



**COUNCIL RESOLUTION NO. 5229**

**APPROVAL OF A RESOLUTION ANNEXING LAND TO  
THE CITY OF EUGENE (ASSESSOR'S MAP 17-03-08-00,  
PORTION OF TAX LOT 307—LOCATED AT 65 NELSON  
LANE).**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Evans**

**CONSIDERED: May 14, 2018**



## **RESOLUTION NO. 5229**

### **APPROVAL OF A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-03-08-00, PORTION OF TAX LOT 307—LOCATED AT 65 NELSON LANE).**

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

**A.** An annexation application was submitted on February 5, 2018, by the applicant's representative, Anthony J. Favreau, on behalf of Bruce Weichert Custom Homes in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-08-00, portion of Tax Lot 307, to the City of Eugene.

**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 13, 2018, 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 Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on May 14, 2018.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

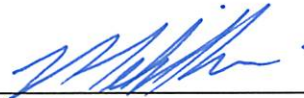
#### **NOW, THEREFORE,**

**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 17-03-08-00, portion of Tax Lot 307, 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 AG Agricultural and /UL Urbanizable Lands Overlay to AG Agricultural pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the 14<sup>th</sup> day of May, 2018.**

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

LAND ANNEXATION FOR  
TAX LOT 17-03-08-00-307  
NW1/4 SECTION 8, T17S, R3W, W.M.  
LANE COUNTY, OREGON



VICINITY MAP  
NO SCALE

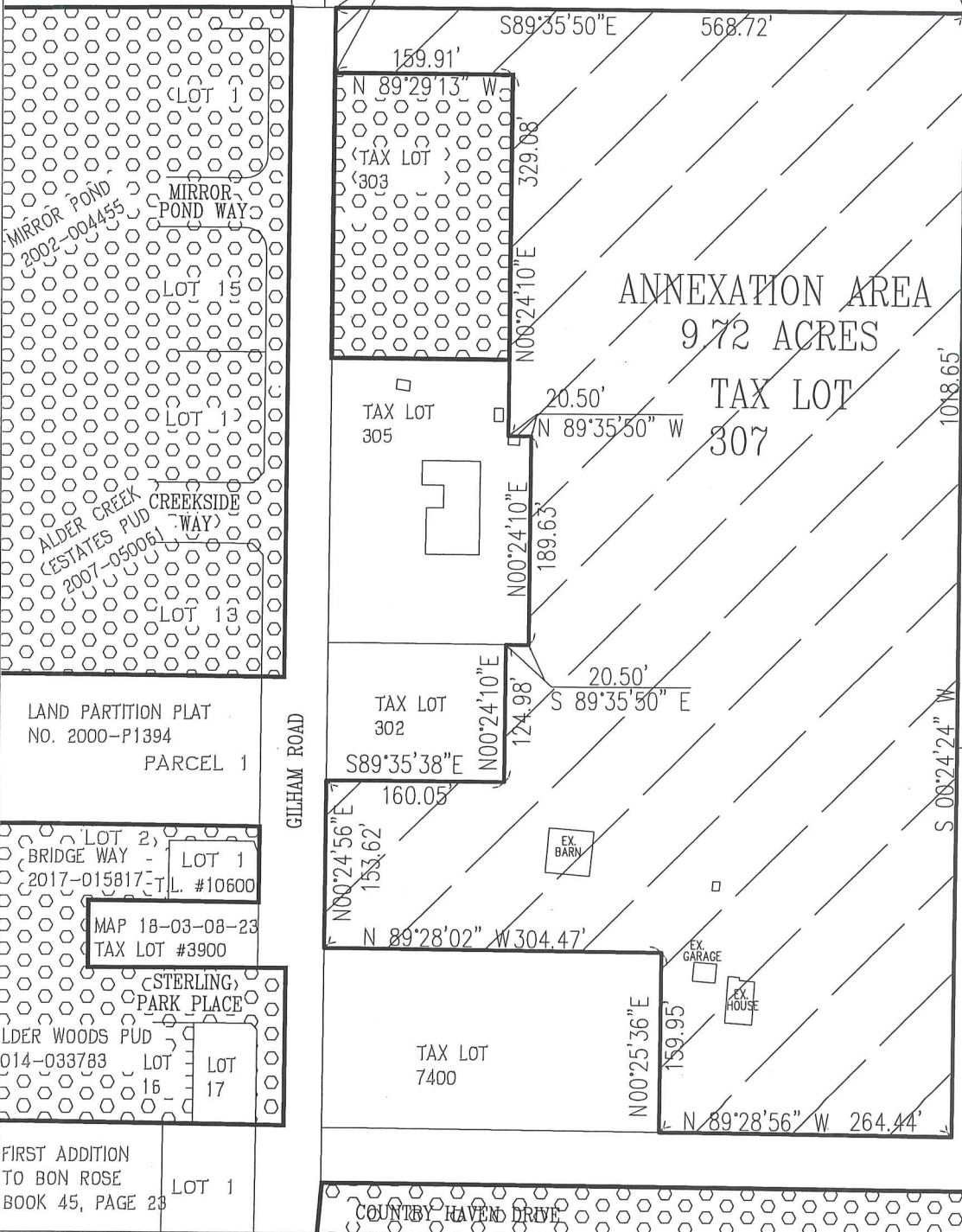
MAP 17-03-08-22  
TAX LOT #1100

MAP 17-03-08-22  
TAX LOT #1300

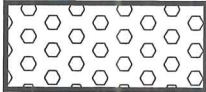
MAP 17-03-08-22  
TAX LOT #1000

TAX LOT  
307

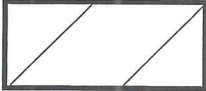
POINT OF BEGINNING



LEGEND



CITY LIMITS



LAND TO BE ANNEXED



Received

MAR 08 2018

City of Eugene  
Planning Division

TAX LOT  
7500

# Exhibit B

## Annexation Legal Description for Tax Lot 17-03-08-00-00307

A unit of land being situated in the Northwest 1/4 of Section 8, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at a 2-3/4 inch Lane County Surveyors Office brass cap dated 1962 marking the Northeast corner of the T.N. Aubrey Donation Land Claim No. 39 in Township 17 South, Range 3 West of the Willamette Meridian;

Thence along the North line of said Donation Land Claim No. 39, North 89°25'36" West 3119.14 feet;

Thence South 27°30'02" East 610.92 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC.";

Thence South 00°24'24" West 152.55 feet to the **POINT OF BEGINNING** of this unit of land;

Thence continuing South 00°24'24" West 1018.65 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC.";

Thence North 89°28'56" West 264.44 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC." marking the Southeast corner of that tract of land conveyed to Alma Payne Barnell in warranty deed recorded February 5, 1964 on Reel 235d, Reception No. 42626, Lane County Deeds & Records, in Lane County, Oregon;

Thence along the Easterly boundary of said tract of land, North 00°25'36" East 159.95 feet to a 1/2 inch iron pipe marking the Northeast corner thereof;

Thence along the Northerly boundary of said tract of land, North 89°28'02" West 304.47 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC." set on the Easterly right-of-way line of Gilham Road;

Thence along the Easterly right-of-way line of Gilham Road, North 00°24'56" East 153.62 feet to a point referenced by a 5/8 inch iron rebar bearing South 89°35'38" East 0.20 feet;

Thence leaving the Easterly right-of-way line of Gilham Road, South 89°35'38" East 160.05 feet to a 5/8 inch iron rebar;

Thence North 00°24'10" East 124.98 feet to a 5/8 inch iron rebar;

Thence South 89°35'50" East 20.50 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC.";

Thence North 00°24'10" East 189.63 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC.";

Thence North 89°35'50" West 20.50 feet to a 5/8 inch iron rebar with yellow plastic cap stamped "ROBERTS SURV. INC.";

Thence North 00°24'10" East 329.08 feet to a 5/8 inch iron rebar;

Thence North 89°29'13" West 159.91 feet to a point referenced by a 5/8 inch iron rebar bearing South 89°29'13" East 0.10 feet, said point lies on the Easterly right-of-way line of Gilham Road;

Thence along the Easterly right-of-way line of Gilham Road, North 00°24'56" East 59.85 feet to a 5/8 inch iron rebar bearing North 34°12'53" West 0.18 feet;

Thence South 89°35'50" East 568.72 feet to the Point of Beginning, all in Lane County, Oregon and containing 9.72 acres of land, more or less.



**Planning Director's Findings and Recommendation  
Annexation Request for Bruce Wiechert Custom Homes  
(City File: A 18-1)**

<b>Application Submitted:</b> February 5, 2018
<b>Applicant:</b> Bruce Wiechert Custom Homes
<b>Property Included in Annexation Request:</b> Portion of Tax Lot 307 of Assessor's Map 17-03-08-00
<b>Zoning:</b> AG Agricultural with /UL Urbanizable Lands Overlay
<b>Location:</b> 65 Nelson Lane
<b>Representative:</b> Anthony Favreau, 541-683-7048
<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> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>Findings:</b> A large portion of the subject tax lot is located within the City's urban growth boundary (UGB), with a smaller portion of the area to the north located outside of the UGB. The annexation only includes the area of the subject tax lot within the UGB, while the land area outside the UGB will remain under the jurisdiction of Lane County. The area of annexation is contiguous to the City limits along a portion of its west property boundary, consistent with subsection (2). The annexation area is also separated from the City limits by the right-of-way of Gilham Road, along a portion of its west property boundary, consistent with subsection (b).
<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> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<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 text</i> ):  <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</i>

		<p><i>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. The Willakenzie Area Plan (WAP) is the adopted refinement plan for the subject properties and also designates the area for low density residential use. The property is currently zoned AG Agricultural and /UL Urbanizable Lands Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the WAP, the subject property is located within the Unincorporated Subarea. None of the listed policies for this subarea appear to be directly applicable to the subject property. The proposed annexation does not appear to conflict with any of the Land Use Policies or Residential Policies. The “Public Facilities and Services Element” policies of the WAP 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 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>
<b>Complies</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:
<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

	<p><u>Wastewater</u></p> <p>An 8-inch public wastewater line exists within Sterling Park Place (a local City of Eugene road), just west of the subject property across Gilham Road (a local Lane County Road). According to the as-constructed drawings, a wastewater clean out exists in the Gilham Road right-of-way off the 8-inch line in Sterling Park Place. There are no on hold wastewater assessments on this tax lot.</p> <p><u>Stormwater</u></p> <p>Public stormwater systems are not available to serve this property. Records show that the soils are mapped primarily Type B and C. Infiltration testing may be required at the time of development to demonstrate adequate percolation rates; however, there are options for complying with stormwater standards which will be further evaluated at the time of future development. Comments from Lane County regarding stormwater indicate runoff from the subject property cannot be directed to Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches.</p> <p><u>Transportation</u></p> <p>This property abuts Gilham Road to the west. The north portion of Gilham Road is designated as a Local Access Road and to the south is designated Urban Local Road which is within Lane County jurisdiction. Lane County Transportation comments indicate that the north portion of Gilham Road that fronts this property is a private road and outside the jurisdiction of Lane County. There is also a private road, Nelson Lane that provides access to the south portion of the tax lot. Access management and street standards will be evaluated at the time of future development. Any new driveway approaches or connections to the segment of Gilham Road that is classified as an Urban Local Road will require a Facility Permit to be issued by Lane County.</p> <p><u>Solid Waste</u></p> <p>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></p> <p>EWEB Water staff state no objection to the annexation. EWEB Electric staff also state no objection to the annexation. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.</p> <p><u>Public Safety</u></p> <p>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.</p> <p><u>Parks and Recreation</u></p> <p>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</p>
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	<p>this key urban service is met.</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 Gilham Elementary School, Cal Young Middle School, and Sheldon 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.