



**COUNCIL RESOLUTION NO. 5212**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (970 NORTH PARK AVENUE, EUGENE, OREGON, ASSESSOR'S MAP 17-04-23-24, PORTION OF TAX LOT 2100).**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: EVANS**

**CONSIDERED: December 11, 2017**



**RESOLUTION NO. 5212**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (970 NORTH PARK AVENUE, EUGENE, OREGON, ASSESSOR'S MAP 17-04-23-24, PORTION OF TAX LOT 2100).**

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

A. An annexation application was submitted on August 15, 2017, by Watson Development Limited in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex to the City of Eugene an approximately 1.06 acre portion of Tax Lot 2100 of Assessor's Map 17-04-23-24.

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 November 9, 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 perimeter of the subject property, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on December 11, 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 an approximately 1.06 acre portion of Tax Lot 2100 of Assessor's Map 17-04-23-24, depicted on the map attached as Exhibit A, and more particularly 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 11th day of December, 2017.**

  
Deputy City Recorder (AIC)

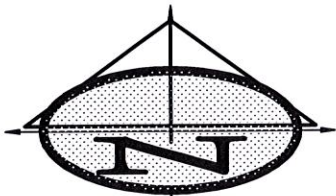
# SITE PLAN FOR WATSON ANNEXATION

SW 1/4 NW 1/4 SEC. 23 T 17 S, R 4 W W.M.

ASSESSOR'S MAP 17-04-23-24 TL No. 2100

EUGENE, LANE COUNTY, OREGON

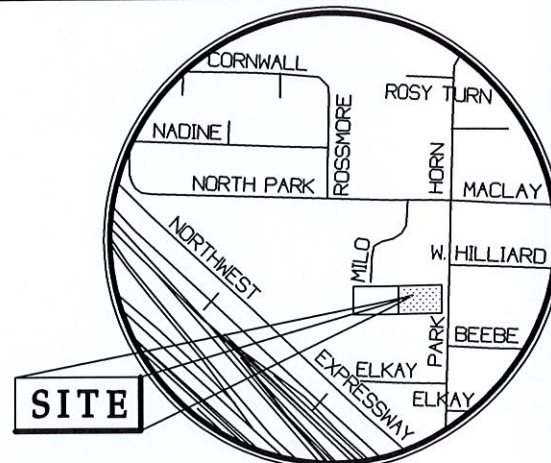
NOVEMBER 6, 2017



SCALE 1"=80'

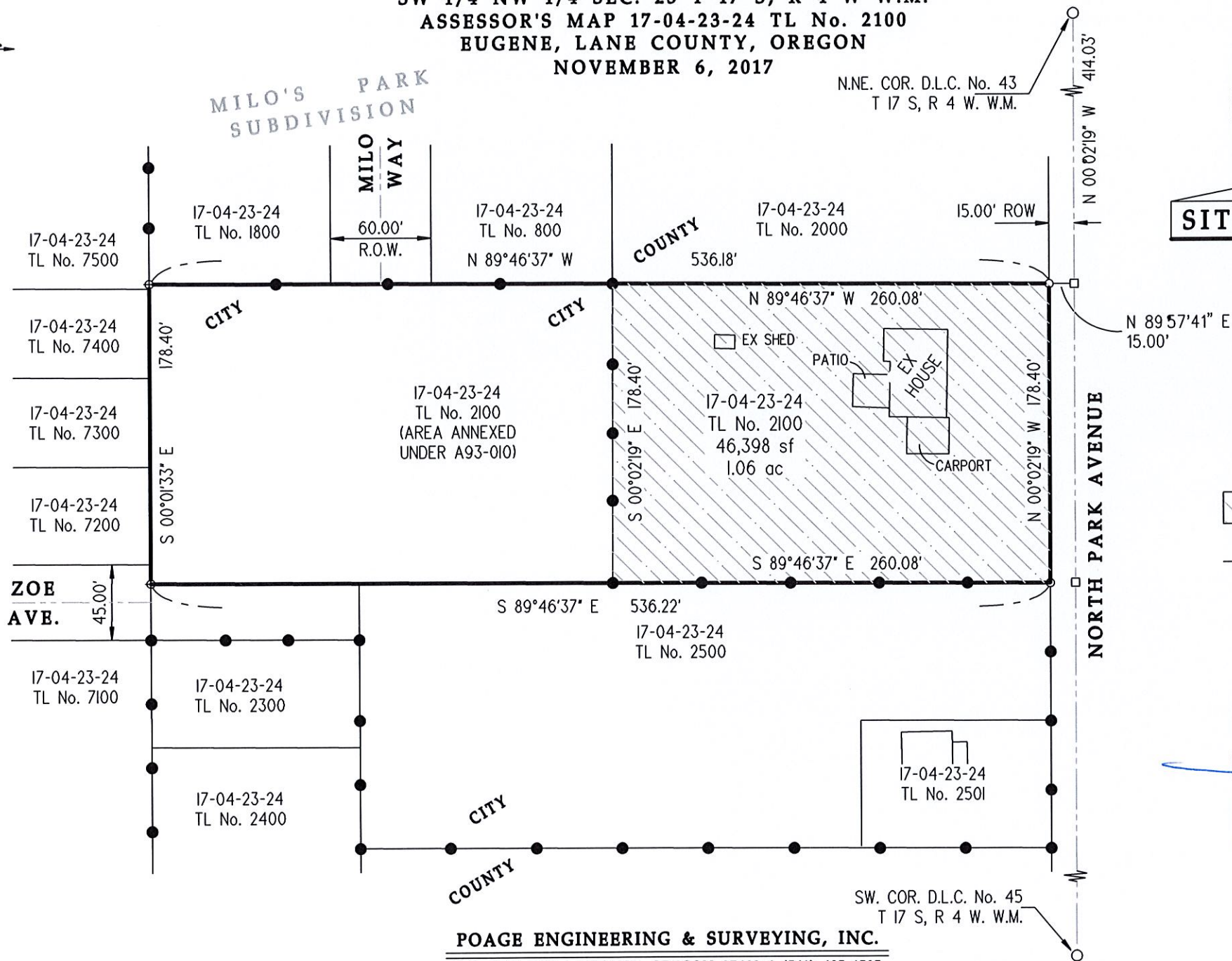
MILO'S PARK  
SUBDIVISION

N.NE. COR. D.L.C. No. 43  
T 17 S, R 4 W. W.M.



VICINITY MAP  
NO SCALE

MACINTOSH  
MANOR  
SUBDIVISION





- LEGEND:**
-  AREA OF ANNEXATION
  -  CITY LIMIT LINE

Exhibit A

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jonathan A. Oakes*

OREGON  
JULY 18, 1994  
**JONATHAN A. OAKES**  
2105

Expires: Dec 31 2018

**POAGE ENGINEERING & SURVEYING, INC.**

P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505  
JOB No. 4512 • DRAWN: KSG\4512.GXD • 04-17

SW. COR. D.L.C. No. 45  
T 17 S, R 4 W. W.M.


## Exhibit B

**Legal Description for the Annexation of the Watson Property  
To  
the City of Eugene  
NE 1/4 SEC. 2 T 17 S, R 4 W W.M.  
Assessor's Map No. 17-04-23-24,  
Tax Lot No. 2100 (remaining un-annexed eastern portion)  
November 6, 2017**

Beginning at a point on the East line of the Joseph Ogle Donation Land Claim #43, Notification #2250, in Township 17 South, Range 4 West of the Willamette Meridian, 414.03 feet South of the most Northerly Northeast corner of said claim; thence leaving said East line, North 89°57'41" West 15.00 feet to a point on the southerly boundary of that certain tract of land conveyed to Pamela R. DeLaittre by a Bargain and Sale Deed recorded February 9, 1994 on Reel 1921R, Instrument No. 94-10263, Lane County Oregon Deed Records, Lane County Oregon, said point being on the westerly margin of North Park Avenue, 15.00 feet from, when measured at right angles to, the centerline of North Park Avenue, said point also being the True Point of Beginning of the following described tract of land; thence leaving said westerly margin, and along the southerly boundary of said DeLaittre tract, North 89°46'37" West 260.08 feet to the southwest corner of said DeLaittre tract; thence leaving said DeLaittre tract, South 00°02'19" East 178.40 feet to a point on the north boundary of that certain tract of land conveyed to Irena Iachello by a Bargain and Sale Deed recorded April 20, 1989 on Reel 1569R, Instrument No. 89-17078, Lane County Oregon Deed Records, Lane County Oregon; thence along said northerly boundary South 89°46'37" East 260.08 feet to last described westerly margin of North Park Avenue; thence leaving said northerly boundary, along said westerly margin, North 00°02'19" West 178.40 feet to the True Point of Beginning, all in Lane County Oregon.

## Certification of Description

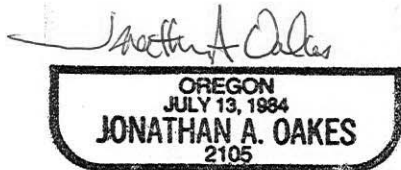
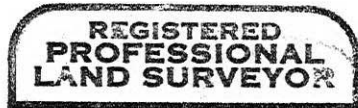
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:   
Registered Land Surveyor

Print Name: JONATHAN A. OAKES

Date: Nov. 22, 2017

Seal:



Expires: Dec 31, 2018



## Exhibit C



### Planning Director's Findings and Recommendation Annexation Request for Watson Development (City File A 17-9)

<b>Application Submitted:</b> August 15, 2017
<b>Applicant:</b> Watson Development Limited
<b>Property Included in Annexation Request:</b> 1.06 acre portion of Tax Lot 2100 of Assessor's Map 17-04-23-24. The remainder of the property has already been annexed into the City.
<b>Zoning:</b> R-1 Low Density Residential with /UL Urbanizable Lands Overlay
<b>Location:</b> 970 North Park Avenue
<b>Representative:</b> Don Mogstad, Poage Engineering 541-485-4505
<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>	
<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).
<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 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 text</i> ):
<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 style="margin-left: 20px;"><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 style="margin-left: 20px;"><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>The following policy from the Residential Element of the Metro Plan is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The Metro Plan designates the annexation area as appropriate for low density residential use, consistent with the current zoning. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject properties and also designates the area for low density residential uses. The property is currently zoned R-1 Low-Density Residential with /UL 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 RR/SC UFP, 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 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.</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>
<b>EC 9.7825(3)</b>		<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>
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<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:



Wastewater

An 8-inch public wastewater line has been stubbed to serve development from Milo Way, north of the property. There is also an 8-inch line within North Park Avenue, east of the property. Sewer connection records shows the residence at 970 N Park Avenue is currently connected to the wastewater system in Milo Way. There are no liens or assessments of record due.

Stormwater

Public stormwater systems are not available to serve this property. However, there are options for complying with stormwater standards which will be further evaluated at the time of future development.

Transportation

This property abuts North Park Avenue and Milo Way, and both of these streets are not within the city limits. This property also abuts Zoe Avenue, which is a local street with 21 feet of paving within a 45 foot right-of-way and setback sidewalks on both sides.

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

		<p>A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of River Road Elementary School, Kelly 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.</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.