



**COUNCIL RESOLUTION NO. 5169**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-03-18-22,  
PORTION OF TAX LOT 601).**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Syrett**

**CONSIDERED: September 12, 2016**



**RESOLUTION NO. 5169**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-03-18-22, PORTION  
OF TAX LOT 601).**

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

**A.** An annexation application was submitted by McBirney Family Trust on June 9, 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 18-03-18-22, portion of Tax Lot 601. The portion of Tax Lot 601 subject to annexation is bounded on the north by the south margin of West 40<sup>th</sup> Avenue. The portion of Tax Lot 601 that extends from the south margin of West 40<sup>th</sup> Avenue to the center line of West 40<sup>th</sup> Avenue does not require annexation because it is already within the City limits.

**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 Southwest Hills Neighborhood Association. 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:**

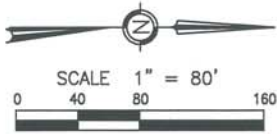
**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 18-03-18-22, portion of Tax Lot 601, depicted

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/WR to R-1/WR pursuant to EC 9.7820(3) shall become effective in accordance with State law.

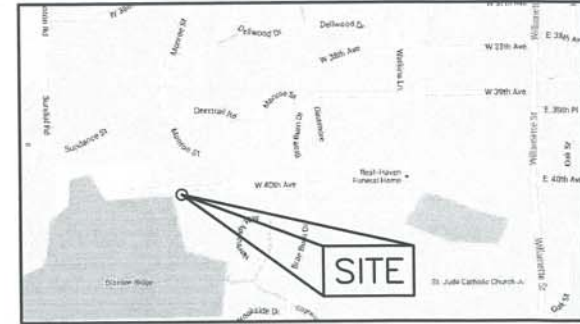
The foregoing Resolution adopted the 12<sup>th</sup> day of September, 2016.

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



# SITE PLAN FOR MCBIRNEY FAMILY TRUST ANNEXATION

NW 1/4, NW 1/4, SECTION 18, T. 18 S., R. 3 W., W.M.  
ASSESSOR'S MAP 18-03-18-22, TAX LOT 601  
EUGENE, LANE COUNTY, OREGON  
JULY 20, 2016



VICINITY MAP  
NOT TO SCALE

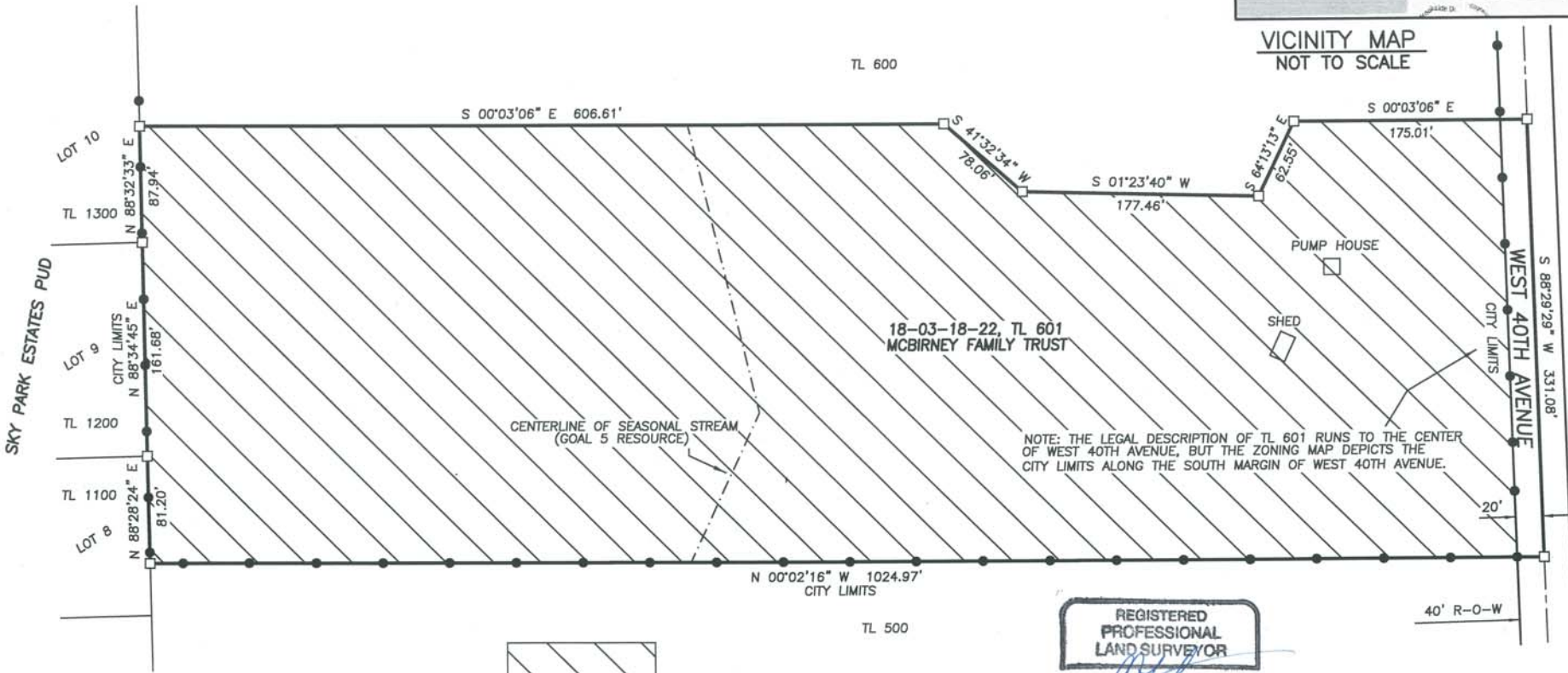


Exhibit A  
(Map Reduced in Size)

SKY PARK ESTATES PUD

LOT 10  
LOT 9  
LOT 8

TL 600

TL 500

WEST 40TH AVENUE  
CITY LIMITS



NOTE: COURSES AND DISTANCES DEPICTED HEREON ARE BASED ON COUNTY SURVEY FILE 42825, ON FILE IN THE OFFICE OF THE LANE COUNTY SURVEYOR, IN LANE COUNTY, OREGON.

NOTE: THE LEGAL DESCRIPTION OF TL 601 RUNS TO THE CENTER OF WEST 40TH AVENUE, BUT THE ZONING MAP DEPICTS THE CITY LIMITS ALONG THE SOUTH MARGIN OF WEST 40TH AVENUE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 30, 1997  
**LLOYD L. TOLBERT**  
2813

Expires 6/30/18

**TOLBERT ASSOCIATES, LLC**  
LAND SURVEYING & LAND USE PLANNING  
P.O. BOX 22603  
EUGENE, OREGON 97402  
(541) 359-8426  
WWW.TOLBERTASSOCIATES.COM  
CADD FILE-1397ANNEX.DWG  
DWN BY: LLT

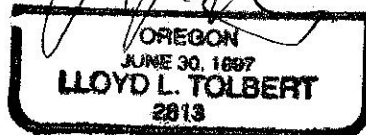
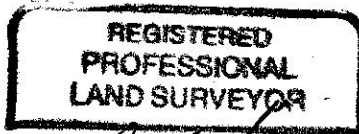
Exhibit B

**LEGAL DESCRIPTION  
FOR THE ANNEXATION OF THE MCBIRNEY FAMILY TRUST PROPERTY  
TO THE CITY OF EUGENE  
ASSESSOR'S MAP NO. 18-03-18-22, TAX LOT 601  
JULY 20, 2016**

Beginning at the northwest corner of Lot 24 of "Densmores Plat" as platted and recorded in Book, 2 Page 28 Lane County Oregon Plat Records; thence along the west line of said Lot 24 South 00°03'06" East 175.01 feet; thence leaving said west line bearing South 64°13'13" East 62.55 feet; thence South 01°23'40" West 177.46 feet; thence South 41°32'34" West 78.06 feet returning to said west line; thence along said west line South 00°03'06" East 606.61 feet to the north line of Lot 10, Sky Park Estates P.U.D as platted and recorded in File 73, Slide 717 in the Lane County Oregon Plat Records; thence along said north line of Sky Park Estates P.U.D. North 88°32'33" East 87.94 feet to the northeast corner of said Lot 10, being common to the north west corner of Lot 9; thence North 88°34'45" East 161.68 feet to the northeast corner of said Lot 9, being common to the northwest corner of Lot 8; thence North 88°28'41" East 81.20 feet; thence leaving said north line of Sky Park Estates P.U.D. and along the east line of said Lot 24 North 0°02'16" West 1044.97 feet to the northeast corner of said Lot 24; thence along the north line of said Lot 24, South 88°29'29" West 331.08 feet to the point of beginning, all in Lane County, Oregon.

Containing 7.66 acres, more or less

Courses and distances depicted hereon are based on County Survey File 42825, on file in the office of the Lane County Surveyor, in Lane County, Oregon.



~~Expires~~ 6/30/18

## Exhibit C



### Planning Director's Findings and Recommendation Annexation Request for McBirney Family Trust (City File A 16-5)

<b>Application Submitted:</b> June 9, 2016
<b>Applicant:</b> Carmen Mcbirney, McBirney Family Trust
<b>Property Included in Annexation Request:</b> Tax Lot <b>601</b> of Assessor's Map <b>18-03-18-22</b>
<b>Zoning:</b> R-1/WR/UL Low-Density Residential with Water Resource and Urbanizable Lands Overlays
<b>Location:</b> South side of West 40 <sup>th</sup> Avenue, west of Brae Burn Drive
<b>Surveyor:</b> Lloyd Tolbert
<b>Lead City Staff:</b> Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

**EVALULATION:**

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 style="margin-left: 20px;">(a) <b>Contiguous to the city limits; or</b></p> <p style="margin-left: 20px;">(b) <b>Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<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).</p>
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<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</i> text):</p> <p style="margin-left: 20px;"><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: 40px;"><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: 40px;"><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 style="margin-left: 20px;"><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p style="margin-left: 20px;"><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>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>South Hills Study</u> is the applicable refinement plan for the area. The following policies from that plan are applicable to this request (in <i>italic text</i>):</p> <ul style="list-style-type: none"> <li>• <i>Insure that annexation serves a public purpose as well as a private purpose</i></li> <li>• <i>That future annexation requests within the potential urban service area be evaluated upon the following bases:</i> <ul style="list-style-type: none"> <li>a. <i>The ability of the community to provide public services for the potential development in an economic and efficient manner; and</i></li> <li>b. <i>The previous maintenance of the property as a desirable residential environment (Note: if the City adopts an ordinance governing vegetation removal as a result of the present City Council subcommittee research, the standards set forth in that ordinance could provide the basis for evaluation previous maintenance of the property).</i></li> </ul> </li> </ul> <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, consistent with the refinement plan policies above.</p> <p>Further, the proposed annexation facilitates development of a vacant property within the City's UGB. This serves a public purpose because wastewater systems will be brought closer to other undeveloped properties. A private purpose is served because annexation allows the property owner to develop the land.</p> <p>Finally, 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>Based on the findings above, the proposal is consistent with the applicable policies of the <u>South Hills Study</u>.</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.**

<b>Complies</b>		
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<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>  Currently, there are no existing public wastewater lines available to serve this property. The applicant has submitted documentation establishing feasibility of orderly extension of the public wastewater system to serve the subject property per a Technical Memorandum prepared by Dennis Boeger, P.E. of Boeger &amp; Associates, LLC, dated July 18, 2016. Although the precise location of the line has not yet been determined, the general alignment takes into consideration natural resources, setbacks, and slopes. Additionally, the applicant obtained and submitted consent from adjacent affected property owners per public utility easement documents which have been prepared, signed, and notarized; these drafts have been reviewed and approved and are ready for recordation - in anticipation of future construction of said wastewater pipes. As an informational item, there are no capital improvements planned to install public wastewater in this area at this time, and therefore, the proposed extension of public wastewater to serve the subject property would be reviewed through the privately engineered public improvement (PEPI) process, and financial surety would be the responsibility of the private developer.</p> <p><u>Stormwater</u>  Public stormwater systems are not available to serve this property. Development proposals must demonstrate consistency with flood control standards; retention may be a feasible option for this site if soil tests demonstrates adequate infiltration rates exist on-site and applicable stormwater</p>

	<p>management design standards are adhered to. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The property abuts West 40th Avenue, an unimproved local street. Compliance with applicable street standards, such as street connectivity, street widths, and street improvements will be evaluated 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. 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 Edgewood Elementary School, Spencer Butte Middle School, and South 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 and the /WR Water Resources overlay 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.