



**COUNCIL RESOLUTION NO. 5380**

**RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (ASSESSOR'S MAP 18-03-03-40, TAX LOT 01001  
LOCATED EAST OF THE TERMINUS OF ROCKCRESS  
ROAD)**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Leech**

**CONSIDERED: July 10, 2023**



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**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(ASSESSOR'S MAP 18-03-03-40, TAX LOT 01001 LOCATED EAST OF  
THE TERMINUS OF ROCKCRESS ROAD)**

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

**A.** An annexation application was submitted on April 17, 2023, by ACAK Irrevocable Trust, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 18-03-03-40, Tax Lot 01001, 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 are attached as Exhibit C.

**D.** On June \_\_\_\_, 2023, 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 Laurel Hill Valley Citizens neighborhood association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 10, 2023.

**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 are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 18-03-03-40, Tax Lot 01001, which is 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 AG Agricultural with /UL Urbanizable Land Overlay to AG Agricultural shall become effective in accordance with State law.

**The foregoing Resolution adopted the 10th day of July, 2023.**

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

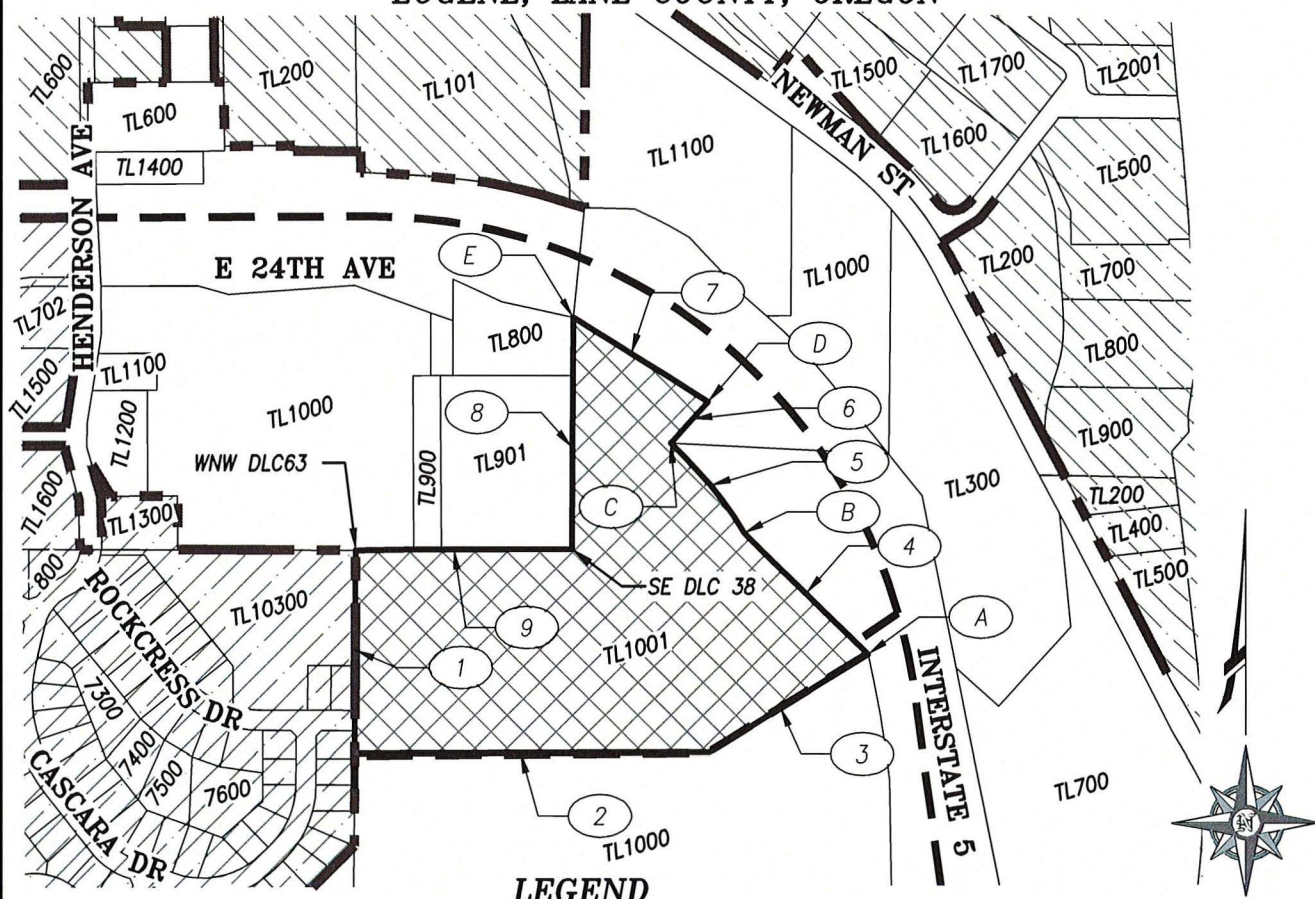


ASSESSOR'S MAP(S) TAX MAP 18-03-03-40, TAX LOT 1001

\\be-apps\data\2023\23-160 Lampman\Land Use\Annexation\Drawings\23-160-1 Annexation Map.dwg 4/25/2023 9:18 AM EMILYP

Exhibit A

LAND ANNEXATION FOR  
**ACAK IRREVOCABLE TRUST**  
TAX MAP 18-03-03-40, TAX LOT 1001  
EUGENE, LANE COUNTY, OREGON



**LEGEND**

- CITY LIMITS, EUGENE
- CITY LIMITS, SPRINGFIELD
- LANDS TO BE ANNEXED
- URBAN GROWTH BOUNDARY
- 1. BOUNDARY COURSE. SEE SHEET 2.
- A. RIGHT-OF-WAY STATION AND OFFSET. SEE SHEET 2.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

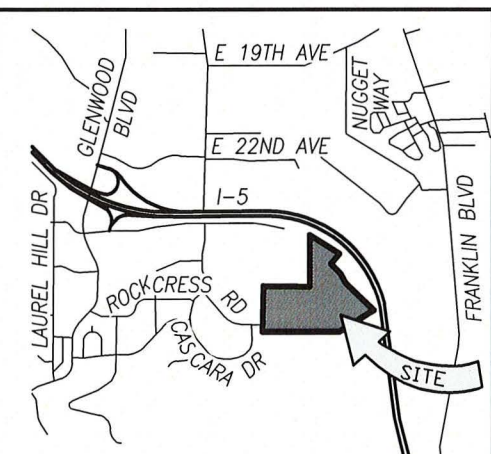
**DIGITALLY SIGNED**

OREGON  
NOVEMBER 30, 2007  
RENEE CLOUGH  
69162LS

EXPIRES: December 30, 2023

**NOTES**

1. CITY LIMITS BOUNDARIES SHOWN PER THE LANE COUNTY ONLINE MAPS APPLICATION AS OF APRIL 2023.
2. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE.



**VICINITY MAP** NOT TO SCALE

SCALE: 1"=500'



**ROCKCRESS RD**

**SHEET 1 OF 2**

ANNEXATION MAP

APRIL 25, 2023

**LAND ANNEXATION FOR**  
**ACAK IRREVOCABLE TRUST**  
**TAX MAP 18-03-03-40, TAX LOT 1001**  
**EUGENE, LANE COUNTY, OREGON**

**BOUNDARY COURSES**

1	S00°23'22"W 550.14
2	S89°45'00"E 961.05
3	N56°49'45"E 529.44
4	N46°08'11"W 471.44
5	L: 316.23, R: 1132.4, CH: N39°27'00"W 315.2
6	N42°33'00"E 150.00
7	N57°48'30"W 429.73
8	S00°07'30"W 647.48
9	N89°45'00"W 596.64

**RIGHT-OF-WAY STATION AND OFFSET**

A	267+00 100.0 W'LY
B	262+00 300.0 W'LY
C	258+00 300.0 W'LY
D	258+00 150.0 W'LY
E	253+16.35 155.01 SW'LY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**DIGITALLY SIGNED**

OREGON  
NOVEMBER 30, 2007  
RENEE CLOUGH  
69162LS

EXPIRES: December 30, 2023

SCALE: 1"=500'



**ROCKCRESS RD**

**SHEET 2 OF 2**

ANNEXATION MAP

APRIL 25, 2023

## **Exhibit B**

### **LEGAL DESCRIPTION**

Lying in the Easterly  $\frac{1}{2}$  of Section 3, Township 18 South, Range 3 West of the Willamette Meridian, being those lands conveyed as Parcel 1 of that Warranty Deed from Castle Ridgetop Investments, LLC to the ACAK Irrevocable Trust recorded on September 20, 2022 as Reception Number 2022-039893 in the Lane County Oregon Official Records, said lands being more particularly described in said deed as follows:

**BEGINNING** at the West Northwest corner of the Daniel McVey Donation Land Claim No. 63 in Township 18 South, Range 3 West of the Willamette Meridian;

**THENCE** South 00°23'22" West along the West line of said Claim No. 63 a distance of 550.14 feet;

**THENCE** leaving said Claim line and run South 89°45' East 961.05 feet;

**THENCE** run North 56°49'45" East 529.44 feet, more or less, to a point on the Westerly

right-of-way line of Pacific Highway No. 1-5, said point being 100.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 267+00;

**THENCE** run Northwesterly along said right-of-way line North 46°08'11" West 471.44 feet, more or less, to a point that is 300.0 feet Westerly of (when measured at right angles) the Engineers Centerline Station 262+00;

**THENCE** continuing along said right of way line along the arc of a 1132.4 foot radius curve left (the chord of which bears North 39°27' West 315.2 feet) a distance of 316.23 feet to a point that is 300.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

**THENCE** North 42°33' East along said right of way line 150.0 feet to a point that is 150.0 feet Westerly of (when measured at right angles) Engineers Centerline Station 258+00;

**THENCE** North 57°48'30" West along said right of way line a distance of 429.73 feet, more or less, to a point on the East line of the Chas. B. Sweet Donation Land Claim No. 38, said point being 155.01 feet Southwesterly of (when measured at right angles) Engineers Centerline Station 253+16.35;

**THENCE** leaving said right of way line and run South  $00^{\circ}07'30''$  West along the East line of said Sweet Donation Land Claim line a distance of 647.48 feet, more or less, to the Southeast corner of said Sweet Donation Land Claim No. 38;

**THENCE** North  $89^{\circ}45'$  West along the South line of said Sweet Donation Land Claim a distance of 596.64 feet to the point of beginning, in Lane County, Oregon.



**Planning Director's Findings and Recommendation:  
Annexation Request for ACAK IRREVOCABLE TRUST  
(City File: A 23-2)**

<b>Application Submitted:</b> April 17, 2023
<b>Applicant:</b> ACAK Irrevocable Trust
<b>Property Included in Annexation Request:</b> Tax Lot 01001 of Assessor's Map 18-03-03-40
<b>Zoning:</b> AG Agricultural with an /UL Urbanizable Land Overlay
<b>Location:</b> East of the terminus of Rockcress Road
<b>Lead City Staff:</b> Nicholas Gioello, Associate Planner, 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="checked" type="checkbox"/> YES <input type="checkbox"/> NO	<b>Findings:</b> The subject property is within the Urban Growth Boundary and is contiguous to City limits on its western border, consistent with subsection (a).
<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="checked" type="checkbox"/> YES <input type="checkbox"/> NO	<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> ):  <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 consistent with the Metro Plan. (page II-C-4)</i>  <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i>



		<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 property to be annexed as appropriate for low-density residential use. The Laurel Hill Plan and the South Hills Study are the adopted refinement plans for the subject property. The Laurel Hill Plan also identifies the area as appropriate for low-density residential; however, neither plan includes policies that would serve as mandatory approval criteria for the proposed annexation.</p> <p>The property is currently zoned AG Agricultural with /UL Urbanizable Land overlay. In accordance with EC 9.7820(3), the /UL overlay will be automatically removed from the property upon annexation of a property. It is noted that prior to new residential development on the site, the property will need to be rezoned to R-1 Low-Density Residential consistent with the Metro Plan and applicable refinement plan designations.</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>Based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan the Laurel Hill Plan refinement plan, and the South Hills Study.</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>						
<table border="1"> <tr> <th colspan="2">Complies</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>YES</td> <td>NO</td> </tr> </table>		Complies		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO	<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></p> <p>Public wastewater is available via an 8-inch line located at the southwest corner of the subject property. A specific plan for service to the site will be reviewed at the time of future development.</p>
Complies								
<input checked="" type="checkbox"/>	<input type="checkbox"/>							
YES	NO							

Stormwater

Public stormwater facilities are available within the rights-of-way of Rockcress Road and Cascara Drive. At the time of further development of the property, it will be necessary to check the downstream capacity. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

Public access to the subject lot is located along the western boundary where Rockcress Road terminates. Rockcress Road provides a connection to Brackenfern Road which provides access to the Glenwood Boulevard and other main collectors, arterials and the I-5 Interstate. Fire and emergency access and future street connections will be reviewed at the time of future development.

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 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 located within the district boundary of Edison Elementary School, Roosevelt Middle School, and South 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.
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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 of the annexation will be set in accordance with State law.

**INFORMATIONAL ITEMS:**

- Upon approval of the annexation, the base zoning of AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Prior to new residential development on the site, the property will need to be rezoned to R-1 Low-Density Residential consistent with the Metro Plan and applicable refinement plan designations. 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.