



COUNCIL RESOLUTION NO. 5250

**APPROVAL OF A RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (ASSESSOR'S MAP 17-04-13-32, TAX LOT 5200—LOCATED
ON OWOSSO STREET, EAST OF RIVER ROAD, AND NORTH OF
HERITAGE STREET.**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: November 13, 2018

EFFECTIVE DATE: November 13, 2018

RESOLUTION NO. 5250

APPROVAL OF A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-13-32, TAX LOT 5200—LOCATED ON OWOSSO STREET, EAST OF RIVER ROAD, AND NORTH OF HERITAGE STREET.

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on August 21, 2018, by G. Franklin Day, on behalf of Day Joint Trust, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-13-32, Tax Lot 5200, 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 October 12, 2018, a notice containing a geographical reference to the property, the assessor's map and tax lot number for the property, 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 November 13, 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 which are attached as Exhibit C and adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-13-32, Tax Lot 5200, depicted on the map attached as Exhibit A, and more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

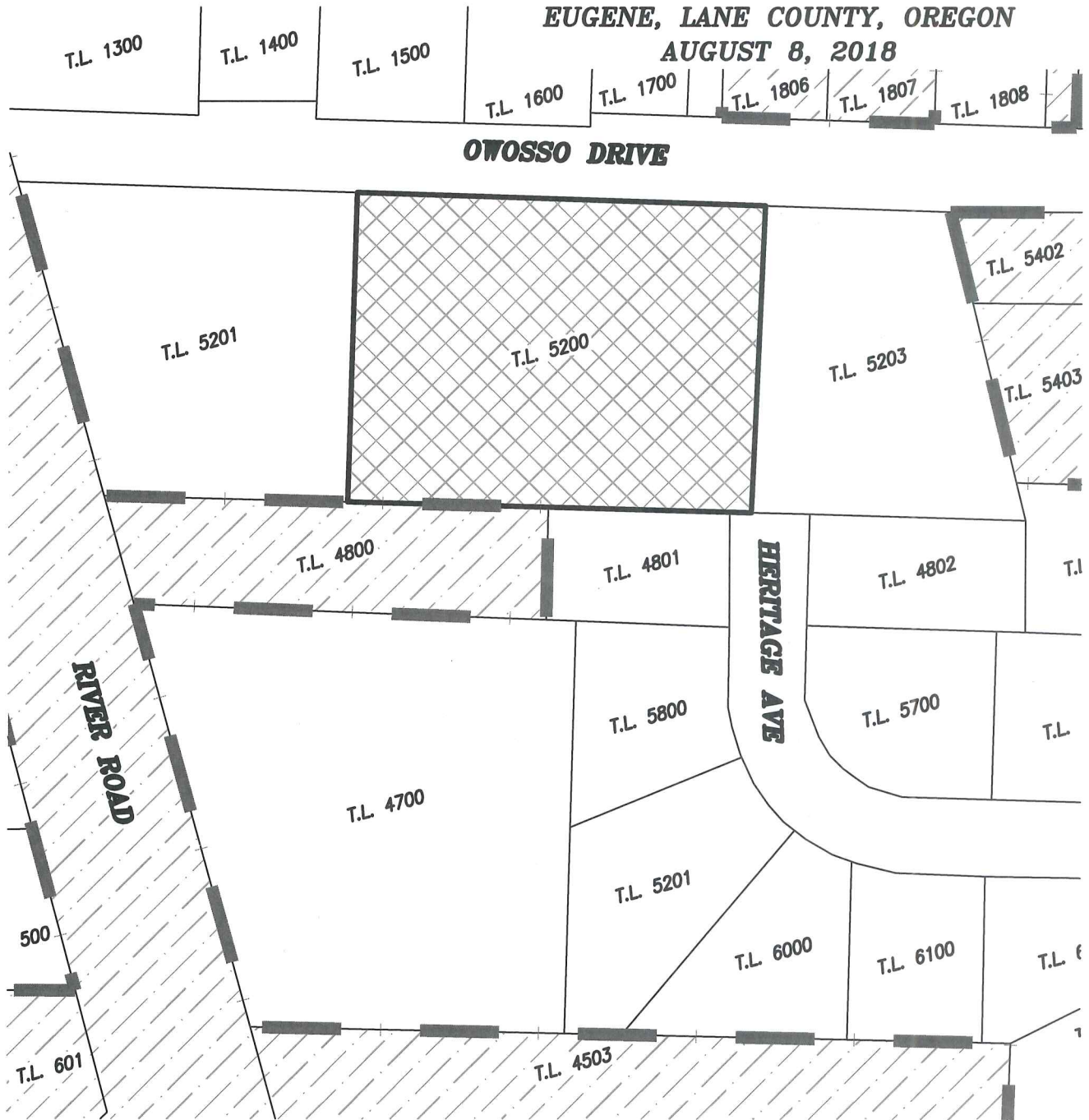
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from R-2 Medium Density Residential and /UL Urbanizable Land to R-2 Medium Density Residential shall become effective in accordance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

The foregoing Resolution adopted the 13th day of November, 2018.

Samantha Roberts
Deputy City Recorder



Exhibit A

LAND ANNEXATION FOR
DAY JOINT TRUST
 SW 1/4, SEC 32, T17S, R4W, WM
 EUGENE, LANE COUNTY, OREGON
 AUGUST 8, 2018



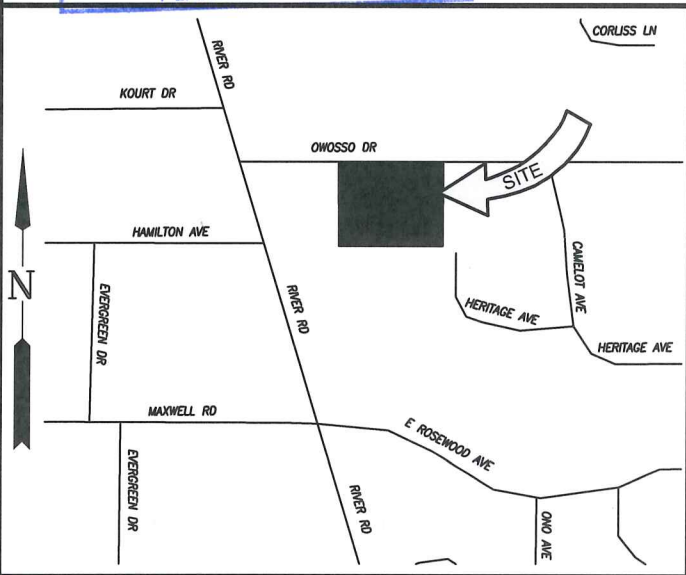
RECEIVED
 AUG 21 2018
 CITY OF EUGENE
 PLANNING DIVISION

LEGEND

-  CITY LIMITS
-  LANDS TO BE ANNEXED

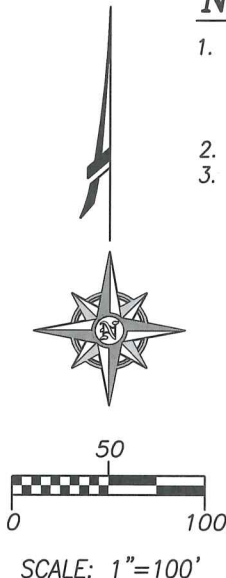
NOTES

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON AUGUST 8, 2018.
2. SITE IS CURRENTLY VACANT.
3. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



VICINITY MAP

NOT TO SCALE



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ASSESSOR'S MAP(S) TAX MAP 17-04-13-32, T.L. 5200

Exhibit B

LEGAL DESCRIPTION

All those lands conveyed in that Warranty Deed recorded on February 25, 2011 as Document Number 2011-009423 in the Lane County Oregon Official Records, said lands being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod on the Easterly right-of-way line of River Road 206.38 feet South 16°47'45" East from a 5/8-inch iron rod marking the intersection of the South right-of-way line of Owosso Drive, said South line being 25.0 feet South from (when measured at right angles) the center line of said Owosso Drive and the Easterly right-of-way line of River Road, said Easterly right-of-way line being 50.0 feet Easterly from (when measured at right angles;) the center line of said River Road, said beginning point is also described as being North 89°53'50" East 52.20 feet from a point in Section 13, Township 17 South, Range 4 West of the Willamette Meridian, in the Center of the County Road known as the River Road, at the Northwest corner of the lot or tract conveyed to George W. and Lillith Leeper, by deed recorded in Book 122, Page 335, Lane County Deed Records, said point being 10.446 chains South 17° East from an iron bar set in County Survey No. 688 of the Recorded Surveys of said County, in the center of said road, 42.72 chains East of the Northwest corner of County Survey No. 12, which is 7.30 chains North from the Southwest corner of the Joseph Davis and wife Donation Land Claim No 48;

THENCE North 89°53'50" East 151.33 feet to a 1/2-inch iron rod and the **TRUE POINT OF BEGINNING** of this tract;

THENCE North 0°19' East 196.19 feet to a 1/2-inch iron rod on the South right-of-way line of Owosso Drive (50.0 feet wide);

THENCE South 89°42' East along said Southerly right-of-way line 254.79 feet to a 1/2-inch iron rod;

THENCE South 0°18' West 194.40 feet to a 1/2-inch iron rod;

THENCE South 89°53'50" West 254.80 feet to the **TRUE POINT OF BEGINNING**, in Lane County, Oregon

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
DANIEL ADAM NELSON
84832LS

RENEWAL DATE: 12/31/18



**Planning Director’s Findings and Recommendation
Annexation Request for Day Joint Trust
(City File: A 18-6)**

Application Submitted: August 21, 2018
Applicant: Day Joint Trust
Property Included in Annexation Request: Tax Lot 5200 of Assessor’s Map 17-04-13-32
Zoning: R-2 Medium-Density Residential with /UL Urbanizable Land Overlay
Location: South side of Owosso Drive, east of River Road
Representative: Daniel Nelson, Branch Engineering, Inc.
Lead City Staff: 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.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:	
<p align="center">(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.</p>	
Complies	Findings: The annexation area is within the City’s urban growth boundary (UGB), and is contiguous to the City limits along a portion of the south property line, consistent with subsection (a).
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies	Findings: 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>):
<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 align="center"><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 align="center"><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 medium-density 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 area for residential uses. Consistent with the land use designations, the property is currently zoned R-2 Medium-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 located within the River Road/Howard subarea, which recommends medium-density residential development for the subject property. 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 property 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 RR/SC UFP refinement plan.</p>
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.
<p align="center">Complies</p> <p><input checked="" type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>		<p>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:</p> <p><u>Wastewater</u></p> <p>There is an 8-inch public wastewater in Owosso Drive adjacent to this parcel. As an informational item there is an on-hold wastewater assessment for this tax lot, which will need to be paid prior to any development on this tax lot.</p>

Stormwater

City of Eugene public stormwater systems are not available to serve this property from Owosso Drive. The closest public storm system is approximately 400-feet west on River Road. Records show that the soils in this area are mapped as a Type C and the applicant has stated they will consider treating and retaining stormwater on site when they look to develop in the future. 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 Transportation Planning indicate stormwater runoff from private property must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated by the roadways themselves, per Lane Manual Chapter 15.515.

Transportation

This property abuts Owosso Drive to the north, which is within Lane County jurisdiction and is classified as a local road. Owosso connects to River Road to the west, and the City classifies this section of River Road as a major arterial and under the jurisdiction of the City of Eugene. Access management and street standards will be evaluated at the time of future development.

Comments from Lane County Transportation Planning indicate that the segment of Owosso Drive along the property frontage is functionally classified as an Urban Local Road and is under the jurisdiction of Lane County. Any redevelopment or new development of the property must demonstrate compliance with the requirements of Lane Code Chapter 15. A review for compliance with Lane County road requirements will apply at the time the property is developed.

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.

	<p><u>Parks and Recreation</u> 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.</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 Howard 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.