COUNCIL RESOLUTION NO. 5358

RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-24-23, TAX LOT 02000 LOCATED AT 148 W HILLIARD LANE).

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: June 13, 2022

RESOLUTION NO. 5358

RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (ASSESSOR'S MAP 17-04-24-23, TAX LOT 02000 LOCATED AT 148 W HILLIARD LANE).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on January 31, 2022, by Eugene School District 4J, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-23, Tax Lot 02000, to the City of Eugene.

B. The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit A.

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 are attached as Exhibit B.

D. On May 12, 2022, a notice containing the street address, 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 properties located 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 June 13, 2022.

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 B and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-23, Tax Lot 02000, which is more particularly described in the attached Exhibit A, 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-1 Low-Density Residential with /UL Urbanizable Land Overlay to R-1 Low-Density Residential shall become effective in accordance with State law.

The foregoing Resolution adopted the 13th day of June, 2022.

City Recorder

EXHIBIT A
JOB NO. 2100581
MAY 31, 2022

LEGAL DESCRIPTION

ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO LANE COUNTY SCHOOL DISTRICT 4J, RECORDED AS DOCUMENT NO. 2015-047170, LANE COUNTY OREGON DEED RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, LANE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO LANE COUNTY SCHOOL DISTRICT 4J, RECORDED AS DOCUMENT NO. 1953-93917, LANE COUNTY OREGON DEED RECORDS, SAID POINT BEARS NORTH 89°59'00" EAST, 3,173.81 FEET AND NORTH 00°04'00" WEST, 1097.22 FEET FROM THE SOUTHWEST CORNER OF THE BENJAMIN DAVIS DLC 45, IN TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE WESTERLY LINE OF SAID SCHOOL DISTRICT TRACT NORTH 00°04'00" WEST, 85.52 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST HILLIARD LANE (50 FEET WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 89°36'45" WEST, 56.00 FEET TO THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CAROLA DUNN TRUST, RECORDED AS DOCUMENT NO. 2018-41465, LANE COUNTY OREGON DEED RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 00°04'00" EAST, 85.25 FEET TO THE NORTHERLY LINE OF SAID SCHOOL DISTRICT TRACT; THENCE ALONG SAID NORTHERLY LINE NORTH 89°53'18" EAST, 56.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 4,781 SQUARE FEET OR 0.110 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE CENTERLINE OF WEST HILLIARD LANE, SOUTH 89°36'45" WEST, PER THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), EUGENE ZONE.

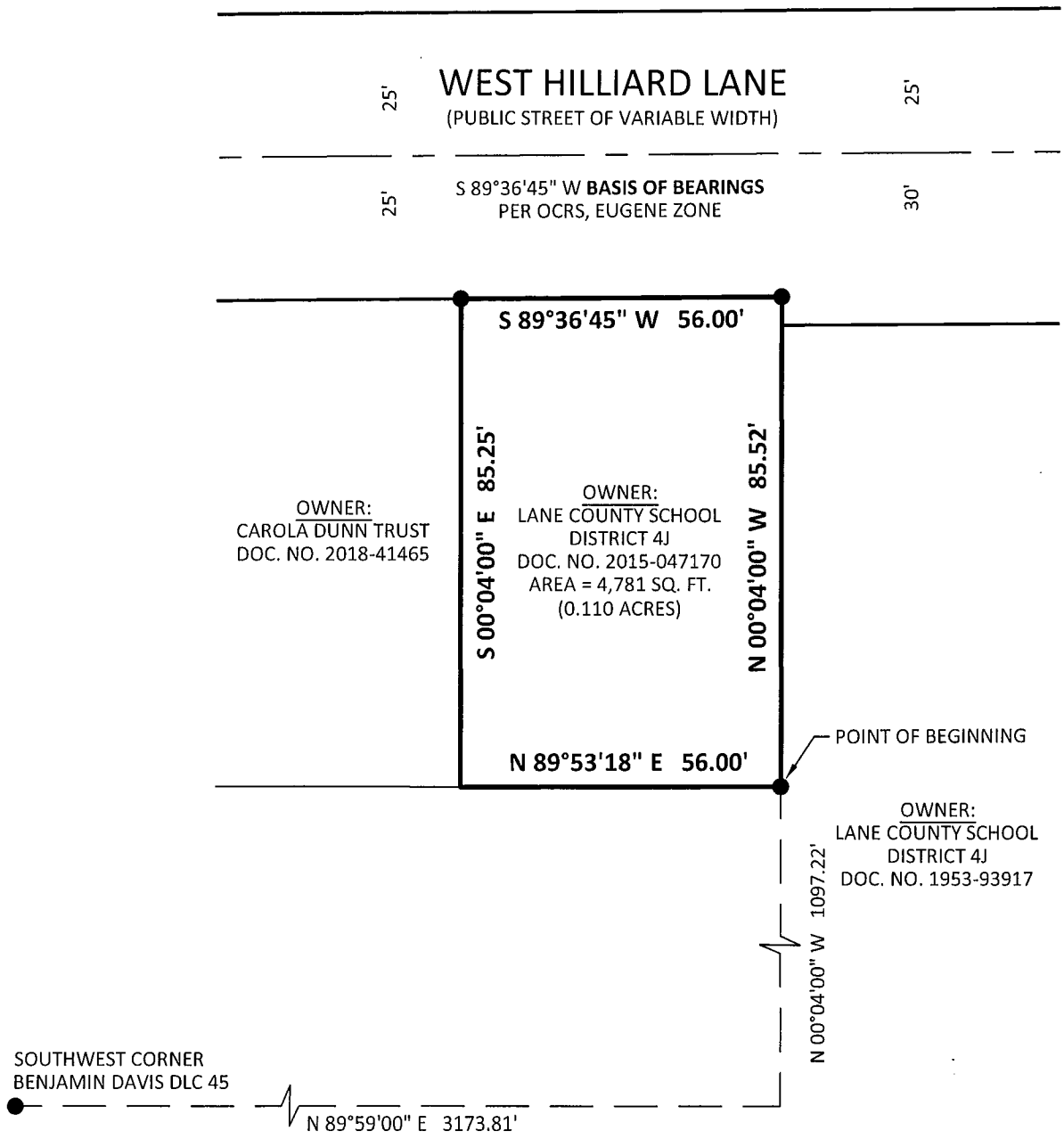
THE TRACT OF LAND IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2022.06.01
09:35:36-07'00'

OREGON
JUNE 30, 1997
TROY T. TETSUKA
2841

EXPIRES 6/30/20 24



SCALE: 1" = 30'

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EXHIBIT MAP LEGAL DESCRIPTION	DATE: 31 MAY 2022 DRAWN BY: MLP CHECKED BY: TTT
NW 1/4 SECTION 24 / T17S / R4W/ W.M. CITY OF EUGENE / LANE COUNTY / OREGON	PROJECT NO. 2100581 SHEET: 2 OF 2

Planning Director's Findings and Recommendation: Annexation Request for EUGENE 4J (City File: A 22-5)

Application Submitted: January 31, 2022
Applicant: Eugene 4J School District
Property Included in Annexation Request: Tax Lot 02000 of Assessor's Map 17-04-24-23
Zoning: R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
Location: 148 W Hilliard Lane
Lead City Staff: Althea Sullivan, Senior Planner, City of Eugene Planning Division, 541-682-5485

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:** **(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.**
Complies ☒ **YES** ☐ **NO**	**Findings:** The subject property is within the Urban Growth Boundary and is contiguous to City limits on its southern and eastern borders, consistent with subsection (a).
EC 9.7825(2)	**The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.**
Complies ☒ **YES** ☐ **NO**	**Findings:** 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 *italic* text): *Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:* *a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.* *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)* *Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).*

		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) The following policy from the Residential Element of the Metro Plan is also applicable: *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.* The Metro Plan designates the annexation area as appropriate for low-density residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) is the adopted refinement plan for the subject property, which also designates the area for low density residential use, consistent with the subject property's existing R-1 Low-Density Residential zoning. The /UL overlay will be automatically removed from the property upon approval of the annexation. Regarding applicable policies of the RR/SC UFP, the subject property is not within a defined subarea. 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. 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. Based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and RR/SC UFP refinement plan.
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.**
Complies		**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: Wastewater The subject property is already served by the public wastewater system (see sewer connection record 23606).
☒ **YES**	☐ **NO**	

		Stormwater At the time of further development of the property, treatment of stormwater will be further evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner. Transportation The property has frontage on West Hilliard Lane which is a public street that connects to other streets allowing access to the greater public street system. In the event further development occurs, additional evaluation of access to the public street system will take place. Solid Waste Collection service is provided by private firms. Regional disposal sites are operated by Lane County. Water and Electric Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. 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 Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis 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 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.

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 of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

- Upon approval of the annexation, the base zoning of R-1 Low-Density Residential will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.

- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.