



COUNCIL RESOLUTION NO. 5353

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-23-14, TAX LOTS 01600 AND 02300,
LOCATED AT 1070 FAIRWAY DRIVE)**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: March 14, 2022



RESOLUTION NO. 5353

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-23-14, TAX LOTS 01600 AND 02300, LOCATED
AT 1070 AND 1075 FAIRWAY DRIVE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on October 26, 2021, by Karen Kielas and Fairway Housing LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-23-14, Tax Lots 01600 and 02300 to the City of Eugene. Karen Kielas is the owner of Tax Lot 1600 and Fairway Housing LLC is the owner of Tax Lot 2300.

B. The property proposed to be annexed is described in the legal description attached to this Resolution as Exhibit A.

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 B.

D. On February 11, 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 March 14, 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 B and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-23-14, Tax Lots 01600 and 02300, which is more particularly described in the attached Exhibit A, 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 14th day of March, 2022.



City Recorder

Exhibit A

**ANNEXATION LEGAL DESCRIPTION FOR
1070 & 1075 FAIRWAY DRIVE**

1075 FAIRWAY DRIVE, TAX LOT 01600

Beginning at a point 1694.1 feet South 89°47' East of a point on the West line of the Benjamin Davis and wife Donation Land Claim No. 45, Township 17 South, Range 4 West of the Willamette Meridian, which is 1205.82 feet North of the Southwest corner of said claim and run thence North 0°11' East 140.67 feet to the Point of Beginning of the tract; thence South 89°47'00" East 20.00 feet to the True Point of Beginning; thence North 0°11' East 70.34 feet; thence South 89°47' East 123.90 feet; thence South 0°11' West 70.34 feet; thence North 89°47' West 123.90 feet to the True Point of Beginning, in Lane County, Oregon.

1070 FAIRWAY DRIVE, TAX LOT 02300

Beginning at a point 1550.2 feet South 89°47' East of a point on the West line of the Benjamin Davis and Wife Donation Land Claim No. 45, in Township 17 South, Range 4 West of the Willamette Meridian, which is 1205.82 feet North of the Southwest corner of said claim and run thence North 0°11' East 140.67 feet to the True Point of Beginning of the tract; thence North 0°11' East 140.68 feet; thence South 89°47' East 123.90 feet; thence South 0°11' West 140.68 feet; and thence North 89°47' West 133.90 feet to the True Point of Beginning, in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/2021



**Planning Director’s Findings and Recommendation:
Annexation Request for FAIRWAY HOMES LLC
(City File: A 21-14)**

Application Submitted: October 26, 2021
Applicants: Karen Kielas and Fairway Housing LLC
Property Included in Annexation Request: Tax Lots 01600 and 02300 of Assessor’s Map 17-04-23-14
Zoning: R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
Location: 1070 and 1075 Fairway 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	<p>Findings: Tax Lot 01600 is contiguous to City limits along the property’s eastern boundary. Tax Lot 02300 is located across Fairway Drive from Tax Lot 01600, which will be annexed by this annexation making Tax Lot 02300 separated from the City only by a public right of way. Based on the available information, the proposed annexation complies with this criterion based on subsection (a) and (b).</p>
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	<p>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>):</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> <ol style="list-style-type: none"> <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>
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				

	<p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i></p> <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 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 <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

Wastewater service is available via an existing 12-inch line within Fairway Drive which abuts the subject properties. Based on the proximity to the service, service is available to the subject properties.

Stormwater

At the time of further development of the properties, 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 properties have frontage on Fairway 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 properties. Water and electric services can be extended to the subject properties 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 properties 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 properties are within Eugene School District 4J and within the district boundary of River Road Elementary School, Kelly School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the properties' 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.