



COUNCIL RESOLUTION NO. 5151

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-02-12, TAX
LOT 211).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: May 9, 2016



RESOLUTION NO. 5151

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-02-12, TAX LOT
211).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Richard Krumdieck on January 22, 2016, 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 17-04-02-12, Tax Lot 211.

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 Findings and Recommendation is attached as Exhibit C.

D. On April 8, 2016, 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 May 9, 2016.

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 Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-02-12, Tax Lot 211 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

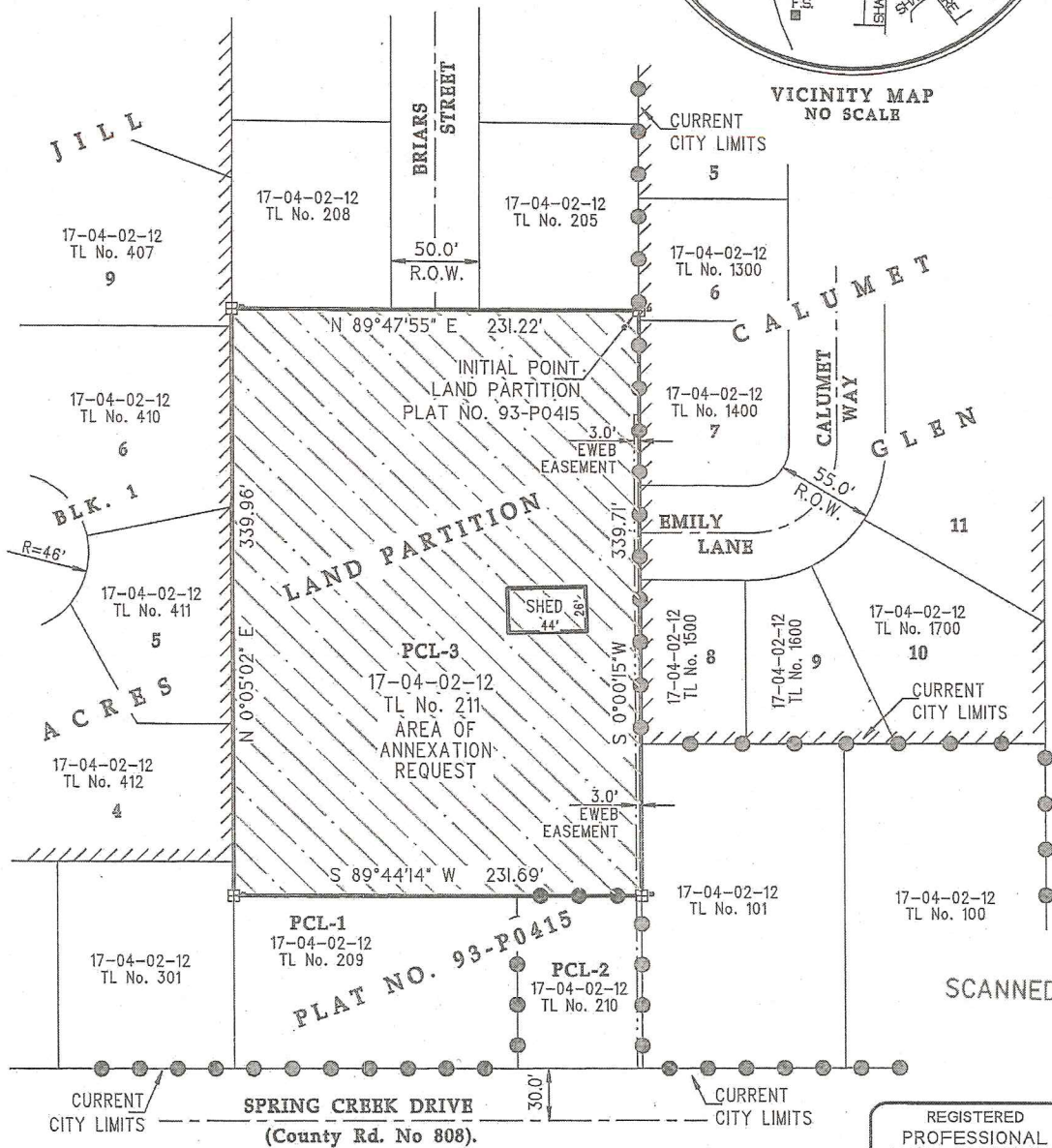
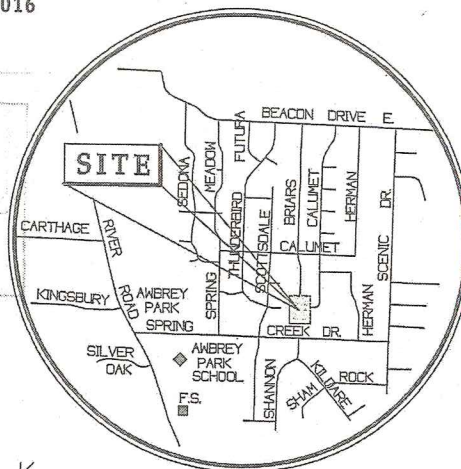
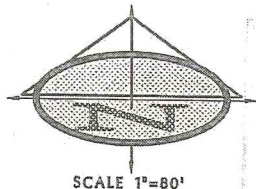
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 9th day of May, 2016.



Deputy City Recorder

SITE PLAN for KRUMDIECK PROPERTY ANNEXATION
NE 1/4, SEC. 2 T 17 S, R 4 W W.M.
ASSESSOR'S MAP 17-04-02-12 TL No. 211
EUGENE, LANE COUNTY, OREGON
JANUARY 14, 2016



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jonathan A. Oakes
OREGON
JULY 13, 1984
JONATHAN A. OAKES
2105

EXPIRES: DECEMBER 31, 2016

POAGE ENGINEERING & SURVEYING, INC.
P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505
JOB No. 4422 • DRAWN: JAO\4422.GXD • 01-16

SCANNED

Exhibit B

**Legal Description for the Annexation of the Krumdieck Property
to the City of Eugene
NE 1/4 SEC. 2 T 17 S, R 4 W W.M.
Assessor's Map No. 17-04-02-12, TL No. 211**

Parcel 3 of Land Partition Plat No. 93-P0415 as platted and recorded November 3, 1993 in the Lane County Oregon Partition Plat Files

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for Krumdieck, Richard (City File A 16-1)

Application Submitted: January 22, 2016
Applicant: Richard Krumdieck
Property Included in Annexation Request: Tax Lot 211 of Assessor's Map 17-04-02-12
Zoning: R-1/UL Low Density Residential with Urbanizable Lands Overlay
Location: South terminus of Brairs Street and west terminus of Emily Lane and west of Calumet Way
Representative: Jonathon Oakes, Poage Engineering, PO Box 2527, Eugene OR 97402; 541-485-4505
Lead City Staff: Nicholas Gioello, City of Eugene Planning Division, 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.			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Complies</td> </tr> <tr> <td style="text-align: center;"> <input checked="" type="checkbox"/> YES <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). As shown in the application materials and confirmed by City staff, the City limits are contiguous with the subject area of land along the eastern and western boundaries.
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" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Complies</td> </tr> <tr> <td style="text-align: center;"> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO </td> </tr> </table>	Complies	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic</i> text): <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> a. <i>A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> b. <i>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> <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i> <i>Policy 15. 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>
Complies			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

As addressed below under subsection (3), and consistent with these policies, a minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.

The Metro Plan designates the annexation area as appropriate for Low Density Residential use. 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 Low Density Residential uses. The property is currently zoned R-1/UL Low-Density Residential with Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.

With regard to applicable policies of the RR/SC UFP, the subject property is not located within any of the described subareas. Further, none of the general "Residential Land Use Policies" at Section 2.2 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 (regarding 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.

Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement plan.

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: Consistent with this criterion, 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 to serve the subject vacant property. There are existing 8-inch lines within Briars St. and Emily Ln. There is an On-Hold assessment due related to the existing public services that will become payable at the time of development.

Stormwater

There are no public stormwater facilities immediately adjacent to the subject property. Stormwater may be accommodated on site; records show that the Type B soils infiltrate well. Compliance with applicable stormwater development standards will be ensured at the time of development.

Transportation

The subject property abuts Briars Street, which is under Lane County jurisdiction, as well as Emily Lane and Calumet Way, residential City of Eugene streets with 28 feet of paving within a 55-foot right-of-way and setback sidewalks. Street improvements will be determined at the time of property development.

Lane County Transportation Planning

Comments from Public Works staff indicate the property has frontage on two streets, Briars Street and Emily Lane, which both dead end at the property boundary. To the north is the dead end of Briars Street. Briars Street is a Lane County road functionally classified as an urban Local Road.

For urban Local Roads, the minimum right-of-way width for development setback purposes is 60 feet, except that the right-of-way width may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee (Lane Code 15.070(1)(c)(i)(ff)).

In accordance with Lane Code 15.205(1), a Facility Permit shall be required for placement of facilities within the right-of-way of County roads. A Facility Permit may be required for any future connection to Briars Street.

In accordance with Lane Manual 15.515, storm water runoff from private property shall not be directed to the Lane County road right-of-way, or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate roadway storm water runoff.

Solid Waste

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

Water and Electric

EWEB Water staff state no objection to the annexation. EWEB Electric staff state no objection to the proposed annexation request. Water and electric services can be extended in accordance with EWEB policies and procedures.

Public Safety

Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by the City of Eugene Fire Department. 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.

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

A variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

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

CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. 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:

- Upon approval of the annexation, the base zoning of R-1 Low Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. The property is designated in the Metro Plan and River Road – Santa Clara Urban Facilities Plan for Low Density Residential use, which is consistent with the R-1 zoning. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- A Lane County Facility Permit shall be required for placement of facilities within the right-of-way of County roads. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, storm water facilities, or any other facility, thing, or appurtenance. Please contact 541-682-6902 or visit this link for information regarding facility permits: <http://www.lanecounty.org/Departments/PW/Engr/RightofWay/Pages/rowpermits.aspx>
- For information regarding EWEB requirements at the time of development, please contact Bill Johnson, EWEB Water, at 541-685-7377; Jon Thomas, EWEB Electric, at 541-685-7472; and Lori Price EWEB Right-of-Way, at 541-685-7366
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.