



COUNCIL RESOLUTION NO. 5177

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-15-41, TAX
LOT 1700).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: December 12, 2016



RESOLUTION NO. 5177

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-15-41, TAX LOT
1700).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Walter A. Drews on behalf of JLA Investments, LLC on September 8, 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 17-04-15-41, Tax Lot 1700.

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 November 10, 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 applicant, 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 December 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 17-04-15-41, Tax Lot 1700, 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 12th day of December, 2016.

A handwritten signature in blue ink, appearing to read "Chuck Caswell", written over a horizontal line.

Deputy City Recorder

Exhibit A

ASSESSOR'S MAP: 17-04-15-41
TAX LOT: #1700

DATE: SEPTEMBER 6, 2016
REVISED: OCTOBER 17, 2016

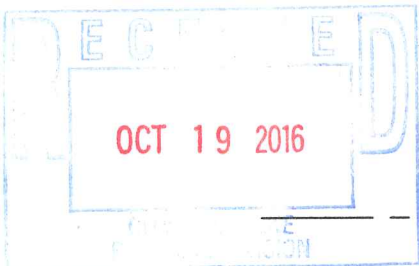
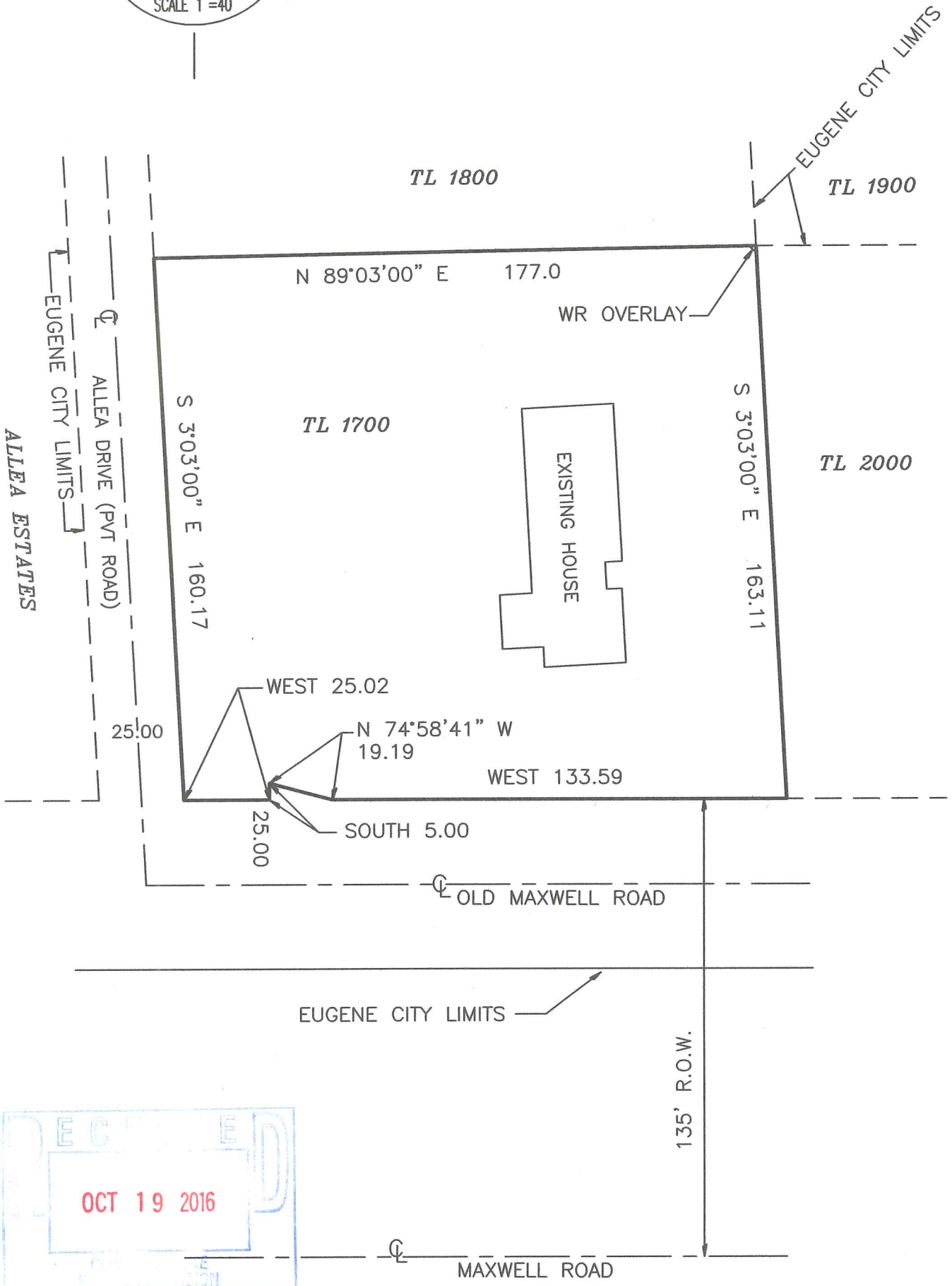
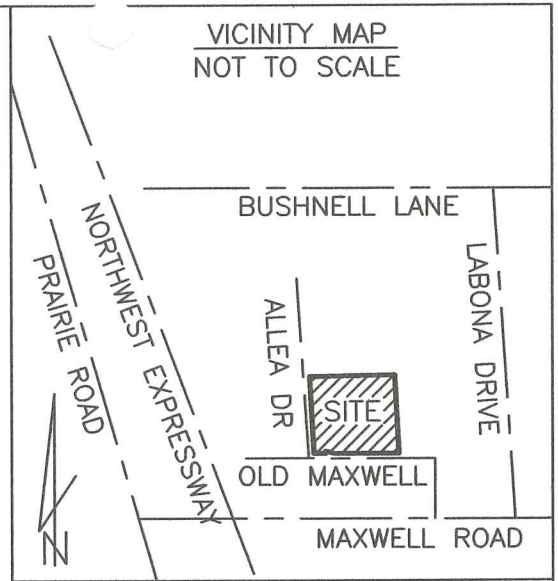
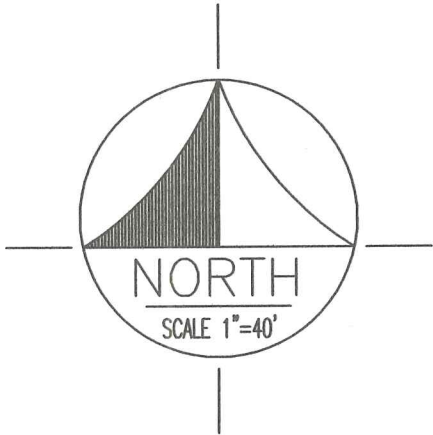


Exhibit B

Description of Property to be Annexed

Beginning at the Southeast corner of ALLEA ESTATES as platted and recorded in document No. 2013-054010, Lane County Oregon Official Records, said point also being on the Northerly margin of Maxwell Road; thence leaving said Northerly margin along the Easterly boundary of said ALLEA ESTATES, North 3° 03' 00" West 160.17feet; thence North 89° 03' 00" East 177.00 feet; thence South 3° 03' 00" East 163.11 feet to said Northerly margin of Maxwell Road; thence along said Northerly margin of Maxwell Road the following courses and distances West 133.59 feet, North 74° 58' 41" West 19.19 feet, South 5.00 feet, West 25.02 feet to the point of beginning in Lane County, Oregon.

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for JLA Investments (City File A 16-8)

Application Submitted: September 8, 2016
Applicant: JLA Investments, LLC
Location: 1325 Maxwell Road
Property Included in Annexation Request: Tax Lot 1700 of Assessor's Map 17-04-15-41
Zoning: Low-Density Residential (R-1) with Urbanizable Lands (/UL) and Water Resources Conservation (/WR) overlays
Surveyor: Krush & Associates
Lead City Staff: Althea Sullivan, City of Eugene Planning Division, 541-682-5282

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:			
<p style="margin: 0;">(a) Contiguous to the city limits; or</p> <p style="margin: 0;">(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>			
<p style="text-align: center;">Complies</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%; border: none;"><input checked="" type="checkbox"/> YES</td> <td style="text-align: center; width: 50%; border: none;"><input type="checkbox"/> NO</td> </tr> </table>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<p>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.</p>
<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.			
<p style="text-align: center;">Complies</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%; border: none;"><input checked="" type="checkbox"/> YES</td> <td style="text-align: center; width: 50%; border: none;"><input type="checkbox"/> NO</td> </tr> </table>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<p>Findings: Several policies from the <u>Metro Plan</u> 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> <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>
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO		

		<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> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for Medium Density Residential use. The <u>River Road – Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject property. The subject property is located within the Maxwell/Park Avenue subarea of the <u>RR/SC UFP</u>, and is designated for Medium Density residential.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u> 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 <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 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</p> <p><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 service is available within Maxwell Road. Sewer connection record 30636 shows an existing connection to the 8-inch main line, additionally the wastewater equivalent assessment has been paid.</p> <p><u>Stormwater</u> Public Works staff notes that the existing stormwater system is not owned or maintained by the City of Eugene. However, there are options for complying with stormwater standards which will be further evaluated at the time of future development.</p>

		<p><u>Transportation</u> The property abuts Old Maxwell Road to the south, which is under the jurisdiction of the City of Eugene, and Allea Drive, a private road, to the west. 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> 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> Parks and recreation programs are provided on a City wise basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</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 providing a minimum level of this key urban service.</p> <p><u>Public Schools</u> The subject property is within the Bethel school district. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</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 Conservation 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 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.