

RESOLUTION NO. 5097

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-09-34 TAX LOT
3400).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Gilbert and Danielle Castro, on August 30, 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 17-03-09-34 Tax Lot 3400.

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 Northeast Neighbors. 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 17-03-09-34 Tax Lot 3400 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

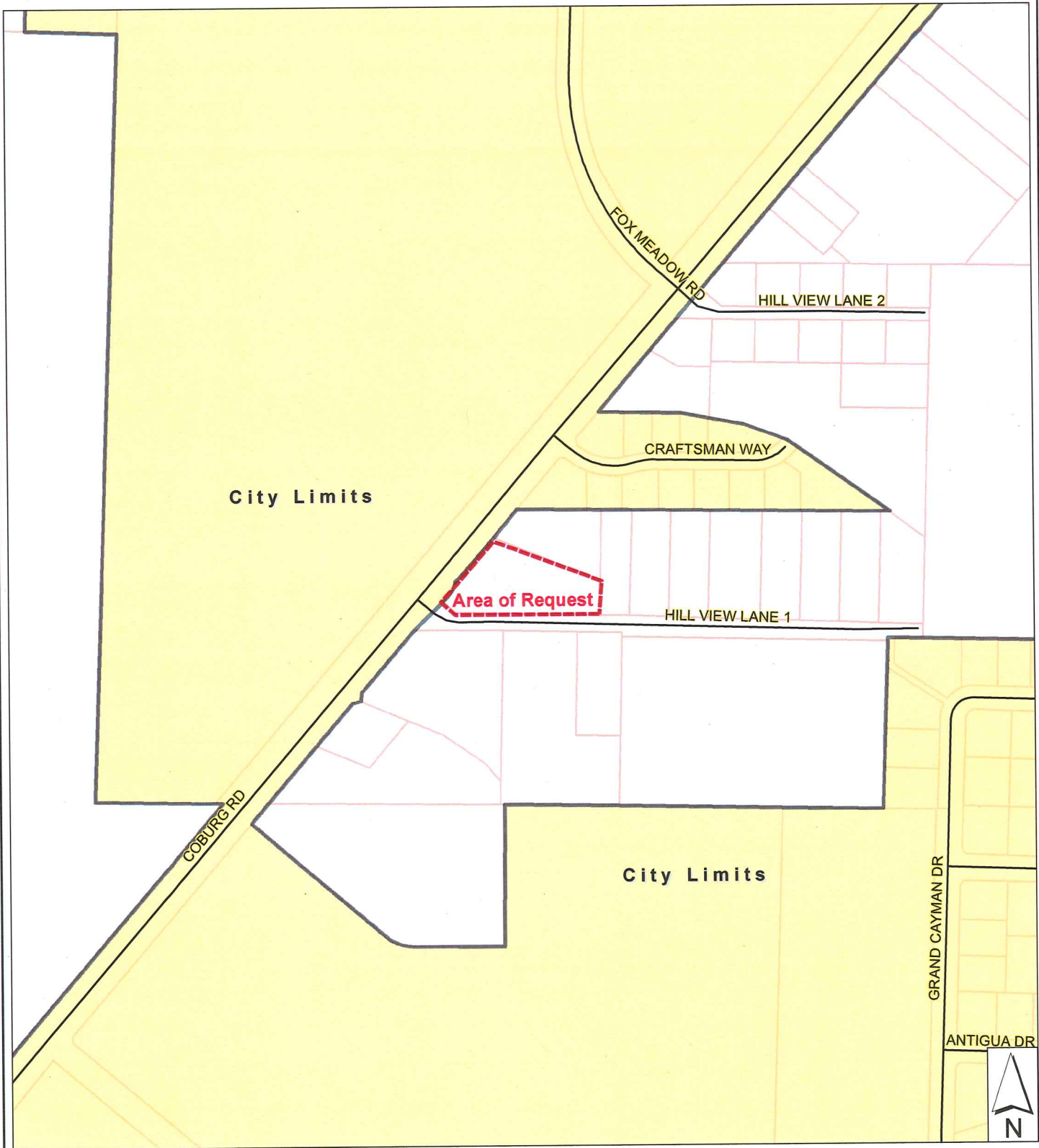
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

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

Beth Louest

City Recorder

Exhibit A: Vicinity Map



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

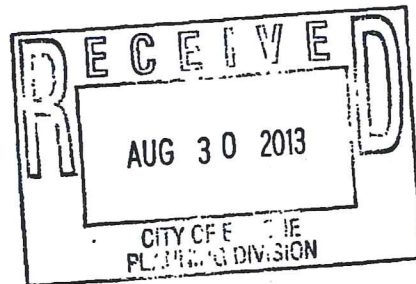
September 13, 2013



Exhibit B: Legal Description

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 OF CRAFTSMAN SUBDIVISION, RECORDED AUGUST 5, 2004, AS DOCUMENT NO. 2004061784, RECORDED IN LANE COUNTY DEEDS AND RECORDS; THENCE SOUTH ALONG THE EASTERLY RIGHT OF WAY OF COBURG ROAD S 38°55'02" W 84.65 FEET TO THE TRUE POINT OF BEGINNING, THENCE S 69°57'48" E 265.54 FEET, THENCE S 00°17'27" E 77.22 FEET TO THE NORTHERLY RIGHT OF WAY OF HILLVIEW LANE 1, THENCE S 89°56'19" W 336.03 FEET, THENCE N 51°04'58" W 31.44 FEET, THENCE N 38°55'02" E 36.09 FEET, THENCE N 14°37'56" E 18.00 FEET TO THE EASTERLY RIGHT OF WAY OF COBURG ROAD, THENCE N 38°55'02" E 132.78 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.





**Planning Director's Recommendations and Findings:
Castro, Gilbert and Danielle (A 13-8)**

Application Submitted: August 30, 2013	
Applicant: Gilbert and Danielle Castro	
Map/Lot(s): 17-03-09-34: 3400	
Zoning: R-1/UL Low-Density Residential with Urbanizable Land Overlay	
Location: Northeast corner of Coburg Road and Hillview Lane 1	
Representative: Tony Favreau, The Favreau Group	
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.

<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 abutting segment of Coburg Road is in City limits, as are properties to the northwest (First Baptist Church site) and to the south (owned by 4J School District).</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 Willakenzie Area Plan (WAP) 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 R-1, and the /UL overlay will be automatically removed from the annexation area. With regard to applicable policies of the WAP, the subject property is within the Unincorporated Subarea; none of the policies appear to be directly applicable to the subject request.

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 can be provided to the subject property by an extension of the system within Coburg Road. The applicant confirms that the property owner will extend public wastewater as part of a future subdivision of the subject property. A development located approximately 1,500 feet to the south (Spectrum Housing) has approved public improvement plans for the extension of public wastewater within Coburg Road.

Stormwater

Public stormwater facilities are not available. There appears to be a roadside ditch along the abutting segment of Hillview Lane 1, which flows through a culvert under the abutting segment of Coburg Road, to an open system to the northwest. On-site

detention and/or retention of stormwater runoff from future development of the site may be required. Compliance with applicable stormwater development standards will be ensured at the time of development.

Streets

The segment of Coburg Road abutting the subject property has been annexed to the City of Eugene, but still needs to be transferred from Lane County's operational jurisdiction. The abutting segment of Hillview Lane 1 is not within City limits.

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, but

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. City parkland (Striker Field) is located approximately 600 feet to the southeast.

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 Gilham Elementary School, Cal Young Middle School and Sheldon 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.