



COUNCIL RESOLUTION NO. 5172

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00, TAX
LOT 303).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: October 24, 2016



RESOLUTION NO. 5172

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00, TAX LOT
303).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by John and Maureen Stadter on August 2, 2016, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-08-00, Tax Lot 303.

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 September 23, 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' neighborhood association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 24, 2016.

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

NOW, THEREFORE,

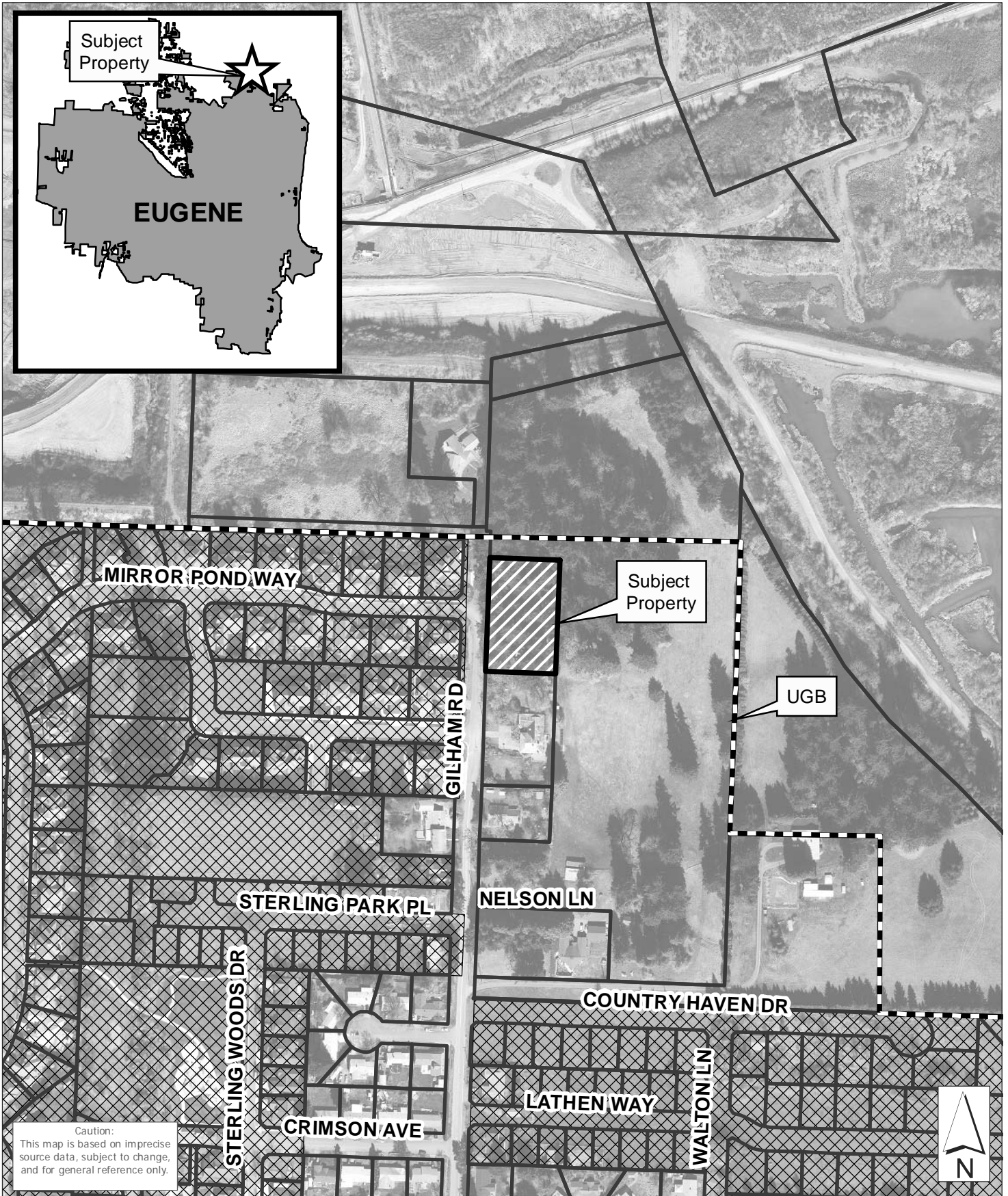
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**





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 17-03-08-00, Tax Lot 303, 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 AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 24th day of October, 2016.

Beth Forrest
City Recorder



 Subject Property	 City Limits
 Eugene UGB	 Taxlots

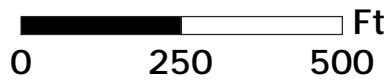


Exhibit A

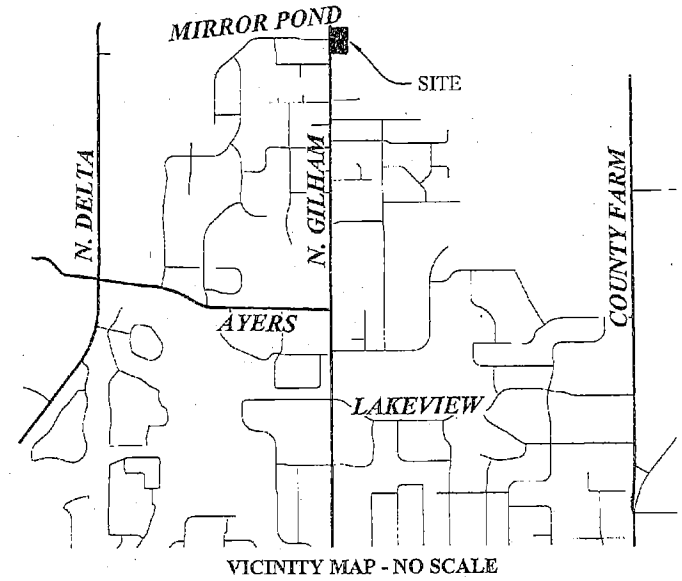
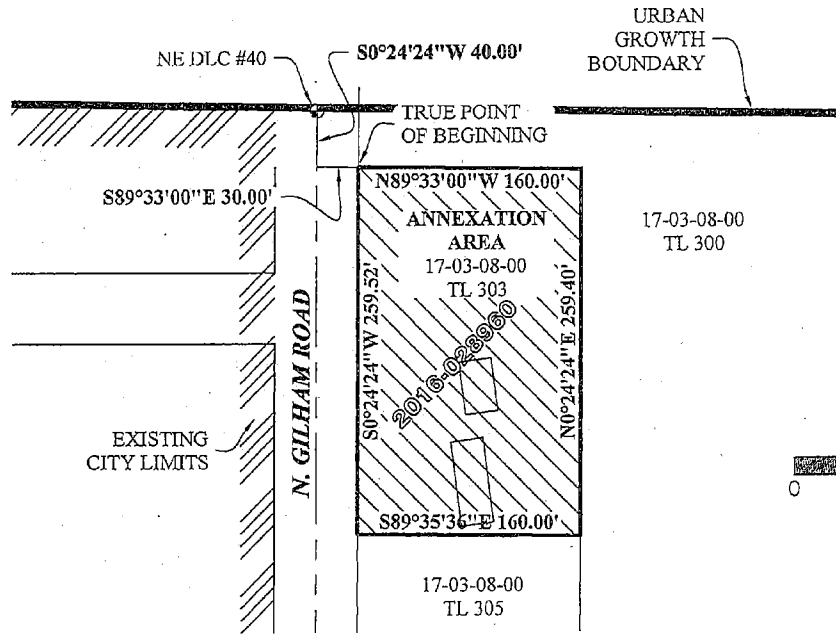


FIGURE #1
 STADTER ANNEXATION
 EUGENE, LANE COUNTY, OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Ryan M. Erickson
 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

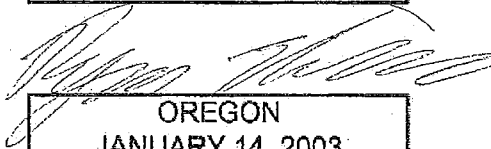
Exhibit B

Stadter Annexation

Map 17-03-08 Tax Lot 303

Beginning at the Brass Cap marking the Northeast Corner of the A.B. Stevens Donation Land Claim No. 40, Township 17 South, Range 3 West of the Willamette Meridian; thence South $0^{\circ}24'24''$ West 40.00 feet along the East line of said Donation Land Claim No. 40; thence South $89^{\circ}33'00''$ East 30.00 feet to an iron pin set on the East right of way line of Gilham Road marking the **True Point of Beginning**; thence South $0^{\circ}24'24''$ West 259.52 feet along said right of way line; thence South $89^{\circ}35'36''$ East 160.00 feet; thence North $0^{\circ}24'24''$ East 259.40 feet along a line parallel with the East line of said Donation Land Claim No. 40 to a point marked by an iron pin; then North $89^{\circ}33'00''$ West 160.00 feet to the True Point of Beginning, in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524LS

EXPIRES: 12/31/2017

Exhibit C



**Planning Director's Findings and Recommendation
Annexation Request for the Stadter Property
(City File A 16-7)**

Application Submitted: August 2, 2016
Applicant: John and Maureen Stadter
Property Included in Annexation Request: Tax Lot 303 of Assessor's Map 17-03-08-00
Zoning: AG Agricultural with /UL Urbanizable Lands Overlay
Location: 4075 Gilham Road (located in Northeast Eugene)
Representative: Richard Satre, Schirmer Satre Group
Lead City Staff: 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.

EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:						
<p align="center">(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.</p>						
<table border="1"> <tr> <td align="center" colspan="2">Complies</td> <td rowspan="2">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).</td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/> YES</td> <td align="center"><input type="checkbox"/> NO</td> </tr> </table>		Complies		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).	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Complies		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).				
<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"> <tr> <td align="center" colspan="2">Complies</td> <td rowspan="2">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):</td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/> YES</td> <td align="center"><input type="checkbox"/> NO</td> </tr> </table> <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> <ul style="list-style-type: none"> <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> <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 urban. (page II-C-5)</i></p>		Complies		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):	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Complies		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):				
<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 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.

The Willakenzie Area Plan (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.

As discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with the 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.

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		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:
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
		<p><u>Wastewater</u></p> <p>The nearest public wastewater system is within Mirror Pond Way, approximately 200 feet west of the subject property. There is an existing 8-inch line that could be feasibly extended east to serve the subject property. As an informational item, the depth of the existing line (in Mirror Pond) is only about 5-feet below surface, and because gravity fall is required within the public wastewater system, there is a standard minimum slope to consider with the design; therefore, extension of this segment of the public system ends up being relatively shallow at the connection point for the subject property, which may result in a need for private pumps, or an alternative solution to meet adequate slope minimums.</p> <p>Additionally, 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></p> <p>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. A portion of the property may be within Special Flood Hazard Area</p>

Zone A.

Transportation

The property abuts Gilham Road, a Lane County Road. Compliance with applicable street standards, such as street connectivity, street widths, and street improvements will be evaluated at the time of development. Lane County Transportation Planning encourages the City of Eugene to annex that portion of Gilham Road adjacent to the currently proposed annexation because annexation now will provide the opportunity for future jurisdictional transfer when and if such a jurisdictional transfer is desired (however annexation of the right-of-way is not proposed or required). For informational purposes, Lane County staff note 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.

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

Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property.

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 Eugene Springfield Fire. 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 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 Gilham Elementary School, Cal Young Middle School, and Sheldon 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 AG 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.