



**COUNCIL RESOLUTION NO. 5144**

**A RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-  
04-02-34, TAX LOT 100).**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: November 23, 2015**



**RESOLUTION NO. 5144**

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-02-34, TAX LOT  
100).**

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

**A.** An annexation application was submitted by Janice M. Rush Trust on September 4, 2015, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-02-34, Tax Lot 100.

**B.** The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described 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 Recommendation is attached as Exhibit C.

**D.** On October 23, 2015, 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 applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on November 23, 2015.

**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 Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-02-34, Tax Lot 100 on the map attached as Exhibit A, and 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/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

**The foregoing Resolution adopted the 23<sup>rd</sup> day of November, 2015.**

*Beth Forrest*  
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**City Recorder**

**SITE PLAN for RUSH PROPERTY ANNEXATION**  
 SW 1/4, SEC. 2 T 17 S, R 4 W W.M.  
 ASSESSOR'S MAP 17-04-02-34 TL No. 100  
 EUGENE, LANE COUNTY, OREGON  
 OCTOBER 1, 2015

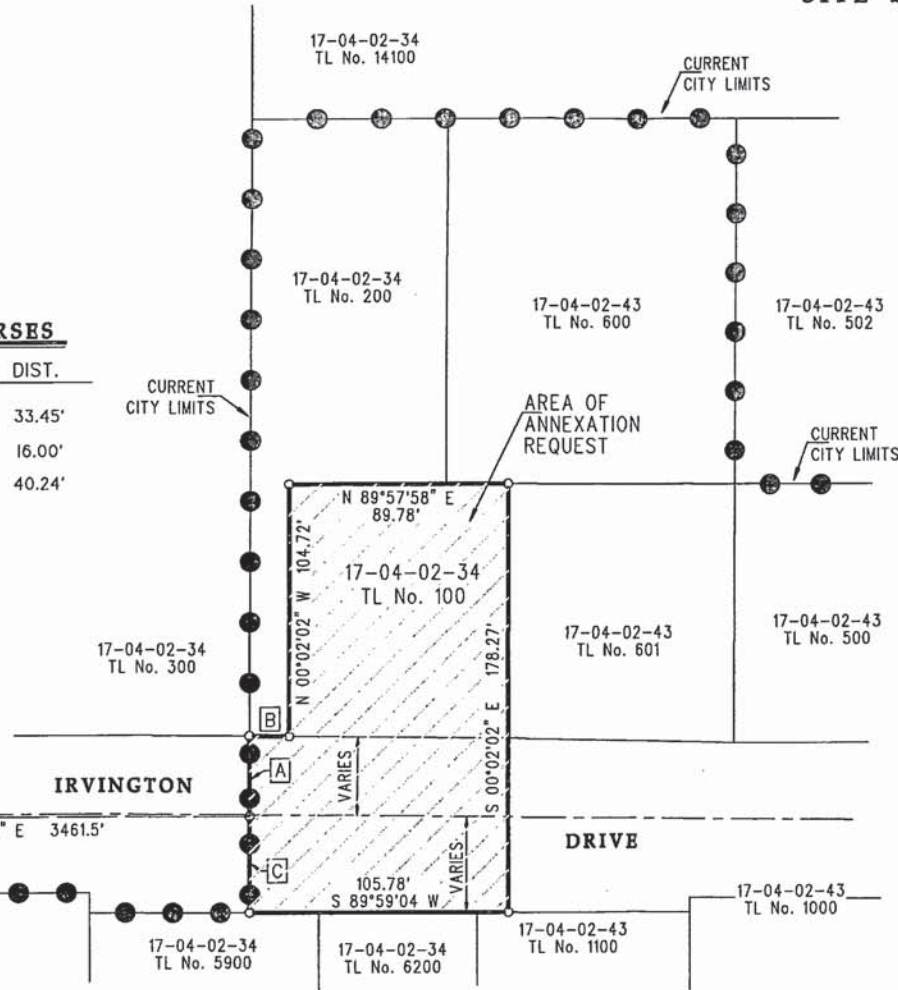


SCALE 1"=60'

**ADDITIONAL COURSES**

SEGMENT	BEARING	DIST.
A	N 00°02'02" W	33.45'
B	S 89°25'00" E	16.00'
C	N 00°02'02" W	40.24'

SE CORNER  
 MARION SCOTT  
 D.L.C. No. 56  
 T 17 S, R 4 W W.M.



VICINITY MAP  
 NO SCALE

**POAGE ENGINEERING & SURVEYING, INC.**  
 P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505  
 JOB No. 4399 • DRAWN: JAO\4399LLA.GXD • 08-15

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Jonathan A. Oakes*

OREGON  
 JULY 13, 1984  
 JONATHAN A. OAKES  
 2105

EXPIRES: DECEMBER 31, 2016

Exhibit B

**Legal Description for the Annexation of the Rush Property  
to the City of Eugene**

**SW 1/4 SEC. 2 T 17 S, R 4 W W.M.**

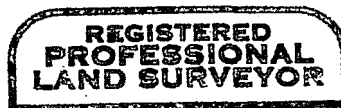
**Assessor's Map No. 17-04-02-34, TL No. 100**

**October 1, 2015**

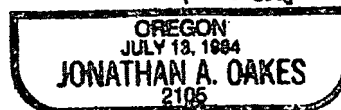
**REVISED**

Beginning at a point on the center of Irvington Drive, 3461.50 feet North 89°57'58" East from the Southeast corner of the Marion Scott D.L.C. No. 56 in Township 17 South, Range 4 West of the Willamette Meridian; thence leaving said centerline and running North 00°02'02" West 33.45 feet to a point on the north margin of Irvington Drive as dedicated to Lane County through an instrument recorded August 28, 2002 Recep. No. 2002-066733 Lane County Oregon Deeds and Records; thence along the north margin of Irvington Drive South 89°25'00" East 16.00 feet to a point on the west boundary of that certain tract of land described in an instrument recorded June 11, 1984 Inst. No. 84-24898 and 84-24899 Lane County Oregon Deeds and Records; thence leaving said north margin and running along the west boundary of said last described tract North 00°02'02" West 104.72 feet to the northwest corner thereof; thence North 89°57'58" East 89.78 feet to the northeast corner thereof; thence along the east boundary of said last described tract South 00°02'02" East 178.27 feet to a point on the south margin of Irvington Drive as dedicated to Lane County through an instrument recorded June 25, 1970, Instr No. 10410 Lane County Oregon Deeds and Records; thence along the south margin of Irvington Drive South 89°59'04" West 105.78 feet to a point which bears South 00°02'02" East from the point of beginning; thence North 00°02'02" West 40.24 feet to the point of beginning, all in Lane County Oregon.

Bearings used hereon are based on the plat of Thompson Meadows as platted and recorded December 30, 1999 in File 75, Slides 926-931 Lane County Oregon Plat Records.



*Jonathan A. Oakes*



Expires: DEC 31, 2016

## Exhibit C



### Planning Director's Findings and Recommendation Annexation Request for Rush, Janice (City File A 15-1)

<b>Application Submitted:</b> September 4, 2015
<b>Applicant:</b> Janice Rush
<b>Property Included in Annexation Request:</b> Tax Lot <b>100</b> of Assessor's Map <b>17-04-02-34</b>
<b>Zoning:</b> AG/UL Agricultural with Urbanizable Lands Overlay
<b>Location:</b> 85 Irvington Drive; North side of Irvington Drive, west of River Road
<b>Representative:</b> Bill Kloos, Law Office of Bill Kloos, PC
<b>Lead City Staff:</b> Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

**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>	
<p>(a) <b>Contiguous to the city limits; or</b></p> <p>(b) <b>Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b></p>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> The annexation area is within the City's urban growth boundary (UGB), and as proposed, will be separated from the city only by a public right of way, consistent with subsection (b). As shown in the application materials and confirmed by City staff, the applicant's proposal includes a request to annex a portion of the Irvington Drive right of way, which makes the proposal consistent with this criterion. This segment of street annexation will not create an island of unincorporated property, consistent with Council Resolution 4903.</p>
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<p style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>    <input type="checkbox"/> <b>NO</b></p>	<p><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</i> text):</p> <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 style="margin-left: 20px;"><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 style="margin-left: 20px;"><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-4).</i></p> <p><i>Policy 16. 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 <u>Metro Plan</u> designates the annexation area as appropriate for commercial use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for commercial uses. The property is currently zoned AG/UL Agricultural with 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 <u>RR/SC UFP</u>, the subject property is within the “River Road/Wilkes” subarea; however, none of the policies applied to the subarea appear to be directly applicable to the subject request. 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 <u>RR/SC UFP</u> 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 applicable refinement plan.</p>
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**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 style="text-align: center;"><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b>      <input type="checkbox"/> <b>NO</b></p>	<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> Public wastewater is available to serve the subject property. There is an existing 12-inch line within Irvington Drive; sewer connection record #32130 is evidence of an existing connection from the residence to this system. There are no liens or assessments of record due.</p> <p><u>Stormwater</u> There are public stormwater facilities within Irvington Drive; discharge to this system is dependent on available capacity and jurisdiction of the facility. Stormwater may be accommodated on site if infiltration rates demonstrate feasibility. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The subject property abuts Irvington Drive, a Lane County facility, classified as a minor arterial by the City of Eugene.</p> <p><u>Solid Waste</u> 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> Eugene Water and Electric Board (EWEB) Water staff confirm that the property is currently served with water and electric, and therefore has no objection to the annexation.</p>
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		<p><u>Public Safety</u> 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> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.</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 Spring Creek Elementary School, Madison Middle School, and North Eugene High School.</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.

**INFORMATION:**

- ◆ 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. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.