



COUNCIL RESOLUTION NO. 5186

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-12, TAX
LOT 302 and 303).**

PASSED: 5:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Poling, Evans

CONSIDERED: March 13, 2017



RESOLUTION NO. 5186

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-12, TAX LOT
302 and 303).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on December 20, 2016, by Joshua Ray, 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 17-04-11-12, Tax Lots 302 and 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 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 Santa Clara Community Organization. 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 17-04-11-12, Tax Lots 302 and 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 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 13th day of March, 2017.

Beth Jonest

City Recorder



November 15, 2016

ANNEXATION LEGAL DESCRIPTIONS
TAX MAP 17-04-11-12, TAX LOTS 302 & 303
Branch Engineering Inc. Project No. 15-298

TAX LOT 302

SITUATED in the City of Eugene, Lane County, State of Oregon in the Northwest ¼ of the Northeast ¼ of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

BEGINNING at the easterly northeast corner of those lands conveyed in that deed recorded on November 10, 1942 in Book 238 on Pages 594-595 in the Lane County Oregon Official Records; **THENCE** along the northerly boundary of said lands North 89°40'40" West, 113.52 feet to the westerly northeast corner of said lands; **THENCE** continuing along said northerly boundary South 00°21'25" West, 23.30 feet to the easterly northwest corner of said lands; **THENCE** continuing along said northerly boundary North 89°40'40" West, 26.96 feet to a point; **THENCE** along a line parallel to the centerline of Wisteria Street South 00°14'57" West (called South on the tax map), 42.74 feet to a point; **THENCE** perpendicular to the westerly right-of-way margin of Wisteria Street South 89°45'03" East (called West on the tax map), 140.53 feet to a point on said right-of-way margin lying 65.00 feet northerly of the southeast corner of those lands conveyed in that deed recorded on January 2, 1964 on Reel 233D as Instrument 38567 in the Lane County Oregon Official Records; **THENCE** along said right-of-way margin North 00°14'57" East, 65.86 feet, **RETURNING to the POINT of BEGINNING.**

TAX LOT 303

SITUATED in the City of Eugene, Lane County, State of Oregon in the Northwest ¼ of the Northeast ¼ of Section 11, Township 17 South, Range 4 West of the Willamette Meridian and described as follows:

COMMENCING at the easterly northeast corner of those lands conveyed in that deed recorded on November 10, 1942 in Book 238 on Pages 594-595 in the Lane County Oregon Official Records; **THENCE** along the northerly boundary of said lands North 89°40'40" West, 113.52 feet to the westerly northeast corner of said lands; **THENCE** continuing along said northerly boundary South 00°21'25" West, 23.30 feet to the easterly northwest corner of said lands; **THENCE** continuing along said northerly boundary North 89°40'40" West, 26.96 feet to a point; **THENCE** along a line parallel to the centerline of Wisteria Street South 00°14'57" West (called South on the tax map), 42.74 feet to a point, said point being the **POINT of**

Exhibit B

Annexation Legal Descriptions
November 15, 2016

BEGINNING; THENCE perpendicular to the westerly right-of-way margin of Wisteria Street South 89°45'03" East (called West on the tax map), 140.53 feet to a point on said right-of-way margin lying 65.00 feet northerly of the southeast corner of those lands conveyed in that deed recorded on January 2, 1964 on Reel 233D as Instrument 38567 in the Lane County Oregon Official Records; **THENCE** along said right-of-way margin South 00°14'57" West, 65.00 feet (called 64.84 feet on the tax map) to said southeast corner; **THENCE** along the southerly boundary of said lands North 89°43'26" West (called North 83°40'40" West on the tax map), 140.53 feet to a point on the aforesaid parallel line; **THENCE** along said parallel line North 00°14'57" East(called North on the tax map), 64.93 feet, **RETURNING to the POINT of BEGINNING.**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Renee Clough Digitally signed by Renee Clough
Date: 2016.11.15 09:46:29 -08'00'

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/31/17

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for the Joshua Ray Property (City File A 16-13)

Application Submitted: December 20, 2016
Applicant: Joshua Ray
Property Included in Annexation Request: Tax Lots 302 and 303 of Assessor's Map 17-04-11-12
Zoning: R-1 Low-Density Residential with /UL Urbanizable Lands Overlay
Location: 3380 and 3384 Wisteria Street; east of River Road, south of Terra Linda Avenue.
Surveyor: Renne Clough, Branch Engineering
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:	
(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 as proposed, will be contiguous to 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): <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 highest priority. (page II-C-5).</i> <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>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

		<p>The <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the property for residential use. The property is currently zoned R-1/UL Low-Density Residential with an Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” at Section 2.2 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 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. 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 Metro Plan and applicable refinement plan.</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.

<p>Complies</p> <p><input checked="" type="checkbox"/> YES <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> Wastewater service is available east of the subject property via an 8-inch public wastewater system within Wisteria Street.</p> <p><u>Stormwater</u> There are no existing public stormwater systems available. 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 Wisteria Street, a Lane County road. Street improvements will be determined at the time of property 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>
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		<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 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.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>.</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 Awbrey Park Elementary School, Madison Middle School, and North 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 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.