



COUNCIL RESOLUTION NO. 5094

**A RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (937 IRVINGTON DRIVE, EUGENE, OREGON,
AND PROPERTY IDENTIFIED AS ASSESSOR'S MAP
17-04-03-40, TAX LOT 2303).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: July 22, 2013

RESOLUTION NO. 5094

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (937 IRVINGTON DRIVE, EUGENE, OREGON, AND PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-03-40, TAX LOT 2303).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Bruce Wiechert Custom Homes, Inc. on June 17, 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 17-04-03-40, Tax Lot 2303.

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 Santa Clara 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 17-04-03-40, Tax Lot 2303 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 22nd day of July, 2013.

Beth Jorset

City Recorder

Bruce Wiechert Custom Homes (A 13-4)





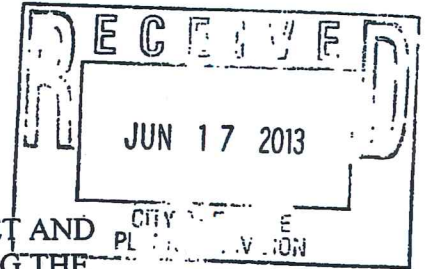
-  Eugene City Limits
-  Annexation Area

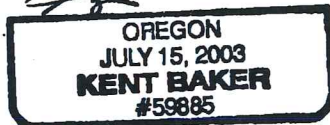


Exhibit B



LEGAL DESCRIPTION:

BEGINNING AT A POINT BEING SOUTH 89°52'00" EAST 589.64 FEET AND NORTH 00°08'00" EAST 150 FEET FROM THE BRASS CAP MARKING THE SOUTHEAST CORNER OF THE MARION SCOTT DONATION LAND CLAIM NO. 56, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, THENCE NORTH 00°08'00" EAST 589.20 FEET; THENCE SOUTH 89°52'00" EAST 294.82 FEET; THENCE SOUTH 00°08'00" WEST 438.20 FEET; THENCE NORTH 89°52'00" WEST 145.00 FEET; THENCE SOUTH 00°08'00" WEST 261.00 FEET TO THE NORTHERLY MARGIN OF IRVINGTON DRIVE; THENCE ALONG SAID MARGIN NORTH 89°52'00" WEST 60.00 FEET; THENCE LEAVING SAID MARGIN NORTH 00°08'00" EAST 110.00 FEET; THENCE NORTH 89°52'00" WEST 89.82 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.



Expires 12-31-2013



**Planning Director's Recommendations and Findings:
Bruce Wiechert Custom Homes (A 13-4)**

Application Submitted: June 17, 2013	
Applicant: Bruce Wiechert Custom Homes, Inc.	
Map/Lot(s): 17-04-03-40 Lot 2303	
Zoning: AG/UL/CAS	
Location: 937 Irvington Drive on the north side of Irvington between Willowbrook St. and Stark St.	
Representative: Anthony Favreau	
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.

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.

Complies		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 southern and eastern boundaries of the property.
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

Complies		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: 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>
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

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 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 13-4) to rezone the property to R-1 once the annexation has been approved.

With regard to applicable policies of the RR/SC UFP, the subject property is not in a 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 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 Leonards Way, to the west, as well as an 8-inch public line within Verbena Drive, to the south. The related

wastewater assessments have been paid.

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 Irvington Drive which is within the City limits but 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 adequate service can be made at the time of development and there are no objections to the annexation.

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 Lane Rural Fire and Rescue. 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 Filbert Meadows Park being located north of the subject property and Arrowhead Park to the west being the nearest parks serving that area.

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>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 Spring Creek Elementary School, Madison 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:

- ◆ 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.