



COUNCIL RESOLUTION NO. 5165

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-21, TAX
LOTS 3700 AND 3701).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: July 25, 2016



RESOLUTION NO. 5165

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-21, TAX LOTS 3700 AND 3701).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Schirmer Satre Group on behalf of Joseph and Paula Forzano, and Georg Birns on May 6, 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 17-04-25-21, Tax Lots 3700 and 3701, and the portion of Hansen Lane right-of-way abutting the property to River Road.

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 River Road Community Organization. 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 17-04-25-21, Tax Lots 3700 and 3701, and the portion of Hansen Lane right-of-way abutting the property to River Road, depicted 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 25th day of July, 2016.

Beth Forrest
City Recorder

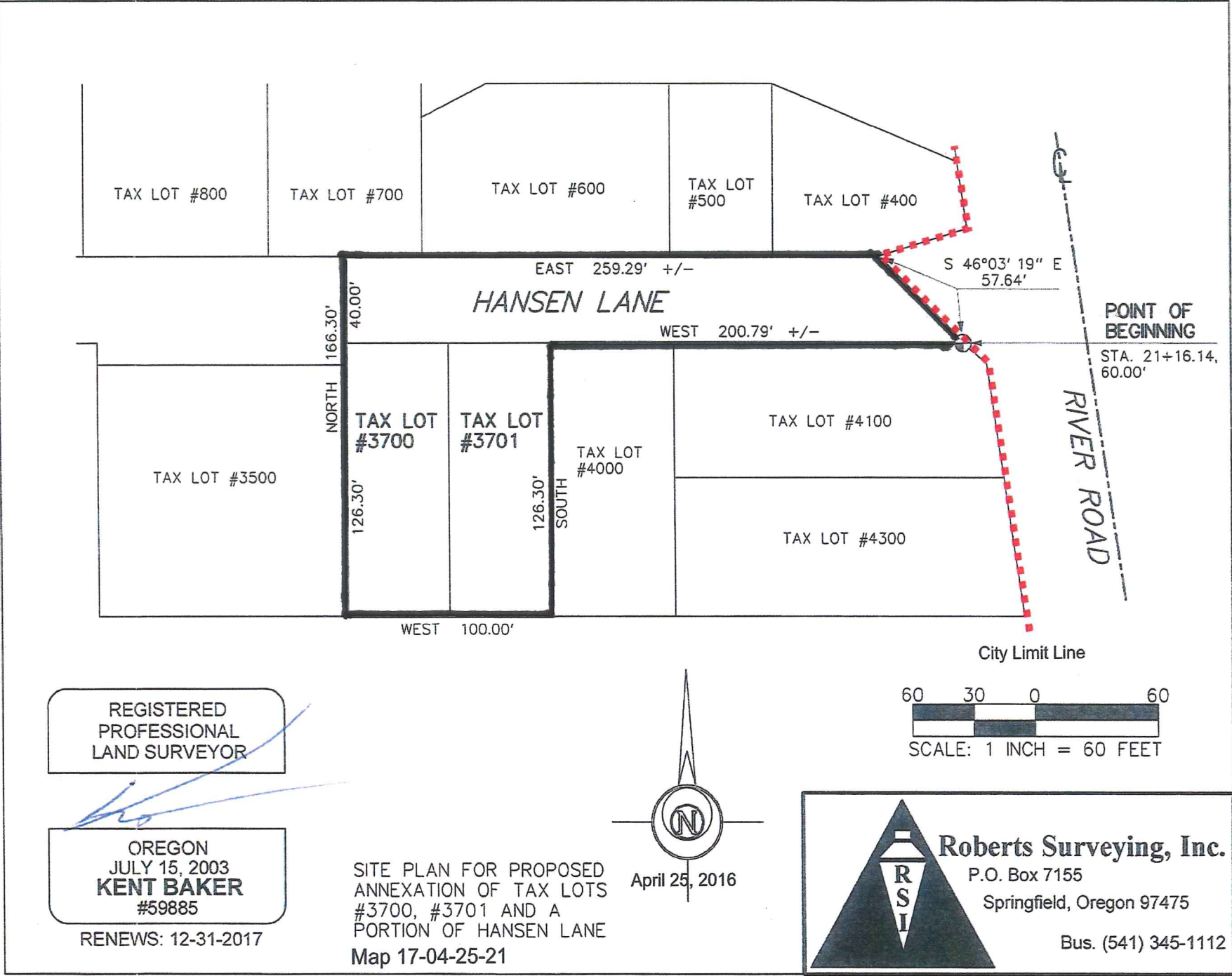


Exhibit A

Attachment B

Site Plan

Legal Description of Affected Territory to be Annexed

(Tax Lot #3700, #3701 and a portion of Hansen Lane)

A unit of land being situated in the northwest 1/4 Section 25, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of River Road, said point being perpendicular to and 60.00 feet opposite centerline station 21+16.14, said point also being located on the south right-of-way line of Hansen Lane;

Thence along the south right-of-way line of Hansen Lane, West 200.79 feet +/- to the northeast corner of Tax Lot #3701;

Thence leaving the south right-of-way line of Hansen Lane, South 126.30 feet to the southeast corner of Tax Lot #3701;

Thence West 50.00 feet to the southwest corner of Tax Lot #3701;

Thence continuing West 50.00 feet to the southwest corner of Tax Lot #3700;

Thence North 126.30 feet to the northwest corner of Tax Lot #3700, said northwest corner also being located on the south right-of-way line of Hansen Lane;

Thence continuing North 40.00 feet to the north right-of-way line of Hansen Lane;

Thence along the north right-of-way line of Hansen Lane, East 259.29 feet +/- to a point on the westerly right-of-way line of River Road, said point being perpendicular to and 95.00 feet opposite centerline station 21+61.75;

Thence South 46°03'19" East 57.64 feet to the point of beginning, all in Lane County, Oregon and containing 23,832 square feet (.55 acres) of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2017

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for Forzano (City File A 16-4)

Application Submitted: May 6, 2016
Applicant: Joseph Forzano, Paula Forzano and Georg Birns
Location: Hansen Lane, west of River Road
Property Included in Annexation Request: Tax Lots 3700 and 3701 of Assessor's Map 17-04-25-21 and a portion of Hansen Lane
Zoning: R-1/UL with Low-Density Residential and Urbanizable Lands Overlay
Representative: Richard Satre, Schirmer Satre Group, 375 West 4 th Ave, Ste 201, Eugene OR 97401; 541-686-4540
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> <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). As shown in the application materials and confirmed by City staff, the City limits are contiguous with the subject area of land and the inclusion of Hansen Lane public right of way from the subject area of land to River Road.
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> <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: 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>): <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 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>
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				

		<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 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 River Road – Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject property. The subject property is not located within an identified subarea of the RR/SC UFP. 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 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.</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>
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>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>		<p>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:</p> <p><u>Wastewater</u> Public wastewater is available within Hansen Lane. The subject properties are currently vacant; as-built records (microfile no. 3066.020), show an existing wastewater service is stubbed to the property. The lien docket indicates there are related On-hold assessments that will become payable at the time of development.</p> <p><u>Stormwater</u> Public stormwater systems are not immediately available to serve this property. The nearest public system is near the intersection of Hansen Lane and River Road, approximately 200 feet east of the subject properties. The applicant acknowledges that extension of the public system may be necessary to serve development; this would be at the expense of the applicant/developer. Development proposals must demonstrate consistency with flood control standards. On-site retention may be an acceptable option if on-site infiltration rates and design calculations are provided to demonstrate feasibility.</p> <p><u>Transportation</u> The property abuts Hansen Lane, a Lane County Road. City of Eugene Public Works defers to Lane County referral comments. Compliance with applicable street standards will be ensured at the time of development.</p>

		<p><u>Lane County Public Works</u> Hansen Lane 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 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 service 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 River Road Elementary School, Kelly Middle School, and North Eugene 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 R-1 Low Density Residential 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 may be required for any future connection to Hansen Lane. 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>
- 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.