COUNCIL RESOLUTION NO. 5187

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-01-33, TAX LOT 3701).

PASSED: 5:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Poling, Evans

CONSIDERED: March 13, 2017

RESOLUTION NO. 5187

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-01-33, TAX LOT 3701).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on January 10, 2017, by Robert W. Tate and Sharon L. Tate, 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 17-04-01-33, Tax Lot 3701.

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 17-04-01-33, Tax Lot 3701, 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 Forrest

City Recorder

Exhibit B

Legal Description for the Annexation of the Tate Property
to the City of Eugene
SW 1/4 of SECTION 1, T17S, R4W, W.M.
Lane County Assessor's Map 17-04-01-33, Tax Lot 3701

A parcel of land situated in the Southwest One Quarter of Section 1, Township 17 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon, said parcel being comprised of Parcel 1 of LAND PARTITION PLAT NO. 95-P0767, as platted and recorded December 21, 1995, Lane County Oregon Plat Records, and being more particularly described as follows:

Beginning at Southwest corner of Parcel 1 of LAND PARTITION PLAT NO. 95-P0767, as platted and recorded December 21, 1995, Lane County Oregon Plat Records, said point also being on the Northerly right-of-way line of Wilkes Drive (35.00 feet from the centerline thereof); thence along the West line of said Parcel 1 North, 223.96 feet to the Northwest corner thereof; thence along the North line of said Parcel 1 South 89°32'08" East, 137.00 feet to the Northeast corner thereof; thence along the East line of said Parcel 1 South, 222.67 feet to the Southeast corner thereof, said Southeast corner also being on said Northerly right-of-way line of Wilkes Drive (35.00 feet from the centerline thereof); thence along said Northerly right-of-way line and the South line of said Parcel 1 the following two (2) courses: 1) North 89°58'10" West, 72.44 feet; thence 2) South 89°48'44" West, 64.56 feet to the Point of Beginning, in Lane County, Oregon.

Containing 0.70 acres, more or less.

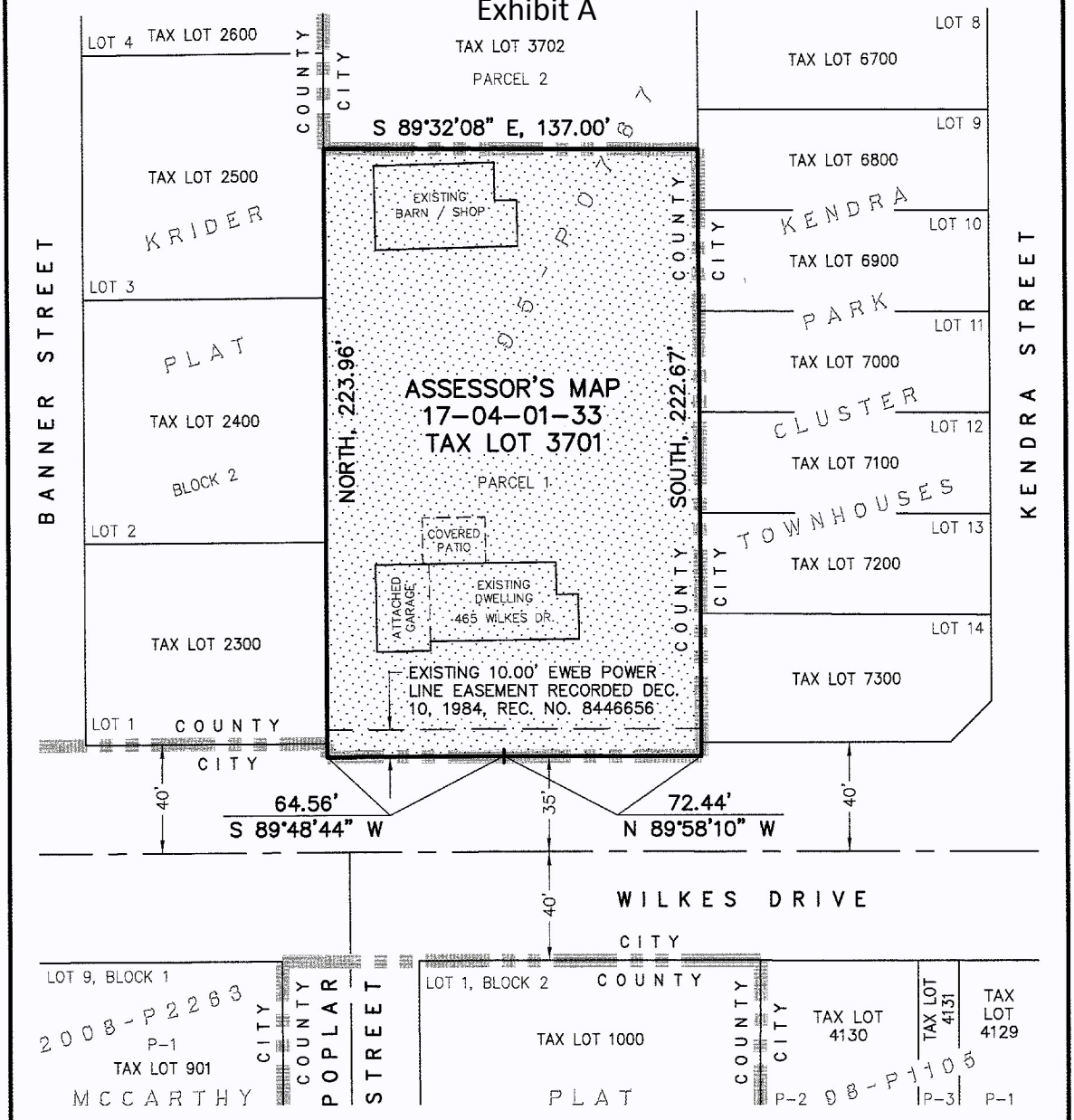
Bearings and distances in the foregoing description are based on record information per LAND PARTITION PLAT NO. 95-P0767, as platted and recorded December 21, 1995, Lane County Oregon Plat Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: 12-31-2017

Exhibit A



REGISTERED PROFESSIONAL LAND SURVEYOR

Michael Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWS: 12-31-2017

NORTH

SCALE:
1" = 50 FT

LEGEND

CITY
COUNTY

CITY LIMITS LINE

AFFECTED TERRITORY TO BE ANNEXED
AREA = 0.70 ACRES

NOTES

1. NO PUBLIC RIGHT OF WAYS ARE INCLUDED IN THE AFFECTED TERRITORY TO BE ANNEXED.
2. THE NEAREST SEGMENT OF THE URBAN GROWTH BOUNDARY (UGB) IS LOCATED AT THE EASTERLY TERMINUS OF MARIA LYNN AVENUE APPROXIMATELY 0.21 MILES NORTHEAST OF THE SUBJECT PROPERTY.

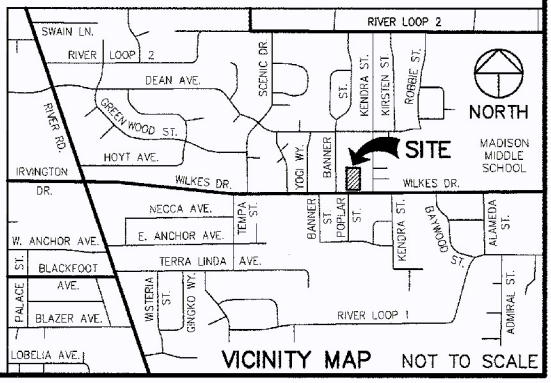
SITE PLAN FOR:

ROBERT & SHARON TATE ANNEXATION

SW 1/4 SECTION 1, T17S, R4W, W.M.
ASSESSOR'S MAP 17-04-01-33, TAX LOT 3701
EUGENE, LANE COUNTY, OREGON

SSW ENGINEERS INC
CIVIL - STRUCTURAL - BUILDING DESIGN
SURVEYING - LAND USE PLANNING
2350 Oakmont Way, Suite 105 Eugene, Oregon 97401 (541) 485-8383

JOB NO. 16-7371 JANUARY 3, 2017



VICINITY MAP NOT TO SCALE

Exhibit C

Planning Director's Findings and Recommendation
Annexation Request for the Sharon and Robert Tate Property
(City File A 17-1)

Application Submitted: January 10, 2017
Applicant: Sharon and Robert Tate
Property Included in Annexation Request: Tax Lot 3701 of Assessor's Map 17-04-01-33
Zoning: R-1 Low-Density Residential with /UL Urbanizable Lands Overlay
Location: 465 Wilkes Drive; east of River Road on the north side of Wilkes Drive
Surveyor: Jason Goshert, SSW Engineers
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 ☒ **YES** ☐ **NO**	**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).

EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies ☒ **YES** ☐ **NO**	**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 *italic* text): *Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:* *a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.* *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)* *Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).* *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)*

		The Metro Plan designates the annexation area as appropriate for residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) 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. With regard to applicable policies of the RR/SC UFP, 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 RR/SC UFP 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 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. Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement 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: Wastewater Wastewater service is available via an 8-inch public wastewater system within Wilkes Drive, south of the subject property. The wastewater equivalent assessment has been paid. Stormwater 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. Transportation This property has frontage on Wilkes Drive, an unimproved major collector. This segment appears to have been annexed into the city limits in 2007, though remains a Lane County road until a jurisdictional transfer occurs. Street improvements will be determined at the time of property development. Solid Waste Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.
☒ **YES**	☐ **NO**	

		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 Spring Creek Elementary School, Madison Middle School, and North Eugene 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 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.