meridian;

Thence South $89^{\circ}59'00''$ West 2229.50 feet and South $00^{\circ}00'00''$ East 1226.50 feet to a point in the centerline of County Road No. 1008 (known as Maxwell Road), said point being the POINT OF BEGINNING of this unit of land;

Thence along said centerline, South $89^{\circ}59'00''$ West 282.27 feet to the Northeast corner of that certain parcel of land described in deed to the Archdiocese of Portland in Oregon, recorded July 19, 1965, Reception No. 11500; Lane County Oregon Deed Records;

Thence along the East line of said parcel, South $00^{\circ}01'00''$ East 821.60 feet to the Southeast corner thereof;

Thence along the Southerly line of said parcel, North $78^{\circ}26'00''$ West 131.73 feet to a corner in the most Easterly line of that certain parcel of land described in deed to Lane County, a political subdivision of the State of Oregon, recorded May 10, 1963, Reception No. 10072; Lane County Oregon Deed Records;

Thence along the East line of said parcel, South $0^{\circ}11'20''$ East 429.00 feet to a point on the South line of that certain parcel of land described in deed to John W. Pennington recorded in Book 233, Page 187, Lane County Oregon Deed Records;

Thence along said South line, North $00^{\circ}00'00''$ East 987.79 feet to a point on the centerline of County Road No. 1008 (known as Park Avenue);

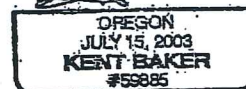
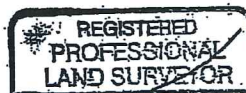
Thence along said centerline, North $00^{\circ}00'00''$ East 577.15 feet to the point of intersection with the most Southerly line of that certain parcel of land described in deed to Lane County, a political subdivision of the State of Oregon, recorded December 24, 1964, Reception No. 86613; Lane County Oregon Deed Records;

Thence along said Southerly line, South $89^{\circ}59'00''$ West 30.00 feet to the Southwest corner thereof;

Thence along the West line of said parcel, North $0^{\circ}10'00''$ East 233.36 feet to a point on the South line of that certain parcel of land described in deed to George F. Wingard and Rhee Wingard recorded October 8, 1964, Reception No. 77372; Lane County Oregon Deed Records;

Thence along said South line, South $89^{\circ}59'00''$ West 550.00 feet to the Southwest corner thereof;

Thence along the West line of said parcel, North $0^{\circ}10'00''$ East, 413.93 feet to the Point of Beginning, in Lane County, Oregon.



Expires 12-31-2013



**Planning Director's Recommendations and Findings:
Pennington Family Trust (A 12-3)**

Application Submitted: May 22, 2013	
Applicant: John W. Pennington Family Trust	
Map/Lot(s): 17-04-14-32 Lot 3800	
Zoning: R-1/UL/WR; C-1/UL/WR	
Location: South side of Maxwell Road between Maxwell Connector and North Park	
Representative: Rick Satre	
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 south, western and eastern 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 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>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 in an orderly and efficient manner.</i></p>

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)

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)

The Metro Plan designates the annexation area as appropriate for residential use. The adopted refinement plan the River Road Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject properties and designates the area for medium density residential and commercial uses. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned C-1/WR and R-1/WR, and the /UL overlay will be automatically removed from the annexation area.

With regard to applicable policies of the RR/SC UFP, the subject property is in the Maxwell/Park Avenue subarea. The recommendations in this area apply to the designation and zoning of properties but not annexation. 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 RR/SC UFP 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.

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

YES **NO**

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:

Wastewater

Public wastewater is available; there is an 8-inch public line within N. Park Ave and an 8-inch stub to serve the vacant property (per as-construct record, micro file no. 3040.040).

Additionally, there is an 8-inch public line within Maxwell, though there doesn't appear to be an existing stub to the property from this line. Related wastewater assessments have not yet been paid, and will be due at the time of development.

Stormwater

There are no existing public stormwater lines available for collection of stormwater runoff from the property, though on-site retention may be feasible for future development. Infiltration facilities would need to be sized to store and infiltrate the Flood Control Design Storm and on-site tests must demonstrate the viability of infiltration. At the time of development, applicants must address all applicable stormwater management standards such as: destination, pollution reduction, oil control, easements, and operation and maintenance.

Streets

The property has frontage on Maxwell Road, Maxwell Connector, and North Park Avenue. Lane County referral comments indicate that Maxwell Connector and North Park Avenue are both Lane County roads functionally classified as urban Local Roads. Both Maxwell Connector and North Park Avenue are maintained by the City of Eugene per intergovernmental agreement. Maxwell Road is a Lane County road, maintained by Lane County and is functionally classified as an urban Minor Arterial. 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 8-inch cast iron water main along the east side of North Park and a 6-inch cast iron water main on the north side of Maxwell Road. The River Road Water District currently serves the subject property. EWEB will take over water service once property is removed from the special district 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

		<p>the Metro Plan. The property is currently located the River Road – Santa Clara parks planning district with Walnut Grove park just to the south and Bramblewood Park just north of Maxwell being the nearest parks serving that area.</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 4J School district and is served by Howard Elementary School, Kelly Middle School and North Eugene High School.</p>
--	--	--

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.