



COUNCIL RESOLUTION NO. 5168

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-14-44, TAX
LOT 100).**

PASSED: 6:0

REJECTED:

OPPOSED:

ABSENT: Zelenka, Syrett

CONSIDERED: September 26, 2016



RESOLUTION NO. 5168

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-14-44, TAX LOT 100).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Doug Cowan on behalf of DSC Investment Trust on June 29, 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 17-04-14-44, Tax Lot 100.

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 August 12, 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 September 12, 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 17-04-14-44, Tax Lot 100, 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 26th day of September, 2016.

Beth Forrest
City Recorder

Annexation Site Plan

Tax Map 17-04-14-44

Tax Lot 100

July 5, 2016

Exhibit A

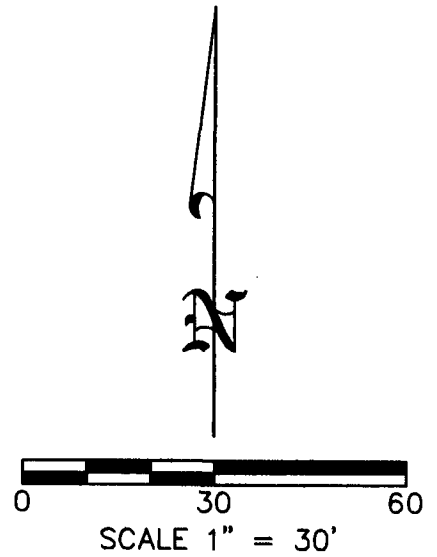
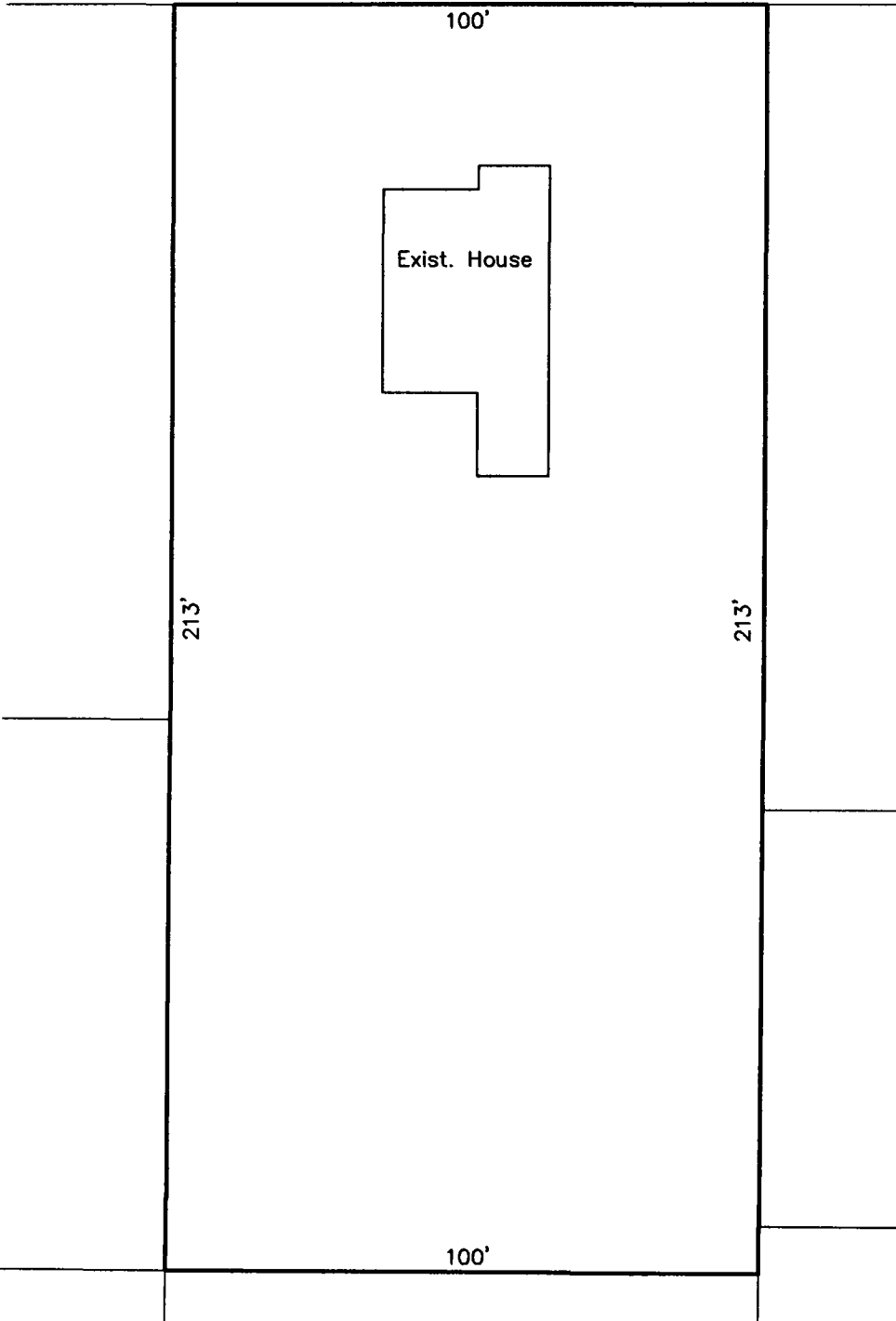
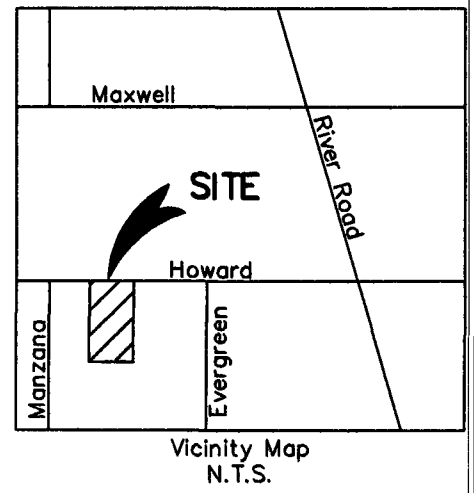
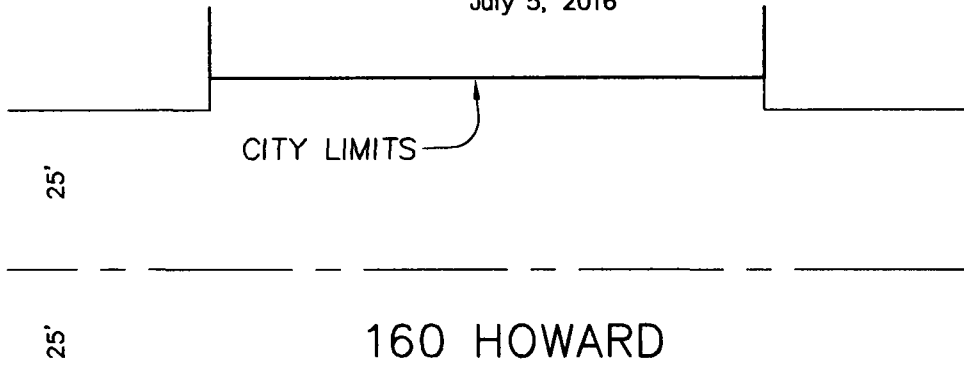


Exhibit B

Beginning at the Northeast corner of Lot 2, Block 1, Huetter Park, as platted and recorded in Book 19, Page 20, Lane County Oregon Plat Records, thence East 100 feet; thence North 213 feet to the South line of Howard Avenue; thence West 100 feet; thence South 213 feet to the point of beginning, in Lane County, Oregon.

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for the Doug Cowan Property (City File A 16-6)

Application Submitted: June 29, 2016
Applicant: Doug Cowan, DSC Investment Trust
Property Included in Annexation Request: Tax Lot 100 of Assessor's Map 17-04-14-44
Zoning: R-1/UL Low-Density Residential with Urbanizable Lands Overlay
Location: 160 Howard Avenue; west of River Road on south side of Howard Avenue
Surveyor: Dave Collier, Pacific Surveying
Lead City Staff: Erik Berg-Johansen, City of Eugene Planning Division, 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.

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 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Findings: The annexation area is within the City's urban growth boundary (UGB), and as proposed, will be separated from the city only by a public right of way, consistent with subsection (b).
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
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> <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-4).</i> <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> The <u>Metro Plan</u> designates the annexation area as appropriate for commercial use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject

		<p>properties and also designates the area for commercial uses. The property is currently zoned R-1/UL Low-Density Residential with a Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. 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 <u>RR/SC UFP</u> 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 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.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement plan.</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.		
Complies <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<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, via an 8-inch PVC pipe. The existing residence is connected to the public system by a 4-inch service line per connection record no. 34910. The lien docket indicates that wastewater related assessments have been paid.</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. 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 Howard Avenue, a Lane County Road. Compliance with applicable street standards will be ensured at the time of development.</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> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property.</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.</p>

		<p>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 telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Howard 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. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.