



COUNCIL RESOLUTION NO. 5343

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-14-14, TAX LOT 1700 LOCATED AT 135
KOURT DRIVE)**

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: EVANS

CONSIDERED: January 10, 2022



RESOLUTION NO. 5343

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-14-14, TAX LOT 1700, LOCATED AT 135
KOURT DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on November 2, 2021, by Michael Scnear, on behalf of the property owner, Roser and Scnear Investments, LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-14-14, Tax Lot 1700, 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 December 10, 2021, 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 January 10, 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 C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-14-14, Tax Lot 1700 which is 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 AG Agricultural Land and R-1 Low-Density Residential, with an /UL Urbanizable Land Overlay to AG Agricultural Land and R-1 Low-Density Residential shall become effective in accordance with State law.

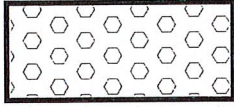
The foregoing Resolution adopted the 10th day of January, 2022.



Deputy City Recorder

LAND ANNEXATION FOR
TAX LOT 17-04-14-14-1700
SE 1/4 NE 1/4 SECTION 14, T17S, R4W, W.M.
LANE COUNTY, OREGON

LEGEND



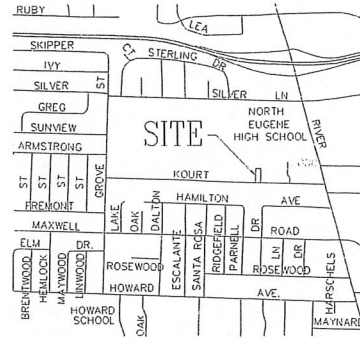
CITY LIMITS



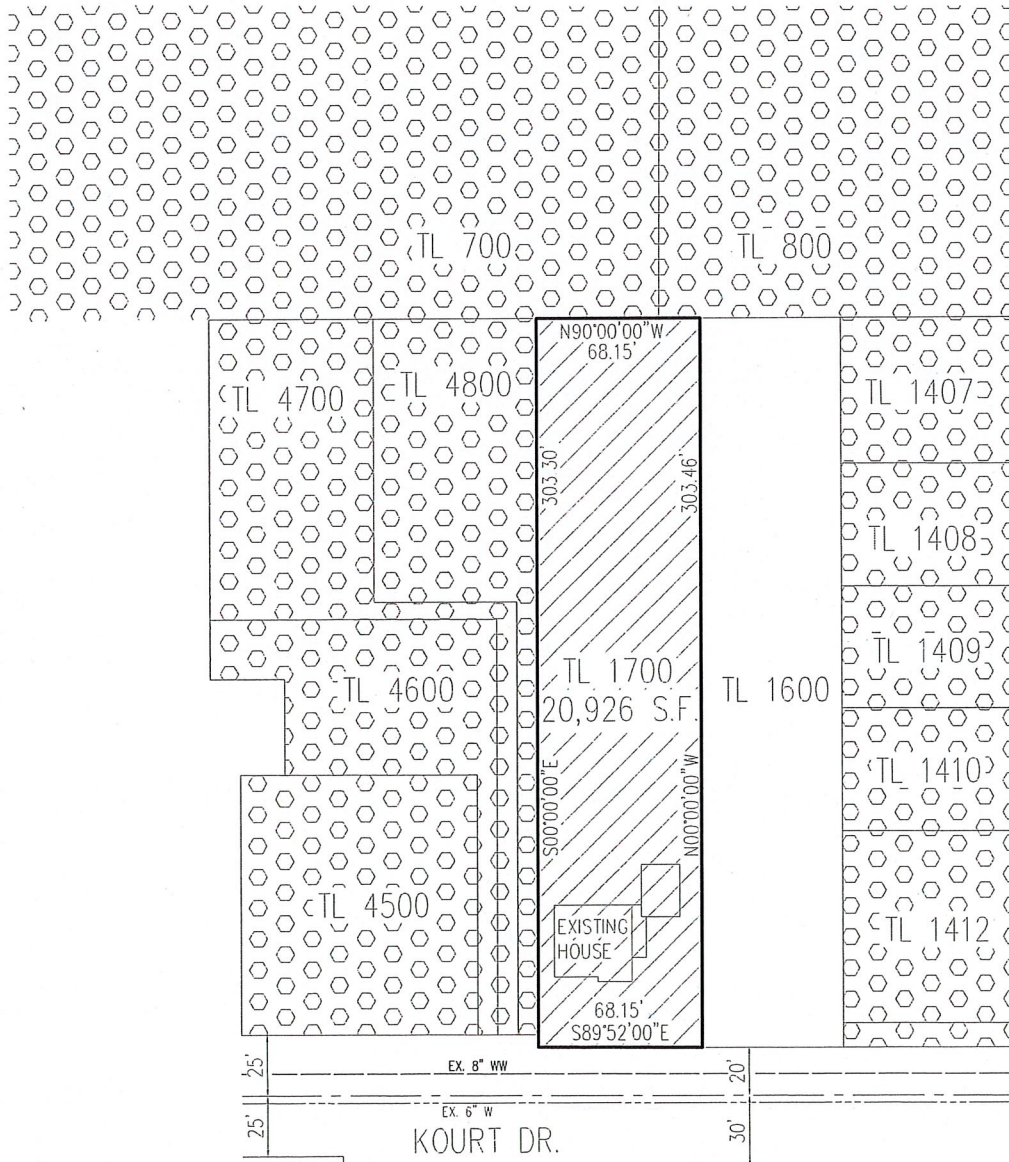
LAND TO BE ANNEXED



SCALE: 1" = 60'



VICINITY MAP
NO SCALE



LEGAL DESCRIPTION:

Beginning at a point 481.8 feet North and 2248.95 feet East of the Southwest corner of Joseph Davis Donation Land Claim No. 48, Township 17 South, Range 4 West of the Willamette Meridian;

Thence West, 68.15 feet;

Thence South 303.30 feet to the northerly right-of-way line of Kourt Drive;

Thence along the northerly right-of-way line of Kourt Drive, 20.0 feet northerly and parallel with the centerline, South 89° 52' East, 68.15 feet;

Thence North 303.46 feet to the Point of Beginning, all in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-20 21



**Planning Director’s Findings and Recommendation:
Annexation Request for 135 KOURT DRIVE
(City File: A 21-15)**

Application Submitted: November 2, 2021
Applicant: Michael Scnear
Property Included in Annexation Request: Tax Lot 01700 of Assessor’s Map 17-04-14-14
Zoning: Split zoned AG Agricultural Land and R-1 Low-Density Residential, with an /UL Urbanizable Land Overlay
Location: 135 Kourt Drive
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.					
<table border="1"> <tr> <td align="center">Complies</td> <td></td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/> YES</td> <td align="center"><input type="checkbox"/> NO</td> </tr> </table>	Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Findings: The annexation area is within the City’s urban growth boundary (UGB) and is contiguous to City limits along the property’s northern and western boundaries, consistent with subsection (a).
Complies					
<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.					
<table border="1"> <tr> <td align="center">Complies</td> <td></td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/> YES</td> <td align="center"><input type="checkbox"/> NO</td> </tr> </table>	Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	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>): <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>
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				

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 R-1 Low-Density Residential zoning already existing on a portion of the subject property. A separate zone change process will be required to change the portion of the property zoned AG Agricultural Land, prior to any future development of that portion of the site for planned residential uses. 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.

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



YES



NO

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

Wastewater service is available via an 8-inch public main located adjacent to the site on Kourt Drive. Based on the existing service, wastewater service is available to the subject property.

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 Kourt Drive 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.

		<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 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>
--	--	--

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 and 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 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.