



COUNCIL RESOLUTION NO. 5113

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00 TAX
LOTS 7600, 7601, AND 7602, AND ASSESSOR'S MAP 17-03-08-31 TAX
LOT 1500)**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: July 30, 2014



RESOLUTION NO. 5113

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00 TAX LOTS
7600, 7601, AND 7602, AND ASSESSOR'S MAP 17-03-08-31 TAX LOT
1500)**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Jane J. Daniels Lathen Trust, on May 27, 2014, 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 17-03-08-00 Tax Lots 7600, 7601, and 7602, and Assessor's Map 17-03-08-31 Tax Lot 1500.

B. The legal description of the property described is attached to this Resolution as Exhibit A. The territory proposed to be annexed is depicted on the map attached as Exhibit B to this Resolution

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 27 2014, a notice containing the assessor's maps and tax lot numbers, 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 July 28, 2014.

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 17-03-08-00 Tax Lots 7600, 7601, and 7602, and Assessor's Map 17-03-08-31 Tax Lot 1500, as described in the attached Exhibit A and shown on the map attached as 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 30 day of July, 2014.

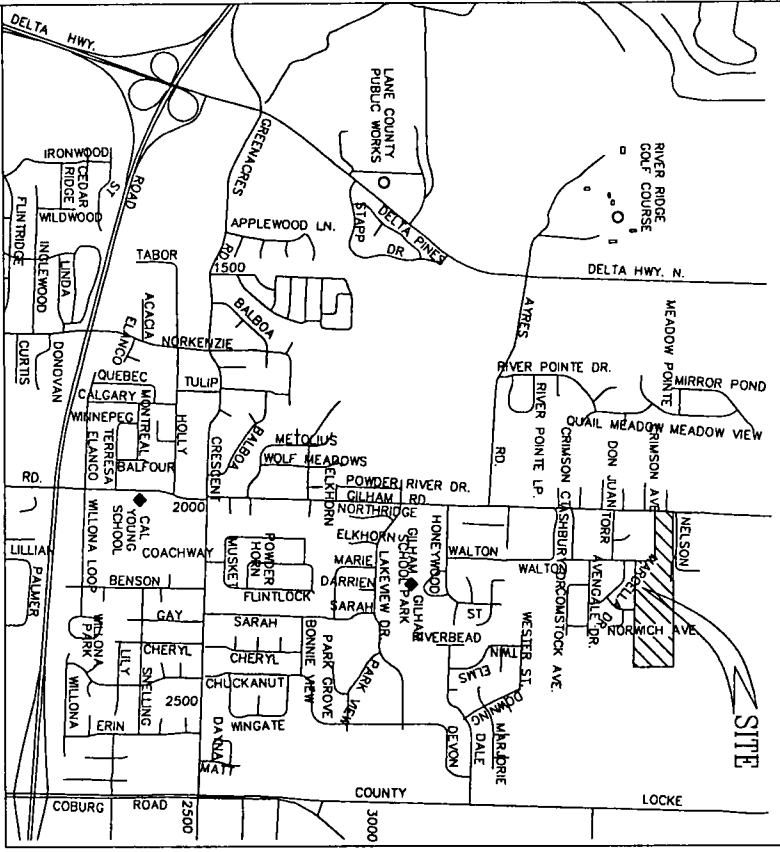
Beth Louest

City Recorder

Exhibit A

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 48 OF HIDDEN CREEK ESTATES III AS PLATTED AND RECORDED AS DOCUMENT NO. 2002-012407 LANE COUNTY DEEDS AND RECORDS, THENCE NORTH $00^{\circ}13'06''$ EAST 422.25 FEET; THENCE NORTH $89^{\circ}35'36''$ WEST 873.89 FEET; THENCE NORTH $89^{\circ}29'36''$ WEST 578.72 FEET, THENCE SOUTH $00^{\circ}23'38''$ WEST 153.10; THENCE SOUTH $89^{\circ}29'36''$ EAST 578.71 FEET, THENCE SOUTH $00^{\circ}23'56''$ WEST 272.63 FEET; THENCE SOUTH $89^{\circ}49'16''$ EAST 875.23 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON, AND CONTAINING 10.55 ACRES MORE OR LESS.

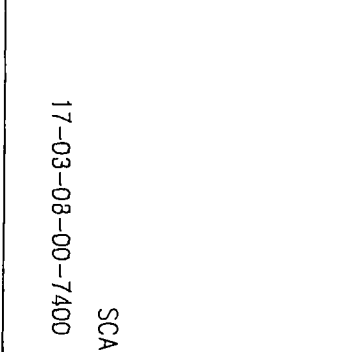
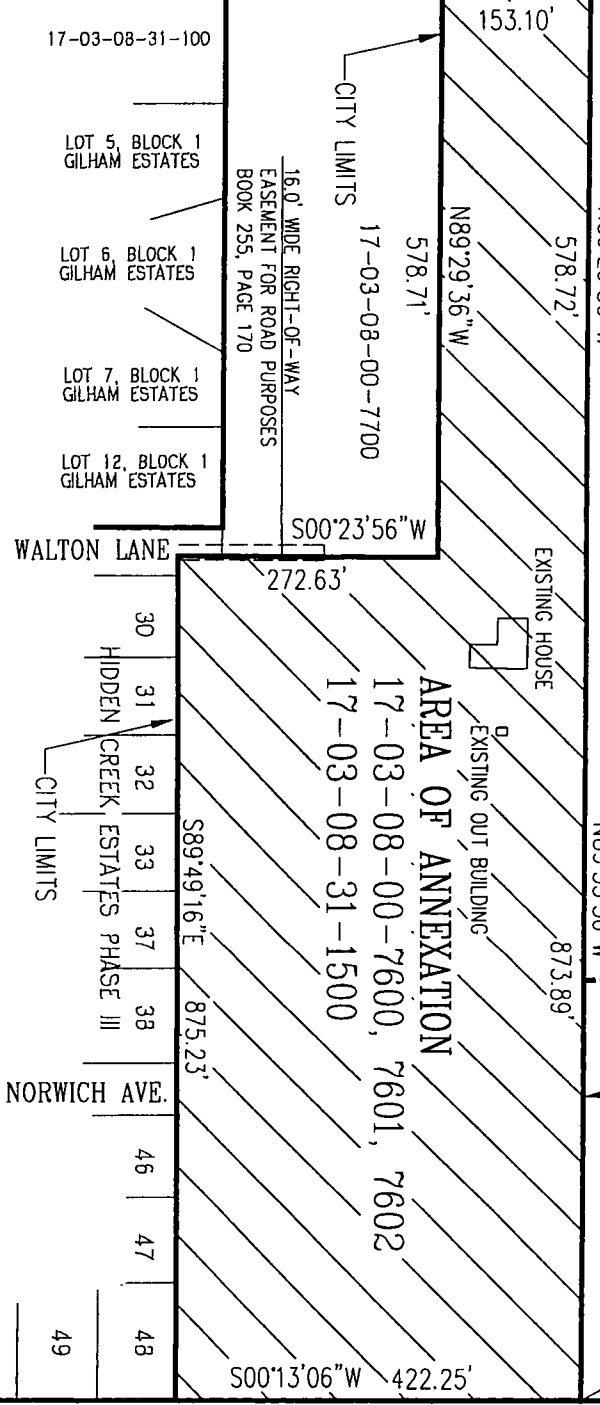


VICINITY MAP
NO SCALE

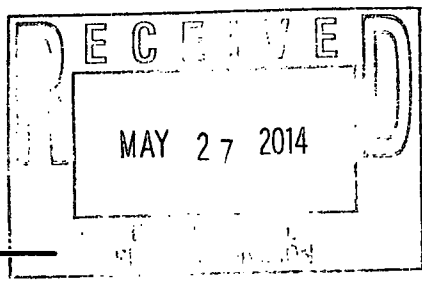
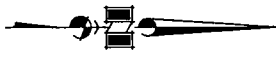
- 17-03-08-23-1700
- 17-03-08-00-5000
- 17-03-08-00-5700
- 17-03-08-00-5800

GILHAM ROAD

GILHAM ROAD S00°23'38"W



SCALE: 1" = 200'



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| SHEET 1 OF 1 | WILDELL SAND AND GRAVEL PROPERTY PLANS PREPARED BY THE FAVREAU GROUP CIVIL ENGINEERING 3750 NORWICH AVE. EUGENE, OR 97408 (541) 683-7048 | APPROVED: _____ DATE: _____ | ANNEXATION MAP FOR 17-03-08-00-7600, 7601, 7602 17-03-08-31-1500 CITY OF EUGENE PUBLIC WORKS DEPARTMENT |
| | REVISIONS DATE BY DESCRIPTION APP. CHECKED | DESIGNED _____ DRAWN _____ DATE 05-28-14 | TAX MAP 17-03-08-00 TAX LOTS 7600, 7601, 7602 TAX MAP 17-03-08-31 TAX LOT 1500 |



**Planning Director's Recommendations and Findings:
Lathen Trust (A 14-3)**

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| Application Submitted: May 27, 2014 | |
| Applicant: Jane J. Daniels Lathen Trust | |
| Map/Lot(s): 17-03-08-00: 7600, 7601, 7602 and 17-03-08-31: 1500 | |
| Zoning: AG/UL Agricultural with Urbanizable Land overlay | |
| Location: 3825 Gilham Road | |
| Representative: Anthony 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.

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| 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 | <p>Findings: The area to be annexed includes four tax lots totally 10.15 acres. The annexation area is within the City's urban growth boundary (UGB), which abuts the east boundary, and the eastern portion of the north boundary, of the subject property.</p> <p>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 north and east boundaries of the UGB have not been determined previously, but will be coterminous with city limits upon annexation of the subject request. Based on the provisions above, this annexation will establish the UGB boundary for that portion of property which is coterminous with the UGB, as shown and described on Exhibits A and B.</p> <p>The area of request is also contiguous to city limits, which abuts the south boundary of the subject property.</p> |
| <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 | <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> |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |

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| | | <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> <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.</p> <p>The <u>Willakenzie Area Refinement Plan (WAP)</u> is the adopted refinement plan for the subject property 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. Following annexation, the applicant plans on rezoning the subject property to R-1 Low-Density Residential and to subdivide the property for single-family development.</p> <p>With regard to applicable policies of the <u>WAP</u>, the subject property is within the “Unincorporated” subarea; none of these policies appear to be directly applicable to the subject request.</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> |
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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.

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| <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> |
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| | <p>Wastewater Public wastewater is available to serve the property from an existing 10-inch mainline located within Walton Lane, which terminates at the south boundary of the subject property. The applicant confirms that they will extend public wastewater within the subject property at the time of development, at the developer's expense. Public Works staff confirms that the subject property was included in the City's wastewater basin master plan for service from this mainline.</p> <p>Stormwater Public stormwater is not available to serve the subject property. Lane County staff confirms that the roadside ditch is designed to only accommodate runoff from Gilham Road and that no additional stormwater runoff from future development of the subject property will be allowed to be directed to the roadside ditch.</p> <p>The applicant confirms that future development of the subject property will include onsite stormwater management facilities to infiltrate all runoff within the bounds of the subject property. Available data indicates that the site is suitable for infiltration. This type of stormwater management is preferred in the City's stormwater development standards, for providing pollution-reduction and minimizing contributing flows to the public system and to more closely mimic the natural hydrological cycle. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.</p> <p>Streets The subject property abuts Gilham Road, to the west, which is under Lane County's jurisdiction. Inclusion of Gilham Road right-of-way is not proposed as part of the subject annexation request. Lane County staff note that future development of the subject property will be subject to general access and facility permit requirements.</p> <p>Walton Lane terminates at the south boundary, which is in City limits. The northward extension of Walton Lane through the subject property will be determined during the subsequent development permit process.</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) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.</p> <p>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</p> |
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| | <p>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>. Creekside Park is located approximately 550 feet to the west.</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.