



**COUNCIL RESOLUTION NO. 5178**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-41, TAX  
LOT 9402).**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: December 12, 2016**



**RESOLUTION NO. 5178**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-41, TAX LOT  
9402).**

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

**A.** An annexation application was submitted by Douglas S. Cowan on September 26, 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 17-04-11-41, Tax Lot 9402.

**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 Santa Clara 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 17-04-11-41, Tax Lot 9402, 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.

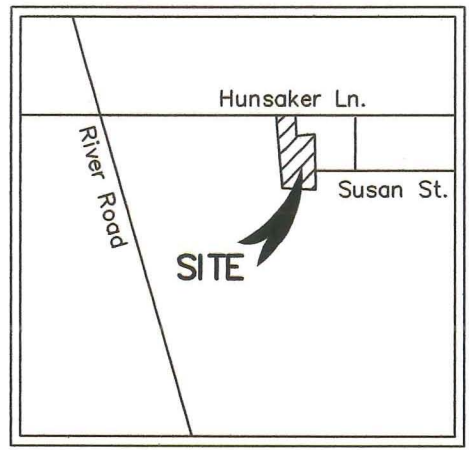
**The foregoing Resolution adopted the 12<sup>th</sup> day of December, 2016.**

A handwritten signature in blue ink that reads "Chuck Cankett". The signature is written in a cursive style with a horizontal line extending from the end of the name.

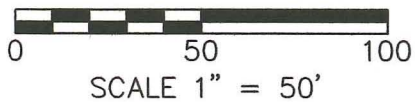
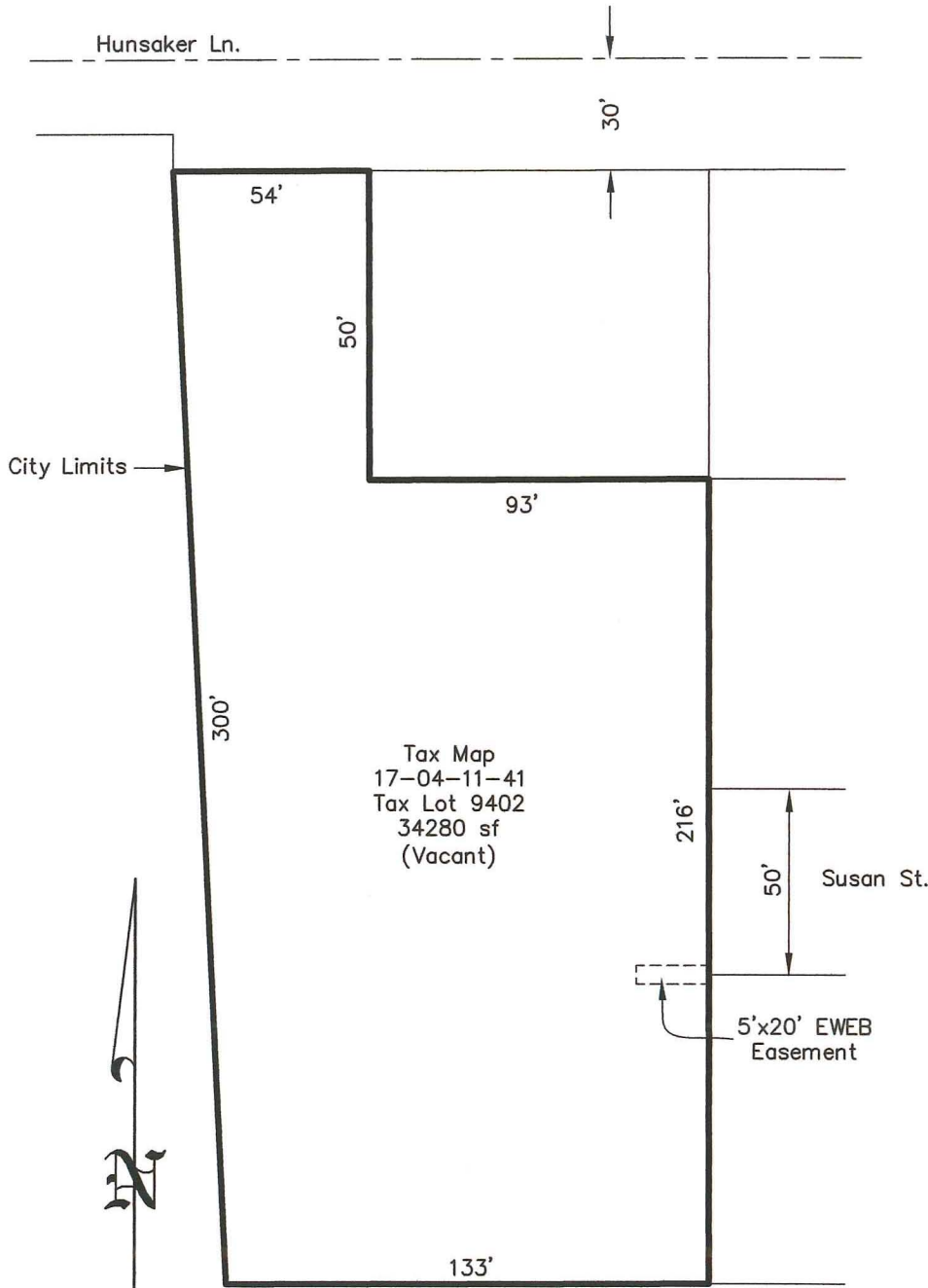
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**Deputy City Recorder**

Exhibit A  
Annexation Site Plan  
Tax Map 17-04-11-41  
Tax Lot 9402  
September 25, 2016



Vicinity Map  
N.T.S.



Received

OCT 31 2016

City of Eugene  
Planning Division

Received

Exhibit B

OCT 31 2016

City of Eugene  
Planning Division

Parcel 2, Land Partition Plat No. 96-P0928, Lane County Oregon Plat Records.

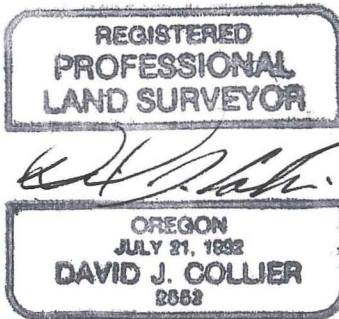


Exhibit C



**Planning Director's Findings and Recommendation  
Annexation Request for Cowan, Doug  
(City File A 16-9)**

<b>Application Submitted:</b> September 26, 2016
<b>Applicant:</b> Doug Cowan
<b>Location:</b> Property abuts Susan Street to the east.
<b>Property Included in Annexation Request:</b> Tax Lot 9402 of Assessor's Map 17-04-11-41
<b>Zoning:</b> Low-Density Residential (R-1) with Urbanizable Lands overlay (/UL)
<b>Surveyor:</b> David J. Collier
<b>Lead City Staff:</b> 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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b> <b>(a) Contiguous to the city limits; or</b> <b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<b>Complies</b>	<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). As shown in the application materials and confirmed by City staff.
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<b>Complies</b>	<b>Findings:</b> 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</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</i>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

		<p><i>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 Low 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 River Road/ Division subarea of the <u>RR/SC UFP</u>, and is designated for Low Density 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>
<p><b>EC 9.7825(3)</b></p>		<p><b>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></p>
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> YES</p>	<p><input type="checkbox"/> NO</p>	<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> Public Works staff note that there is an existing 6-inch service from the 8-inch main line in Hunsaker Lane (see as-built 3325.80), and an 8-inch stub from Susan Street (see as-built 3326.030). Public Works staff also notes that there is an on-hold wastewater equivalent assessment that will become payable at the time of development.</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. Additionally referral comments from Lane County staff note that stormwater runoff will need to be retained on-site or directed to an approved discharge</p>

point, other than Lane County roads.

Transportation

The property abuts Hunsaker Lane to the north and Susan street to the east, both of which are under the jurisdiction of Lane County. Lane County staff notes that neither road is improved to urban standards and access and improvement requirements will be determined at the time of development.

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

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.

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 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.

Parks and Recreation

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.

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 providing a minimum level of this key urban service.

Public Schools

The subject property is within the Eugene 4J 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.



**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 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.