



COUNCIL RESOLUTION NO. 5371

**RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (ASSESSOR'S MAP 17-04-24-21, TAX LOT 06800
LOCATED AT 90 ARBOR DRIVE).**

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Groves

CONSIDERED: January 23, 2023



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**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-24-21, TAX LOT 06800 LOCATED AT 90
ARBOR DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on September 23, 2022, by Oblio Stroyman and Cass Averill, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-21 Tax Lot 06800, 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 22, 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 January 23, 2023.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

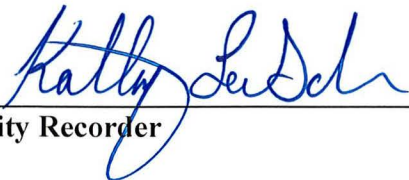
NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

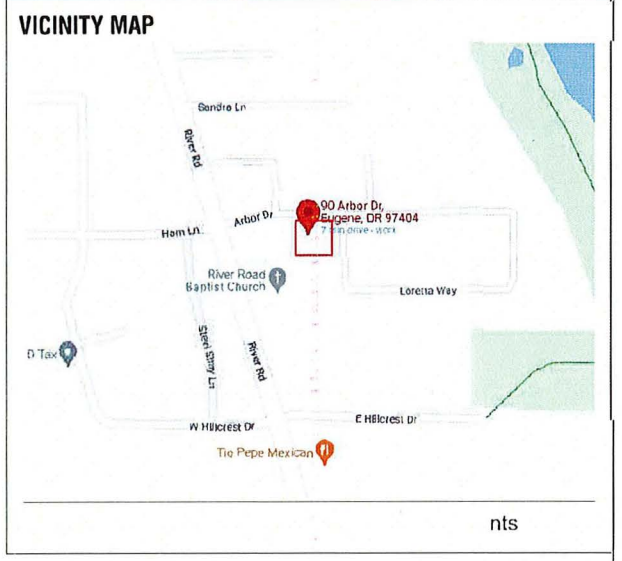
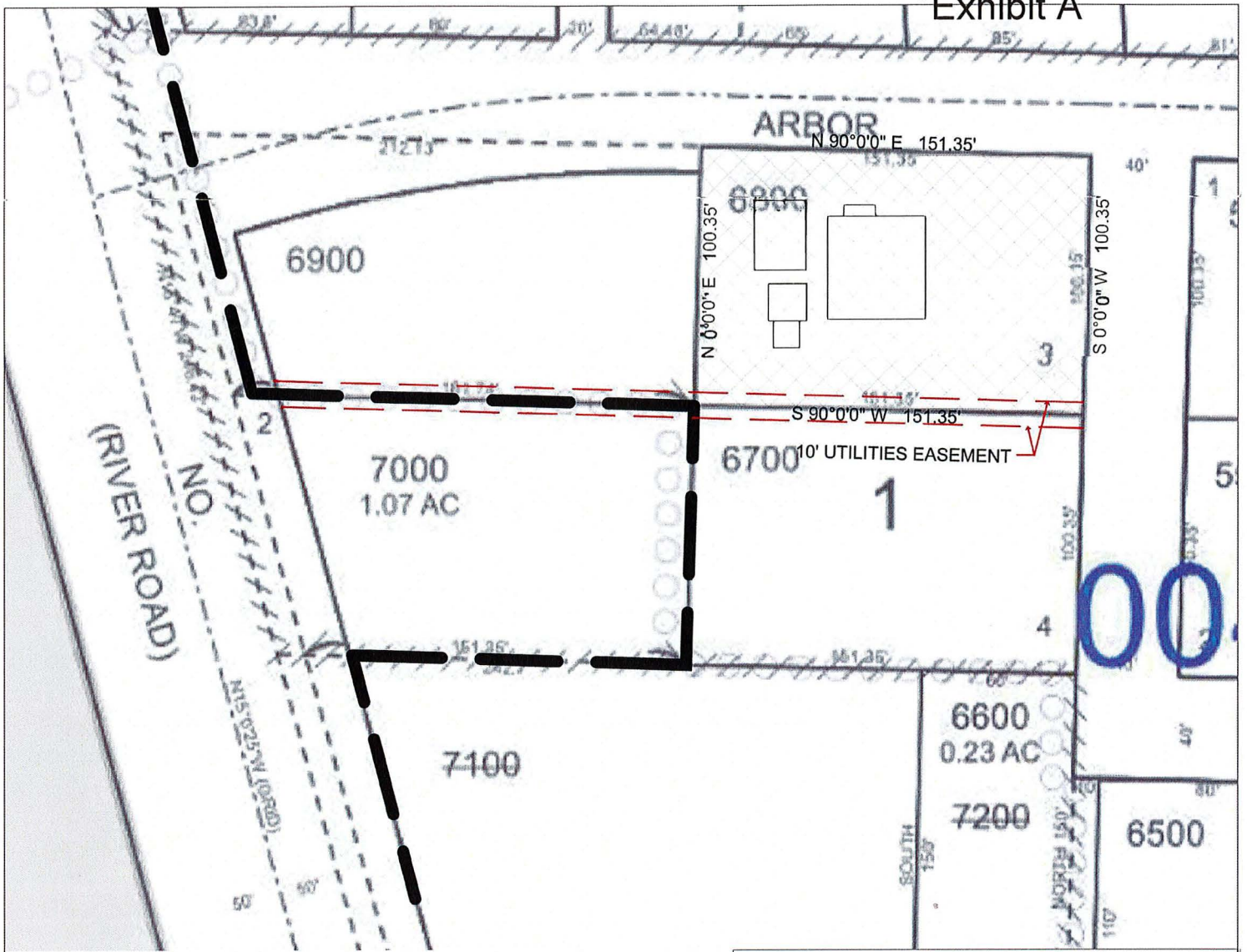
Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-21, Tax Lot 06800, which is more particularly described in the 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 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 23rd day of January, 2023.



City Recorder



-  LAND TO BE ANNEXED (NEWMANS TRACT Lot 3 Block 1)
-  CITY LIMITS
-  EXISTING BUILDINGS



MAP: 17 04 24 21 Tax Lot 6800

SCHIRMER CONSULTING, LLC
 Landscape Architecture + Land Use Planning
 PO Box 10424
 Eugene, Oregon 97440
 Phone: 541.234.3108

ANNEXATION MAP
Stroyman/Averill Annexation
 90 Arbor Drive, Eugene, OR 97402

Date: September 23, 2022
 Revised: October 26, 2022



**Legal Description of Affected Territory to be Annexed
(Tax Lot #6800)**

Lot 3, Block 1, NEWMAN'S TRACT, as platted and recorded in Vol. 12, Page 5, Lane County Oregon Plat Records, in Lane County, Oregon.

DESCRIPTION

BEGINNING AT A POINT ON THE EAST LINE OF COUNTY ROAD NO. 200 ALSO KNOWN AS THE OLD PACIFIC HIGHWAY, 182.83 FEET NORTH 11° WEST OF THE NORTHWEST CORNER OF THE PLAT OF DANLEIGH AS THE SAME IS PLATTED AND RECORDED IN BOOK 2, PAGE 32 OF THE LANE COUNTY PLAT RECORDS AND RUNNING THENCE WEST 10.48 FEET; THENCE NORTH 16° 50' WEST 184.87 FEET; THENCE EAST 112.05 FEET; THENCE SOUTH 10° 51' EAST 201.88 FEET; THENCE SOUTH 84° 33' EAST 18.16 FEET; THENCE WEST 859.88 FEET; THENCE NORTH 18.00 FEET; THENCE WEST 321.00 FEET TO THE POINT OF BEGINNING.

SURVEYORS AFFIDAVIT

I, ADRIAN W. WALLEN, BEING DULY SWORN ON OATH, SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED ON THE GROUND WITH BRASS MONUMENTS THE LAND REPRESENTED BY THE PLAT OF NEWMAN TRACT AS SHOWN HEREIN AND HAVE PLACED A 2" BY 2" COUNMISED IRON PIPE 6" BELOW THE GROUND SURFACE FOR THE INITIAL POINT AT A DISTANCE OF 807.34 FEET NORTH 17° WEST OF A POINT 182.43 FEET EAST OF THE SOUTH WEST CORNER OF THE BENJAMIN DAVIS D.L.C. NO. 45 IN T. 7 S. R. 4 W. W. M. OREGON LICENSE 2132.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF DECEMBER 1943.
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES JUNE 12 1944



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, J. DELMAR NEWMAN AND LORETTA NEWMAN, HUSBAND AND WIFE AND JOHN H. NEWMAN AND ABELINE NEWMAN, HUSBAND AND WIFE, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND DO HEREBY LAY OUT AND ESTABLISH THE STREETS AS SHOWN ON THE PLAT OF NEWMAN TRACT AND DEDICATE THE SAME TO THE PUBLIC TO BE USED AS SUCH FOREVER.

WITNESS OUR HANDS AND SEALS;
THIS 7TH DAY OF DECEMBER, 1943

J. DELMAR NEWMAN
LORETTA NEWMAN
JOHN H. NEWMAN
ABELINE NEWMAN

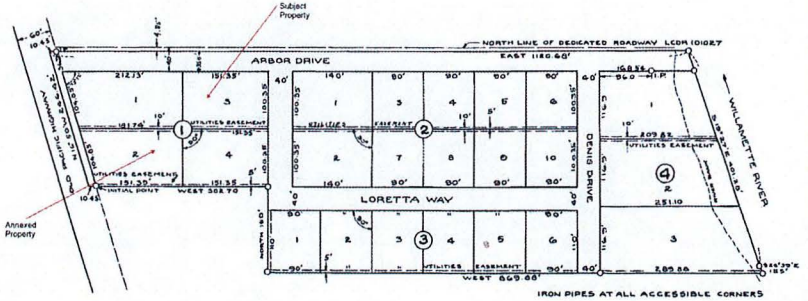
ACKNOWLEDGEMENT

STATE OF OREGON) ss
COUNTY OF LANE)
ON THE 7th day of December, 1943, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE SAID STATE AND COUNTY, THE ABOVE MENTIONED PARTIES, J. DELMAR NEWMAN, LORETTA NEWMAN, JOHN H. NEWMAN, ABELINE NEWMAN, WHO ARE PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN NAMED. IN WITNESS I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 12th day of December, 1943.

WITNESSED BY ME, Madison Leagle, NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES March 2 1944

NEWMAN TRACT

A SUBDIVISION IN BENJAMIN DAVIS D.L.C. NO. 45, T. 7 S., R. 4 W. W. M.
LANE COUNTY, OREGON



M. A. Ballard
12
M. A. Ballard
Code Style

EUGENE
PLANNING COMMISSION
PRESIDENT
SECRETARY

LANE COUNTY
COUNTY JUDGE
COMMISSIONER
ASSESSOR
SURVEYOR

FILED FOR RECORD
RECORDED



**Planning Director’s Findings and Recommendation:
Annexation Request for 90 Arbor Drive
(City File: A 22-9)**

Application Submitted: September 23, 2022
Applicant: Oblio Stroyman and Cass Averill
Property Included in Annexation Request: Tax Lot 06800 of Assessor’s Map 17-04-24-21
Zoning: R-1 Low-Density Residential with /UL Urbanizable Land Overlay Zone
Location: 90 Arbor Drive
Lead City Staff: Jeff Gepper, Senior Planner, City of Eugene Planning Division, 541-682-5282

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 subject property is within the Urban Growth Boundary and is contiguous to City limits on its south western corner of the property, 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>): <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>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

		<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 <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, 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 <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> 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.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is within the River Road/Hilliard subarea, which also identifies the property as low density residential, but does not contain specific policies 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 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 <u>Metro Plan</u> 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 <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
<p>EC 9.7825(3)</p>	<p>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>	
<p>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>	

Wastewater

Public wastewater is available via an 8-inch line which is located in Arbor Drive. A specific plan for service to the site will be reviewed at the time of future development.

Stormwater

At the time of future 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 is located on Arbor 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

Water and electric services are currently provided to the property. Future or additional water and electric services extended to the subject property must be 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></p> <p>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.</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 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.