



**COUNCIL RESOLUTION NO. 5192**

**A RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP  
17-04-11-42, TAX LOT 400). (KREINDEL)**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Ward 4 seat vacant**

**CONSIDERED: May 22, 2017**



**RESOLUTION NO. 5192**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-11-42, TAX LOT  
400).**

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

**A.** An annexation application was submitted on February 15, 2017, by Joel Kreindel, 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 17-04-11-42, Tax Lot 400.

**B.** The property proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property proposed to be annexed 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 April 21, 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 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 May 22, 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 17-04-11-42, Tax Lot 400, depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

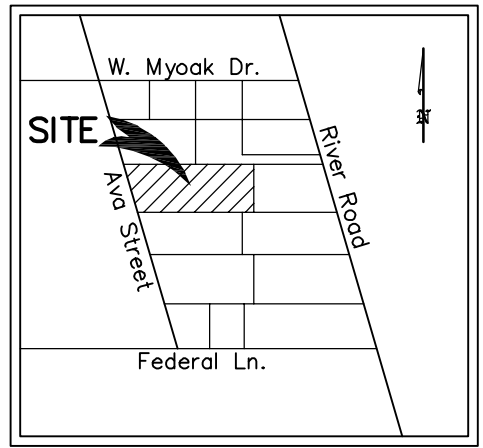
**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the 22<sup>nd</sup> day of May, 2017.**

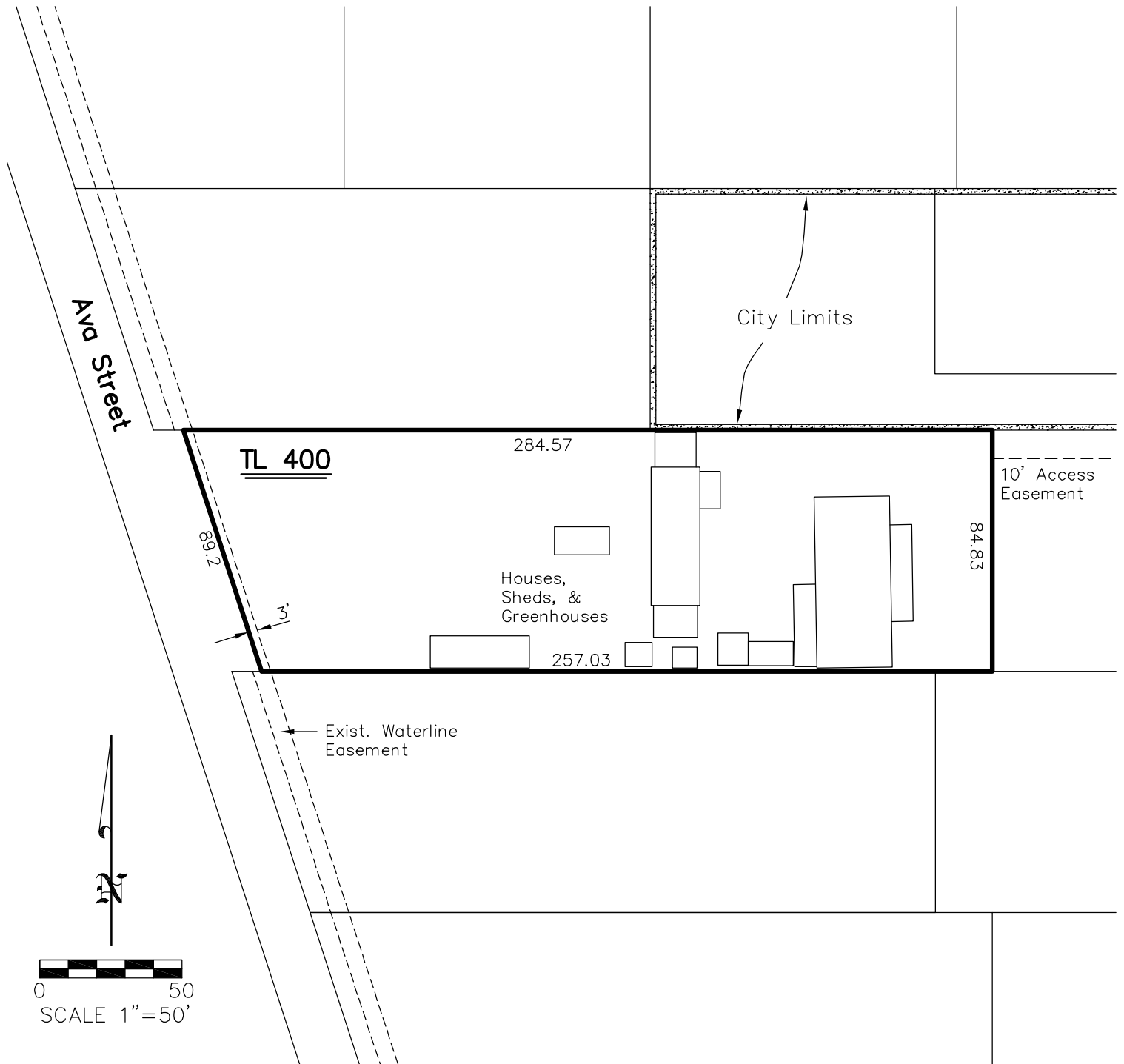
  
\_\_\_\_\_  
City Recorder

Exhibit A

Annexation Site Plan  
Tax Map 17-04-11-42  
Tax Lot 400  
February 9, 2017



Vicinity Map  
N.T.S.



**Annexation Legal Description  
Tax Map 17-04-11-42  
Tax Lot 400**

Beginning at a point on the Easterly right-of-way of Ava Street, said point also being on the North line of Lot 6 in the Subdiviion of Lot 1 of the Plat of Ferndale Addition to Santa Clara, as recorded in Book 10, Page 3, Lane County Oregon Plat Records; thence along said North line of Lot 6 N89°58'E 284.57 feet to the Northwest corner of that property described in Warranty Deed recorded July 9, 1975, in Instrument No. 75-27817; thence along the West line of said Warranty Deed S0°02'E 84.83 feet to the Southwest corner of said Warranty Deed, said Southwest corner being on the South line of said Lot 6; thence along said South line of Lot 6 S89°58'W 257.03 feet to the Easterly right-of-way of Ava Street; thence along said Easterly right-of-way N18°01'30"W 89.2 feet to the point of beginning, in Lane County, Oregon.

## Exhibit C



### Planning Director's Findings and Recommendation Annexation Request for Kreindel, Joel (City File A 17-2)

<b>Application Submitted:</b> February 15, 2017
<b>Applicant:</b> Joel Kreindel
<b>Property Included in Annexation Request:</b> Tax Lot 400 of Assessor's Map 17-04-11-42
<b>Zoning:</b> Low Density Residential with Urbanizable Lands Overlay (R-1/UL)
<b>Location:</b> 2908 River Road
<b>Representative:</b> Dave Collier, Pacific Surveying, 541-767-0790
<b>Lead City Staff:</b> Nicholas Gioello, City of Eugene Planning Division, 541-682-5453

**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>					
<p style="margin: 0;"><b>(a) Contiguous to the city limits; or</b></p> <p style="margin: 0;"><b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>Complies</b></td> </tr> <tr> <td style="text-align: center; width: 50%;"><input checked="" type="checkbox"/> YES</td> <td style="text-align: center; width: 50%;"><input type="checkbox"/> NO</td> </tr> </table>	<b>Complies</b>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<p><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).</p>
<b>Complies</b>					
<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>					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>Complies</b></td> </tr> <tr> <td style="text-align: center; width: 50%;"><input checked="" type="checkbox"/> YES</td> <td style="text-align: center; width: 50%;"><input type="checkbox"/> NO</td> </tr> </table>	<b>Complies</b>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<p><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):</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"> <li><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></li> <li><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></li> </ul>
<b>Complies</b>					
<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 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 area for residential use. The property is currently zoned Low-Density Residential with Urbanizable Land Overlay (R-1/UL). 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 located within any of the described subareas. 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 <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> and applicable refinement plan.</p>
<p><b>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.</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> There is an 8-inch public wastewater system within Ava Street, west of the subject property, with a 6-inch service constructed to the property line. Location of Sewer Connection record #58752 shows the existing development on the site is connected to the 6-inch service. The wastewater equivalent assessment has been paid.</p> <p><u>Stormwater</u> Public stormwater systems are not available to serve this property. All development</p>

proposals must demonstrate consistency with flood control standards; on-site retention may be a feasible option for this site provided that adequate infiltration is demonstrated. Compliance with applicable stormwater development standards will be ensured at the time of property development.

Transportation

The subject property has frontage on Ava Street to the west, but appears to currently take primary access from River Road. River Road at this location is under the jurisdiction of the City of Eugene. Ava Street is classified as a Lane County Local Access Road. Any required 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.

Water and Electric

EWEB Water staff state no objection to the annexation. EWEB Electric staff state no objection to the proposed annexation request. 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-wide 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.

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. 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.
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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.