



COUNCIL RESOLUTION NO. 5185

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-04-03-00, TAX
LOT 6600).**

PASSED: 5:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Poling, Evans

CONSIDERED: March 13, 2017



RESOLUTION NO. 5185

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-04-03-00, TAX LOT 6600).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on December 8, 2016, by Kirk and Lisa Vonderheit as Trustees for the Ruby E. Vonderheit Revocable Trust, 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 18-04-03-00, Tax Lot 6600.

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 February 10, 2017, 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 Churchill Area Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on March 13, 2017.

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 18-04-03-00, Tax Lot 6600, 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/WR/UL to R-1/WR pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 13th day of March, 2017.

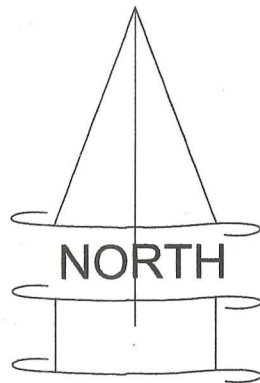
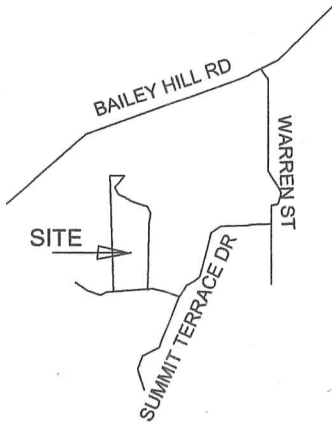
Beth Lorent
City Recorder

ANNEXATION MAP

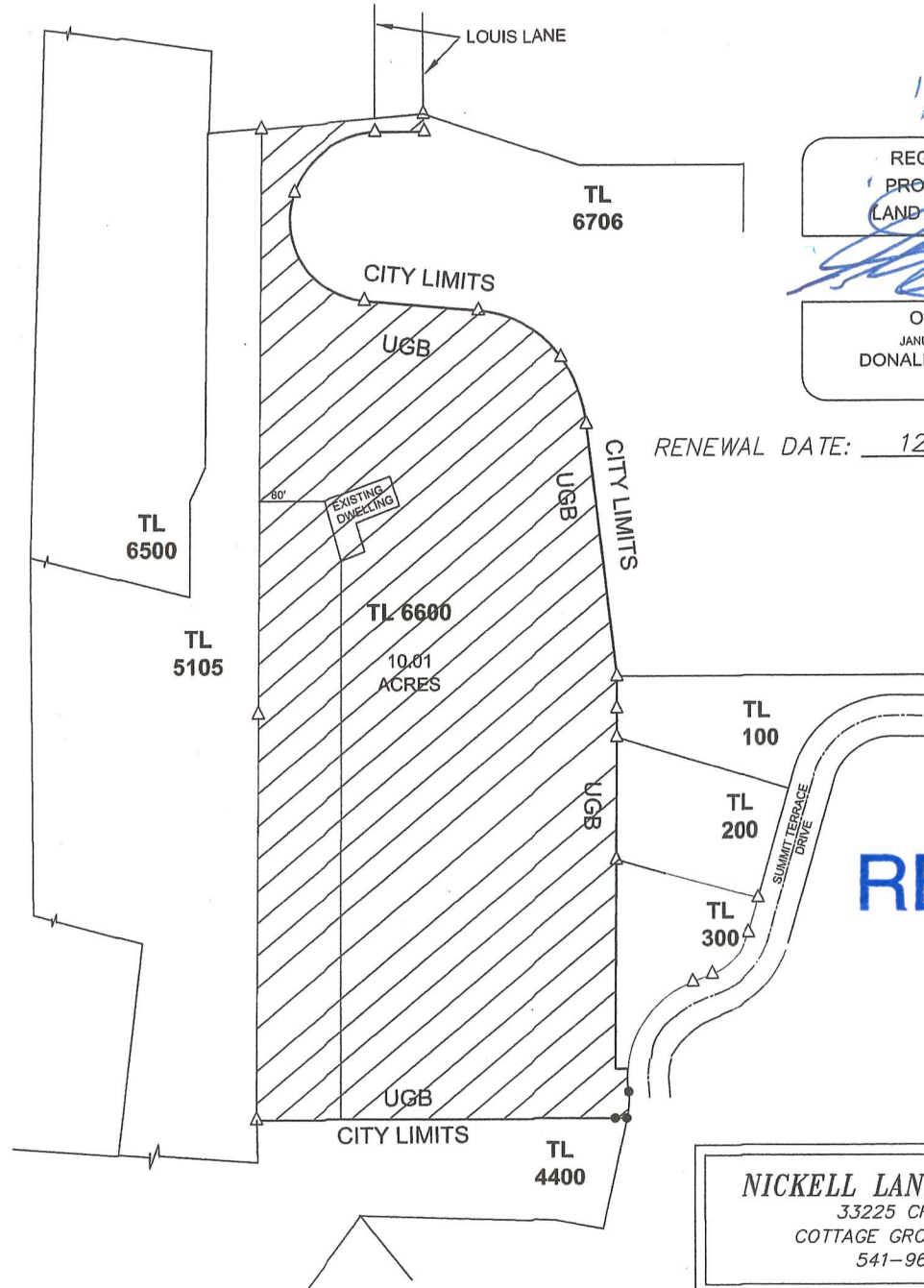
FOR
RUDY E. VONDERHEIT REVOCABLE
TRUST

TAX LOT 6600 T.18S., R.4W., SECTION 3
EUGENE, OREGON

DATED JANUARY 10, 2017



SCALE: 1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 19, 1993
DONALD G. NICKELL
2585

RENEWAL DATE: 12/31/2018

RECEIVED

JAN 13 2017

City of Eugene
Planning Division

NICKELL LAND SURVEYING
33225 CRAIG LOOP
COTTAGE GROVE, OR 97424
541-968-2905

Exhibit B

LEGAL DESCRIPTION OF ANNEXATION AREA

DESCRIPTION OF TAX LOT 6600 OF TAX MAP 18-04-03

Commencing at the Northwest corner of Lot 9, Block 4 in the Plat of CHERRY-LANDS (in Sections 3 and 10), Township 18 South, Range 4 West, of the Willamette Meridian, as platted and recorded in Book 5, Page 15, Lane County Oregon Plat Records, and run thence South 0° 39' East 377.00 feet; Thence South 5° 12' East 340.2 feet to the TRUE POINT OF BEGINNING of this tract of land herein described; from the TRUE POINT OF BEGINNING, running thence South 3° 04' East 22.6 feet; Thence South 86° 56' West 59.82 feet; Thence on a 110.6 foot radius curve left (the long chord of which bears South 53° 18' West 122.52 feet) a distance of 129.85 feet; Thence on a 100.0 foot radius curve left (the long chord of which bears South 32° 41' East 158.35 feet) a distance of 182.74 feet; Thence South 85° 02' East 139.06 feet; Thence on a 137.71 foot radius curve right (the long chord of which bears South 60° 02' East 116.40 feet) a distance of 120.17 feet; Thence on a 177.40 foot radius curve right (the long chord of which bears South 20° 48' East 87.24 feet) a distance of 88.14 feet; Thence South 6° 34' East 308.19 feet; Thence South 0° 18' West 39.00 feet; Thence West 436.60 feet to the West line of said plat of CHERRY-LANDS; Thence North 0° 18' East along said West line of said plat, 712.12 feet; Thence North 85° 02' East 198.21 feet more or less to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

ALSO:

Commencing at the Northwest corner of Lot 9, Block 4 in the Plat of CHERRY-LANDS (in Sections 3 and 10), Township 18 South, Range 4 West, of the Willamette Meridian, as platted and recorded in Book 5, Page 15, Lane County Oregon Plat Records, and run thence South 0° 39' East 377.00 feet; Thence South 5° 12' East 340.2 feet; Thence South 85° 02' West 198.21 feet to the West line of the Plat of CHERRY-LANDS; Thence South 0° 8' West along the said West line of the plat, 712.12 feet to the TRUE POINT OF BEGINNING of the tract of land to be described; Thence South 0° 18' West along the West line of said plat, 500 feet; Thence East 436.60 feet; Thence North 0° 18' East 500 feet; Thence West 436.60 feet more or less to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

ALSO: Beginning at the Northeast Corner of Lot 5, SUMMIT GLEN P.U.D., as platted and recorded in Document No. 2005-036936, Lane County, Oregon Official Records; Thence along the North Line of said Lot 5, North 89° 51' 45" West 13.75 feet more or less to point marked by a 5/8 inch rebar, being the Southwest Corner of Lot 3, SUMMIT TERRACE, P.U.D., as platted and recorded in File 75, Slide 428 through 434, Lane County, Oregon Plat Records; Thence leaving the North Line of said Lot 5 and going along the West Line of said Lot 3, North 0° 26' 14" East 60.00 feet; Thence leaving the West Line of said Lot 3, South 89° 51' 45" East 14.81 feet more or less to the Westerly right of way of Summit Terrace Drive; Thence along the Westerly right of way of said Summit Terrace Drive, along a 125.00 foot radius curve to the left (the long chord of which bears South 1° 46' 06" East 27.90 feet) a distance of 27.96 feet; Thence along a 75.00 foot radius to the right (the long chord of which bears South 4° 13' 37" West 32.19 feet) a distance of 32.45 feet more or less to the Point of Beginning, all in Lane County Oregon.

EXCEPT: Any portion thereof lying Easterly of the agreed common line described in the certain Bargain and Sale deeds executed by Merrill N. Manley, Ruth I. Manley, Otto F. Vonderheit and Ruby E. Vonderheit, recorded August 5, 1968, Reception No's 34176 and 34177, as recorded in Lane County Oregon Deed Records.

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for the Vonderheit Property (City File A 16-2)

Application Submitted: December 8, 2016
Applicant: Lisa Vonderheit, Ruby E. Vonderheit Revocable Trust
Property Included in Annexation Request: Tax Lot 6600 of Assessor's Map 18-04-03-00
Zoning: R-1 Low-Density Residential with /WR Water Resources Conservation and /UL Urbanizable Lands Overlays
Location: 3240 South Louis Lane
Representative: William Sherlock, Hutchinson Cox
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		Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the city limits, consistent with subsection (a).
<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.		
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	
		<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> <p><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><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><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>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>Metro Plan</u> designates the annexation area as appropriate for Low Density Residential use. The current zoning of R-1 Low-Density Residential is consistent with the <u>Metro Plan's</u> land use designation.</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.		
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> There is an 8-inch line within Eagle View Drive and Summit Terrace Drive; this existing system is at a higher elevation than the subject property, which would require private design solutions to ensure a gravity flow at the connection to the public system. It is feasible for the property owner to serve the site by extending the public system from an existing point in Bailey Hill Road south to S. Louis Lane. Bailey Hill Road is at a lower elevation which would facilitate a gravity feed system.</p> <p><u>Stormwater</u> There may be an open waterway on site that could be used as a point of discharge for stormwater runoff, provided that the developer demonstrate that there is capacity in the receiving system. On-site retention may be possible if infiltration test results and facility designs are submitted at the time of development demonstrating feasibility and are in accordance with the applicable standards and adopted plans and policies.</p> <p><u>Transportation</u> This property has frontage on three streets: Eagle View Drive, an unimproved private road; Summit Terrace Drive, an improved local residential street, with 28' paving within a 50' right-of-way; and South Louis Lane, an unimproved public right-of-way.</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</p>

		<p>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 Twin Oaks Elementary School, Kennedy Middle School, and Churchhill 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 541-682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.