
COUNCIL RESOLUTION NO. 5348

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-03-28-40, TAX LOT 1101 LOCATED AT 110
S. GARDEN WAY)**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: February 28, 2022



RESOLUTION NO. 5348

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-03-28-40, TAX LOT 1101, LOCATED AT 110 S.
GARDEN WAY).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on September 21, 2021, by David and Patricia Kersey, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-28-40, Tax Lot 1101, 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 January 28, 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 Harlow Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on February 28, 2022.

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

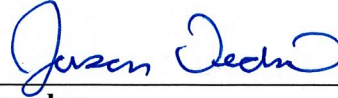
NOW, THEREFORE,

**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 17-03-28-40, Tax Lot 1101, 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.

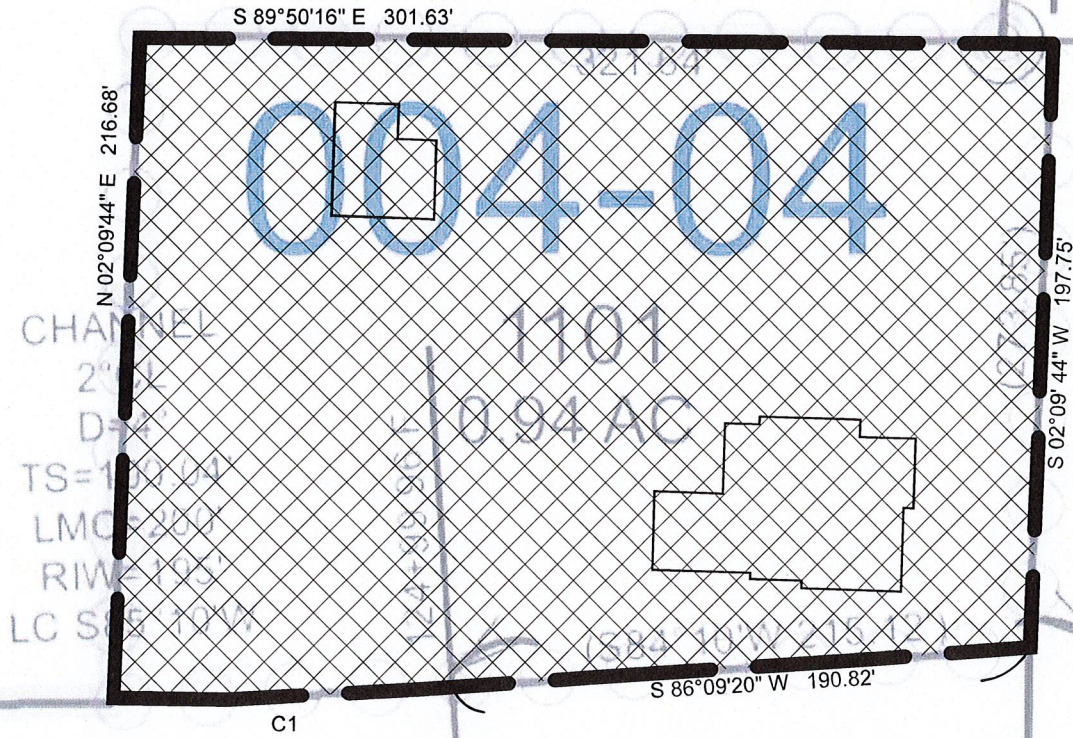
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from AG Agricultural with /UL Urbanizable Land Overlay to AG Agricultural with /ND Nodal Development Overlay shall become effective in accordance with State law.

The foregoing Resolution adopted the 28th day of February, 2022.



City Recorder

Exhibit A



CHANNEL
2'
D=4'
TS=100'
LMC=200'
R/W=100'
LC S=100'

N 86°12'34\"/>

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	DIRECTION
C-1	2793.79	112.08	02°17'55"	112.08	S 87°18'18" W



LAND TO BE ANNEXED



CITY LIMITS



EXISTING BUILDINGS



VICINITY MAP



nts

MAP: 17 03 28 40 Tax Lot 1101

SCHIRMER CONSULTING, LLC
Landscape Architecture + Land Use Planning
PO Box 10424
Eugene, Oregon 97440
Phone 541.234.5108

ANNEXATION MAP

Kersey Annexation

Garden Avenue, Eugene, OR

Scale: 1" = 60' - 0"



Date: September 22, 2021

Exhibit B

**Legal Description of Affected Territory to be Annexed
(Tax Lot #1101)**

A unit of land being situated in the Southeast 1/4 of Section 28, Township 17 South, Range 3 West of the Willamette Meridian, said unit of land being more particularly described as follows:

Commencing at the Southeast corner of the M. Harlow Donation Land Claim No. 57 located in Township 17 South, Range 3 West of the Willamette Meridian;

Thence along the east line of Donation Land Claim No. 57 and the centerline of Garden Way, North 02°09'44" East a distance of 2887.42 feet;

Thence leaving the east line of Donation Land Claim No. 57 and the centerline of Garden Way, North 89°50'16" West a distance of 20.01 feet to a point on the westerly right-of-way line of Garden Way and the **POINT OF BEGINNING** of this land to be annexed;

Thence along the westerly right-of-way line of Garden Way, 20.00 feet westerly and parallel with the centerline, South 02°09'44" West a distance of 197.75 feet to a point on the northerly boundary of the "Q" Street Diversion Floodway as recorded June 15, 1959 as Instrument No. 72960, Lane County Deeds and Records, in Lane County, Oregon;

Thence along the northerly boundary of the "Q" Street Diversion Floodway as follows: South 86°09'20" West a distance of 190.82 feet;

Thence along the arc of a 2793.79 foot radius curve to the right with a central angle of 02°17'55" (the chord of which bears South 87°18'18" West a distance of 112.08 feet) and an arc length of 112.08 feet to the most southerly-southeast corner of Parcel 3, Land Partition Plat No. 2000-P1373;

Thence leaving the northerly boundary of the "Q" Street Diversion Floodway and running along the easterly boundary of said Parcel 3, North 02°09'44" East a distance of 216.68 feet to an interior corner of said Parcel 3;

Thence running along the southerly boundary of said Parcel 3 and the easterly projection thereof, South 89°50'16" East a distance of 301.63 feet to the point of beginning, all in Lane County, Oregon and containing 62,720 square feet (1.44 acres) of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

RENEWS: 12-31-2021



**Planning Director’s Findings and Recommendation:
Annexation Request for DAVID & PATRICIA KERSEY
(City File: A 21-12)**

Application Submitted: September 21, 2021
Applicant: David and Patricia Kersey
Property Included in Annexation Request: Tax Lot 01101 of Assessor’s Map 17-03-28-40
Zoning: AG Agricultural with /UL Urbanizable Land Overlay
Location: 110 South Garden Way
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	Findings: The annexation area is within the City’s urban growth boundary (UGB) and is contiguous to City limits along all boundaries, 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	

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 property to be annexed as appropriate for high-density residential use and identifies the property as located within the Nodal Development Area. Per Eugene Code 9.7820(3)(a) any land identified as a Nodal Development Area shall be automatically included in the Eugene /ND Nodal Development Overlay Zone upon annexation.

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 and the /ND overlay will be added following annexation approval. It is noted that prior to new development on the site, the property will still need to be rezoned consistent with the Metro Plan and applicable refinement plan designations.

The Willakenzie Area Plan (WAP) is the adopted refinement plan for the subject property. The subject property is located within the WAP's Chase Gardens Subarea. The WAP designates the property for high-density residential use within the mixed-use subarea. With regard to applicable policies of the WAP, none of the listed policies for this subarea appear to be directly applicable to the subject property except Policy and Proposed Actions (11) which states, "Upon annexation and prior to land division or development, properties located along or east of Garden Way shall rezone to S-CN Chase Node Special Area Zone". Based on this Policy, the property should rezone to S-CN Chase Node Special Area Zone prior to development of the site. The proposed annexation does not conflict with any of the Land Use Policies or Residential Policies in the WAP. The "Public Facilities and Services Element" policies of the WAP 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.

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>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and the WAP refinement plan.</p>
<p>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>		
<p>Complies</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>
<p><input checked="" type="checkbox"/> YES</p>	<p><input type="checkbox"/> NO</p>	<p><u>Wastewater</u> Wastewater service is available via the existing wastewater system within South Garden Way which abuts the subject property. Based on the proximity to the service, service is available to the subject property.</p> <p><u>Stormwater</u> 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.</p> <p><u>Transportation</u> The property has frontage on South Garden Way 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.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County.</p> <p><u>Water and Electric</u> 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.</p> <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 Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> 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.</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 Holt Elementary School, Monroe Middle School, and Sheldon 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.