



**COUNCIL RESOLUTION NO. 5164**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-31, TAX  
LOTS 3600, 3700, 3800 AND 3900).**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: July 25, 2016**



**RESOLUTION NO. 5164**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-31, TAX LOTS  
3600, 3700, 3800 AND 3900).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted by Daniel and Christine Kersey on May 4, 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 17-03-08-31, Tax Lots 3600, 3700, 3800 and 3900.

**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 June 24, 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 Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 25, 2016.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

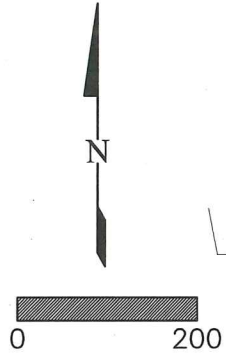
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**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 17-03-08-31, Tax Lots 3600, 3700, 3800 and 3900 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

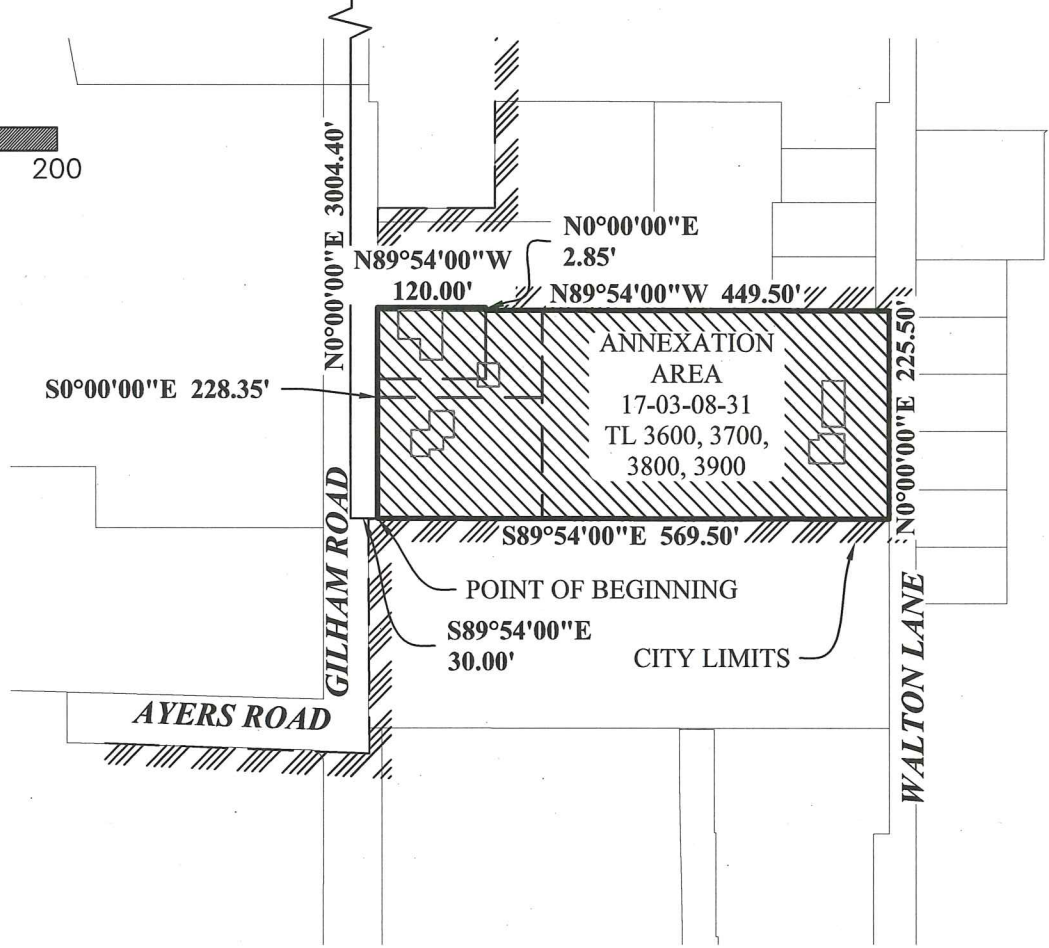
**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the 25<sup>th</sup> day of July, 2016.**

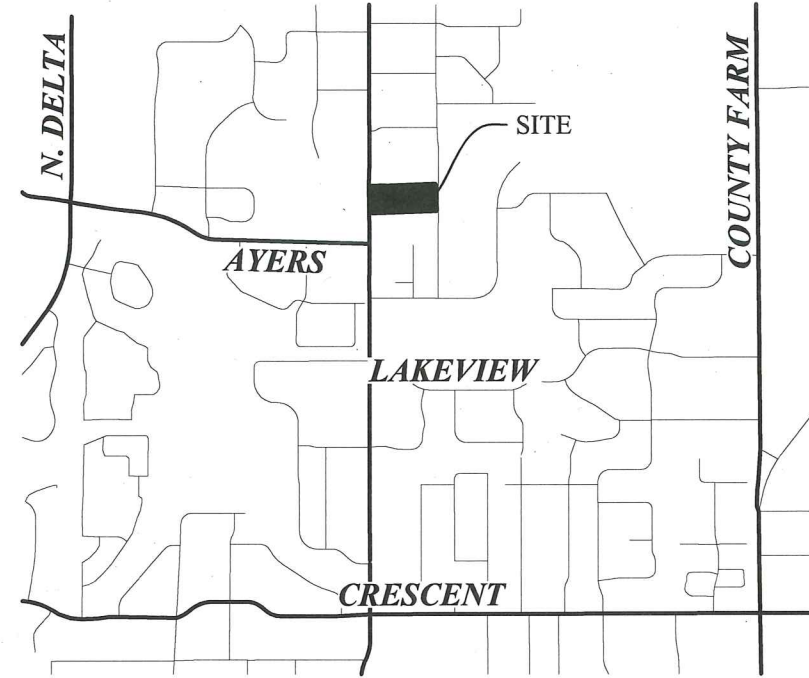
*Beth Louest*  
\_\_\_\_\_  
City Recorder



RE-ENTRANT ANGLE OF  
THOMAS N. AUBREY  
DONATION LAND CLAIM NO. 39



**FIGURE #1**  
**KERSEY ANNEXATION**  
**EUGENE, LANE COUNTY, OREGON**



VICINITY MAP - NO SCALE

Received

JUN 07 2016

City of Eugene  
Planning Division

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON  
JANUARY 14, 2003  
RYAN M. ERICKSON  
55524

EXPIRES: 12/31/17

**NOTE:**  
THIS MAP IS FOR ILLUSTRATIVE PURPOSES ONLY.  
IT IS COMPOSED FROM RECORD INFORMATION  
AND DOES NOT REPRESENT A BOUNDARY SURVEY.



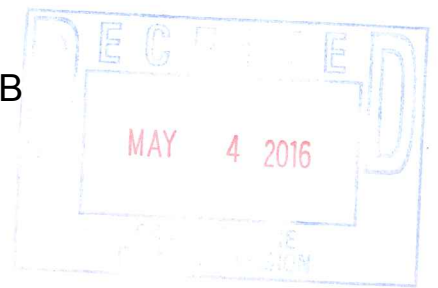
**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8087

Exhibit B



**Kersey Annexation**

**City of Eugene Annexation Submittal**

**All of Map and Tax Lots: 17-03-08-31 TL 3600, 3700, 3800, 3900**

Beginning at the re-entrant angle of the Thomas N. Aubrey Donation Land Claim No. 39, in Section 8, Township 17 South, Range 3 West of the Willamette Meridian; thence South 0°00'00" East 3004.40 feet along the West line of the Thomas N. Aubrey Donation Land Claim No. 39, to a point; thence South 89°54'00" East 30.0 feet across a 30.0 foot right-of-way to the **True Point of Beginning**; thence continuing South 89°54'00" East 569.50 feet; thence North 0°00'00" East 225.50 feet; thence North 89°54'00" West 449.50 feet; thence North 0°00'00" East 2.85 feet; thence North 89°54'00" West 120.0 feet to the Easterly margin of a 30.0 foot right-of-way; thence along said Easterly right-of-way South 0°00'00" East 228.35 feet to the Point of Beginning, all in Lane County, Oregon.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON  
JANUARY 14, 2003  
RYAN M. ERICKSON  
55524LS

EXPIRES: 12/31/2017



## Exhibit C

### Planning Director's Findings and Recommendation Annexation Request for Kersey (City File A 16-3)

<b>Application Submitted:</b> May 4, 2016
<b>Applicant:</b> Daniel and Chris Kersey
<b>Property Location:</b> Between Gilham Road and Walton Lane, north of Ayers Road (3445 and 3463 Gilham Road)
<b>Property Included in Annexation Request:</b> Tax Lots 3600, 3700, 3800 and 3900 of Assessor's Map 17-03-08-31
<b>Zoning:</b> AG/UL with Agriculture and Urbanizable Lands Overlay
<b>Representative:</b> Ryan Erickson, EGR & Associates, 2535 B Prairie View Rd., Eugene OR 97402; 541-688-8322
<b>Lead City Staff:</b> 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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b>			
<p>(a) Contiguous to the city limits; or</p> <p>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;"><b>Complies</b></td> </tr> <tr> <td style="text-align: center; padding: 2px;"> <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO         </td> </tr> </table>	<b>Complies</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b> 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 northern, southern, eastern, and western boundaries.</p>
<b>Complies</b>			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;"><b>Complies</b></td> </tr> <tr> <td style="text-align: center; padding: 2px;"> <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO         </td> </tr> </table>	<b>Complies</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b> 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 text</i>):</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 style="margin-left: 20px;"><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 style="margin-left: 20px;"><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-5).</i></p> <p><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</i></p>
<b>Complies</b>			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

		<p style="text-align: center;"><i>urban. (page II-C-5)</i></p> <p>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.</p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for Low Density Residential use. The current zoning of AG is intended to allow agricultural uses within the UGB until land is converted to urban use. Agricultural uses are considered interim uses until public facilities and services can be provided. In order for this property to further develop as residential property in the future, a zone change to R-1 Low Density Residential will be necessary.</p> <p>The <u>Willakenzie Area Plan</u> (WAP) is the adopted refinement plan for the subject property. The subject property is located within the Unincorporated Subarea of the WAP. None of the general "Residential Land Use Policies" appear to be directly applicable to the subject request. The "Public Facilities and Services Element" policies of the WAP 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 discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with the <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>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u>.</p>
<b>EC 9.7825(3)</b>		<b>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.</b>
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>		<p><b>Findings:</b> 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:</p> <p><u>Wastewater</u> Public wastewater is available within Gilham Road. The existing structures do not appear to be connected to the piped public system, as there are no sewer connection records available for these properties. There are no liens or assessments of record due.</p> <p><u>Stormwater</u> Public stormwater systems are not available to serve this property. The soil classification is Type B, which typically indicates that good infiltration rates can be expected. Future development proposals must demonstrate consistency with flood control standards; on-site retention is a feasible option for this site. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The property abuts Gilham Road, a Lane County Road, and Walton Lane, a City of Eugene Street. Eugene Public Works defers to Lane County Transportation Planning referral comments with regards to Gilham Road. Compliance with applicable street standards will be ensured at the time of development.</p>

	<p><u>Lane County Public Works</u>  Gilham Road is a Lane County road functionally classified as an urban Local Road having a minimum right-of-way width of 60 feet for development setback purposes, per LC 15.070(1)(c)(i)(ff)).</p> <p><u>Solid Waste</u>  Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u>  EWEB Water staff and Electric staff state no objection to the proposed annexation. Water and electric services can be extended in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u>  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.</p> <p><u>Parks and Recreation</u>  A minimum level of park services can be provided to the proposal area as prescribed in the Metro Plan.</p> <p><u>Planning and Development Services</u>  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><u>Communications</u>  A variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u>  The subject property is within the Eugene School District boundary and Gilham Elementary School, Cal Young Middle School, and Sheldon 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 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 AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. City review is required before development can occur on this lot. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.



- 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. 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. A Facility Permit is required if an existing approach to a County road is used, in order to verify that the portion of the approach that is within the County right-of-way meets current County standards [LC 15.205(3)]. 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 informational purposes, Lane County staff notes that because Gilham Road is a County road, future development of property connecting to Gilham Road is subject to the applicable requirements of Lane Code Chapter 15, including, but not limited to, the following:
  - LC 15.135 – General Access Requirements
    - (5) When an existing County Road is used to provide access to a vacant lot or parcel where development is proposed:
      - (a) the approach for the driveway or private access easement serving the property shall meet the access management requirements and spacing and sizing requirements of LC 15.137 through LC 15.139; and
      - (b) the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.105; and
      - (c) all work within the County Road right-of-way shall comply with the facility permit requirements of LC 15.205 through LC 15.210.
- 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.
- 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.