

RESOLUTION NO. 5095

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-11 TAX LOT
4100 AND ASSESSOR'S MAP 17-04-11-12 TAX LOT 5600).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Michael Butler, Future B Homes, on August 19, 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 17-04-11-11 Tax Lot 4100 and Assessor's Map 17-04-11-12 Tax Lot 5600.

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 September 27, 2013, a notice containing the 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 October 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:**

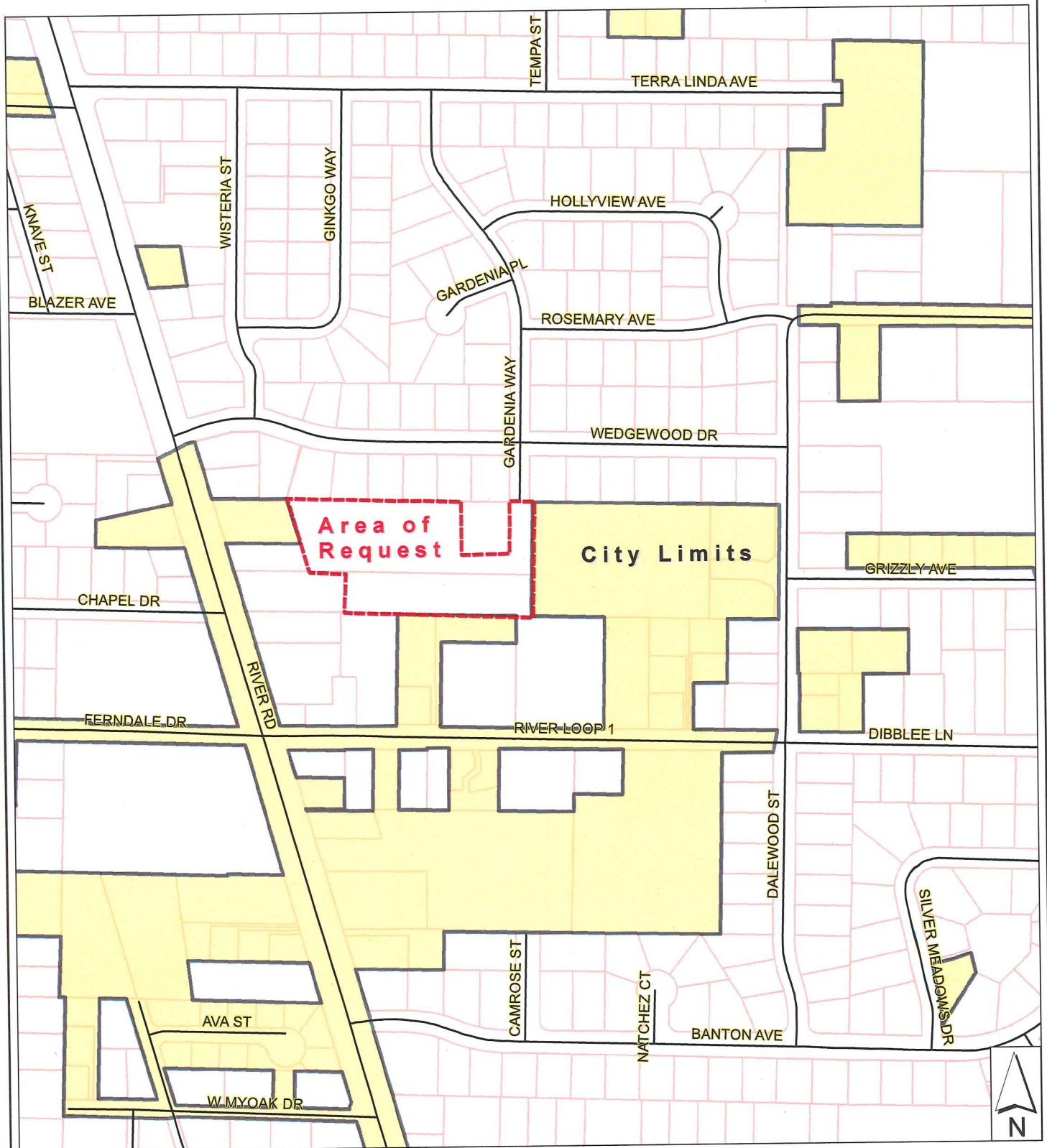
Section 1. Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-11-11 Tax Lot 4100 and Assessor's Map 17-04-11-12 Tax Lot 5600 on the map 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 to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 28th day of October, 2013.

Beth Louest
City Recorder

Exhibit A: Vicinity Map



0 115 230 460 Ft

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

September 13, 2013



Exhibit B: Legal Description

TAX MAP 17-04-11-11, TAX LOT 4100

SITUATED in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

BEING all those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; said lands being more or less described as follows:

BEGINNING at the Southeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°40'04" West, 467.67 feet (West, 584.66 feet on the tax map); **THENCE** North 00°14'15" East, 100.05 feet; **THENCE** South 89°47'44" East, 467.63 feet (East, 584.66 feet on the tax map); **THENCE** South 00°12'39" West, 101.09 feet (South 99.0 feet on the tax map) to the **POINT OF BEGINNING**.

TAX MAP 17-04-11-12, TAX LOT 5600

SITUATED in Lane County, State of Oregon in the Northeast 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

BEING all those lands conveyed in that Statutory Warranty Deed recorded on March 24, 2006 as Reception Number 2006-020457 in the Lane County Oregon Official Records; said lands being more or less described as follows:

BEGINNING at the Northeast corner of those lands conveyed in that Warranty Deed recorded on December 27, 2012 as Reception Number 2012-0066289 in the Lane County Oregon Official Records; **THENCE** North 89°47'44" West, 560.82 feet; **THENCE** North 17°17'44" West, 188.35 feet (North 17°19'30" West, 188.27 feet on the tax map); **THENCE** South 89°47'44" East, 439.76 feet (South 89°49'30" East on the tax map); **THENCE** South 00°12'16" West, 129.52 feet (South 00°10'30" West, 129.52 feet on the tax map); **THENCE** South 89°47'44" East, 120.00 feet (120.0 feet on the tax map); **THENCE** North 00°12'16" East, 129.52 feet (North 00°10'30" East, 129.52 feet on the tax map); **THENCE** South 89°50'26" East, 57.72 feet; **THENCE** South 00°12'39" West, 179.68 feet to the **POINT OF BEGINNING**.



**Planning Director's Recommendations and Findings:
Future B Homes (A 13-6)**

Application Submitted: August 19, 2013	
Applicant: Michael Butler, Future B Homes	
Map/Lot(s): 17-04-11-12: 5600 and 17-04-11-11: 4100	
Zoning: AG/UL Agricultural with Urbanizable Land Overlay	
Location: South terminus of Gardenia Way, east of River Road	
Representative: Renee Clough, Branch Engineering	
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.					
<table border="1"> <tr> <th colspan="2">Complies</th> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table>	Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). Abutting lands to the east, south, and west are in City limits.
Complies					
<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.					
<table border="1"> <tr> <th colspan="2">Complies</th> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table>	Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	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> <i>b. There will be a logical area and time within which to deliver urban services and</i>
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				

		<p><i>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 <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. The subject property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. Upon annexation, the /UL overlay will automatically be removed. The applicant intends to file a zone change application, following annexation, to change the zoning from AG to R-1 Low-Density Residential, consistent with the plan designation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a subarea; 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 (regarding 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>
<p>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>		
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</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</p> <p>Public wastewater is provided by the existing 8-inch mainline located that is stubbed to the subject property from the abutting street, Gardenia Way.</p>

Stormwater

Public stormwater facilities are not available. The applicant indicates that stormwater runoff from future development of the subject property will be managed on-site. Compliance with the applicable stormwater development standards will be ensured at the time of development.

Streets

Gardenia Way is stubbed to the subject property. Street extensions and upgrades will be evaluated during the subsequent development review process.

Solid Waste

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

Water & Electric

Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, provided the development complies with applicable policies and procedures. EWEB staff notes that the six-inch water main located within Gardenia Way may need to be upgraded at the time of development.

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 by the city as prescribed in the Metro Plan. Terra Linda Park is located approximately 1,500 feet to the northeast and Ferndale Park is located approximately 1,700 feet to the southwest.

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.

Communications

Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

The subject property is within the Eugene 4J School district and is served by Awbrey Park Elementary School, Madison Middle School and North Eugene High School.

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.