



**COUNCIL RESOLUTION NO. 5244**

**RESOLUTION APPROVING ANNEXATION OF LAND TO THE CITY  
OF EUGENE (ASSESSOR’S MAP 17-03-28-40, TAX LOTS 1401 AND  
1402 — LOCATED AT 1 AND 2 CHEVY CHASE LANE).**

**PASSED: 8:0**

**REJECTED:**

**ABSENT:**

**CONSIDERED: September 10, 2018**



## **RESOLUTION NO. 5244**

### **RESOLUTION APPROVING ANNEXATION OF LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-03-28-40, TAX LOTS 1401 AND 1402 — LOCATED AT 1 AND 2 CHEVY CHASE LANE).**

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

A. An annexation application was submitted on July 18, 2018, by Eastmark Capital Group, on behalf of The Estate of Nancy Ann Chase, deceased, and Michael LeCompte in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-28-40, Tax Lots 1401 and 1402, to the City of Eugene.

B. The property proposed to be annexed is depicted on the maps attached as Exhibit A to this Resolution. The legal descriptions of the property proposed to be annexed are 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 August 10, 2018, a notice containing the street address and assessor's map and tax lot numbers, 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 Harlow Neighbors Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 10, 2018.

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


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

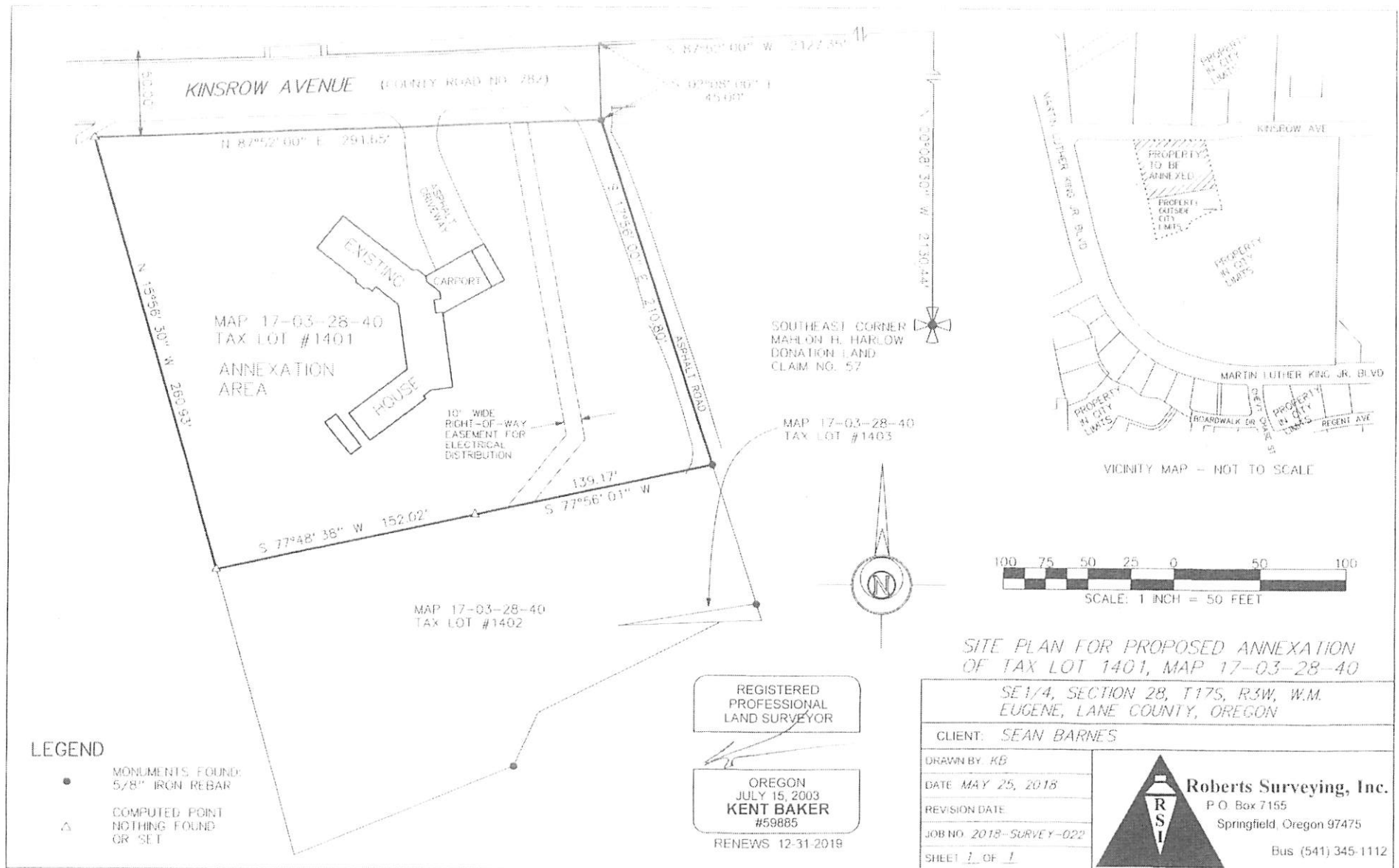
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:**

**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 17-03-28-40, Tax Lots 1401 and 1402, depicted on the maps 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 10th day of September, 2018.**

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



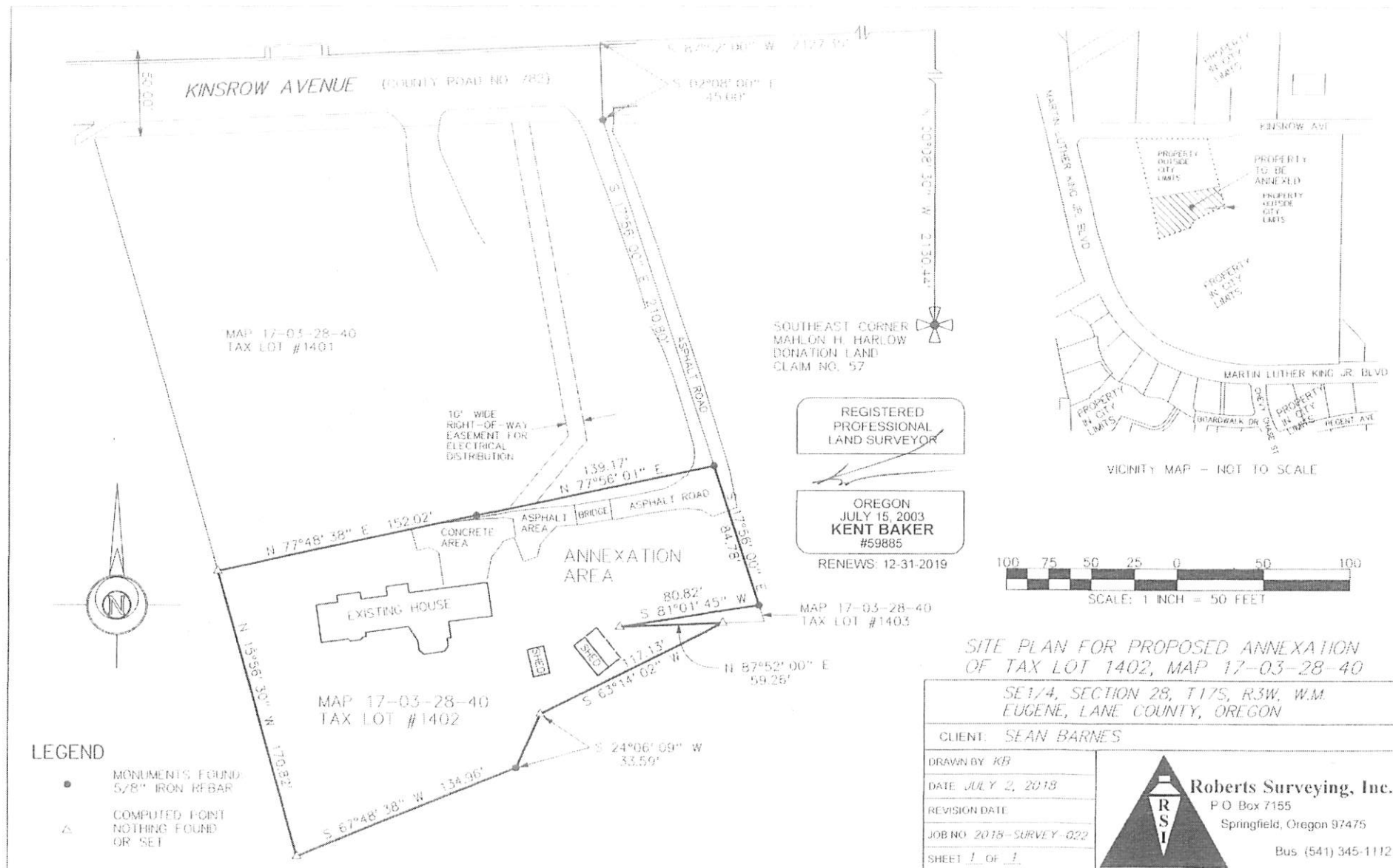


Exhibit B  
Page 1 of 2

**Legal Description of Affected Territory to be Annexed**

**(Tax Lot #1401)**

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°08'30" West 2130.44 feet; thence South 87°52'00" West 2127.35 feet; thence South 02°08'00" East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401 and the **POINT OF BEGINNING** of this unit of land;

Thence leaving the southerly margin of Kinsrow Avenue, South 17°56'00" East 210.80 feet to the southeast corner of Tax Lot #1401;

Thence South 77°56'01" West 139.17 feet to an angle point in the southerly boundary of Tax Lot #1401;

Thence South 77°48'38" West 152.02 feet to the southwest corner of Tax Lot #1401;

Thence North 15°56'30" West 260.93 feet to a point on the southerly margin of Kinsrow Avenue, said point being the northwest corner of Tax Lot #1401;

Thence along the southerly margin of Kinsrow Avenue, North 87°52'00" East 291.65 feet to the point of beginning, all in Lane County, Oregon and containing 67,484 square feet (1.55 acres) of land, more or less.

Exhibit B  
Page 2 of 2

**Legal Description of Affected Territory to be Annexed**

**(Tax Lot #1402)**

A unit of land being situated in the Southeast 1/4 Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the Mahlon H. Harlow Donation Land Claim No. 57 in Township 17 South, Range 3 West of the Willamette Meridian; thence North  $00^{\circ}08'30''$  West 2130.44 feet; thence South  $87^{\circ}52'00''$  West 2127.35 feet; thence South  $02^{\circ}08'00''$  East 45.00 feet to a point on the southerly margin of Kinsrow Avenue (County Road No. 782), said point being the northeast corner of Tax Lot #1401; thence leaving the southerly margin of Kinsrow Avenue, South  $17^{\circ}56'00''$  East 210.80 feet to the southeast corner of Tax Lot #1401 and the northeast corner of Tax Lot #1402 and also the **POINT OF BEGINNING** of this unit of land;

Thence continuing South  $17^{\circ}56'00''$  East 84.78 feet to the southeast corner of Tax Lot #1402;

Thence along the southerly boundary of Tax Lot #1402 the following bearings and distances: South  $81^{\circ}01'45''$  West 80.82 feet; thence North  $87^{\circ}52'00''$  East 59.26 feet; thence South  $63^{\circ}14'02''$  West 117.13 feet; thence South  $24^{\circ}06'09''$  West 33.59 feet; thence South  $67^{\circ}48'38''$  West 134.96 feet to the southwest corner of Tax Lot #1402;

Thence North  $15^{\circ}56'30''$  West 170.82 feet to the southwest corner of Tax Lot #1401 and the northwest corner of Tax Lot #1402;

Thence along the northerly boundary common to Tax Lots #1401 and #1402 the following bearings and distances: North  $77^{\circ}48'38''$  East 152.02 feet; thence North  $77^{\circ}56'01''$  East 139.17 feet to the point of beginning, all in Lane County, Oregon and containing 37,920 square feet (0.87 acres) of land, more or less.



**Planning Director's Findings and Recommendation  
Annexation Request for Chase/LeCompte  
(City File: A 18-4)**

|                                                                                                      |
|------------------------------------------------------------------------------------------------------|
| <b>Application Submitted:</b> July 18, 2018                                                          |
| <b>Applicant:</b> Eastmark Capital Group LLC                                                         |
| <b>Property Included in Annexation Request:</b> Tax Lots 1401 and 1402 of Assessor's Map 17-03-28-40 |
| <b>Zoning:</b> AG Agricultural with /UL Urbanizable Lands Overlay                                    |
| <b>Location:</b> 1 and 2 Chevy Chase Lane                                                            |
| <b>Representative:</b> Sean Barnes, 206-521-0240                                                     |
| <b>Lead City Staff:</b> Dan Lawler, City of Eugene Planning Division, 541-682-5282                   |

**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.

|                                                                                                                                                                                                                                                                           |                 |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b><br><b>(a) Contiguous to the city limits; or</b><br><b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b> |                 |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;"><b>Complies</b></td> </tr> <tr> <td style="padding: 2px;"> <input checked="" type="checkbox"/> YES     <input type="checkbox"/> NO </td> </tr> </table>        | <b>Complies</b> | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <b>Findings:</b> Both properties are entirely within the City's UGB. The area of annexation is contiguous to the City limits along all boundaries, consistent with subsection (a). The annexation area is not separated from the City limits by any features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <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>                                                                                                                              |                 |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Complies</b>                                                                                                                                                                                                                                                           |                 |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                       |                 |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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|----------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                  |                                                  | <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 high-density residential use. The Willakenzie Area Plan (WAP) is the adopted refinement plan for the subject properties and also designates the area for high-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 Chase Gardens 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <div>Complies</div> <div> <input checked="" type="checkbox"/> YES         </div> | <div> <input type="checkbox"/> NO         </div> | <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><br/>A 15-inch public wastewater line is located North of the subject property on Kinsrow Avenue. There are no on hold wastewater assessments on this tax lot.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Stormwater

Public stormwater systems are not available to serve this property. Records show that the soils are mapped Type B. 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.

Transportation

The annexation area abuts Kinsrow Avenue (a major collector with a 40-50' right-of-way) that flows to Martin Luther King Jr Blvd (minor arterial). Both are fully developed with sidewalks, curbs, gutter, and street trees. Access management and street standards will be evaluated at the time of future 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 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.

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.

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p><b><u>Public Schools</u></b></p> <p>The subject property is within Eugene School District 4J and is within the district boundary of Holt Elementary School, Monroe 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> |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**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.