



**COUNCIL RESOLUTION NO. 5357**

**RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (ASSESSOR'S MAP 17-04-24-23, TAX LOT 1602,  
LOCATED AT 158 WEST HILLIARD LANE).**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: May 23, 2022**



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**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(ASSESSOR'S MAP 17-04-24-23, TAX LOT 1602, LOCATED AT 158 WEST  
HILLIARD LANE).**

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

**A.** An annexation application was submitted on March 8, 2022, by Phillips & Koch 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 17-04-24-23, Tax Lot 1602, 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 April 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 May 23, 2022.

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

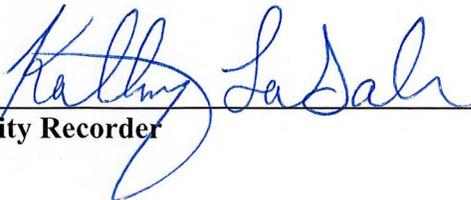
**NOW, THEREFORE,**

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

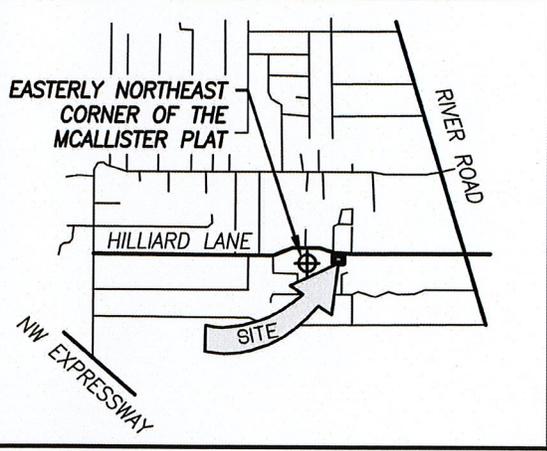
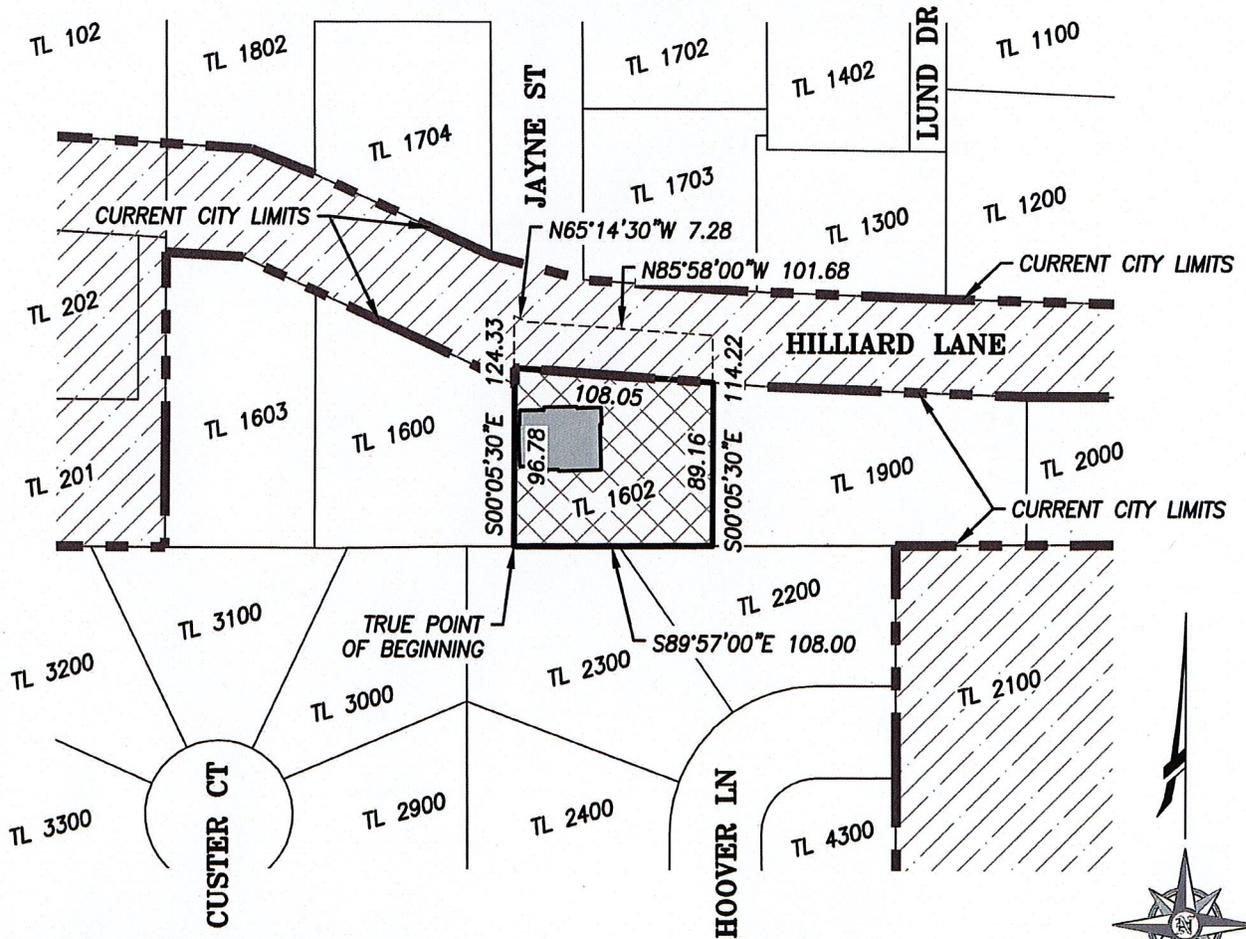
**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-24-23, Tax Lot 1602 which is depicted on the map attached as 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 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 May, 2022.**

  
\_\_\_\_\_  
City Recorder

**LAND ANNEXATION FOR**  
**PHILLIPS & KOCH INVESTMENTS, LLC**  
 SW 1/4, NW 1/4, SEC 24, T17S, R4W, WM  
 EUGENE, LANE COUNTY, OREGON



**VICINITY MAP** NOT TO SCALE

**LEGEND**

- CITY LIMITS
- LANDS TO BE ANNEXED
- EXISTING STRUCTURE

**NOTES**

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON MARCH 1, 2022.
2. NO EASEMENT OR OTHER RECORDED RESTRICTIONS ARE KNOWN TO EXIST ON THE SITE

SCALE: 1"=100'

**SHEET 1 OF 1**



**158 HILLIARD LANE ANNEXATION**

ANNEXATION MAP

MARCH 7, 2022

ASSESSOR'S MAP(S) TAX MAP 17-04-24-23, T.L. 1602

Z:\2022\22-120 Partition - 158 W Hilliard\Land Use\Annexation\Drawing\Annexation Map.dwg 3/7/2022 1:38 PM ANDREWS

## EXHIBIT B

### LEGAL DESCRIPTION

Beginning at a point 0.40 feet North and 400.86 feet East of the most Easterly Northeast corner of the McAllister Plat as platted and recorded in Book 19, Page 19, Lane County Plat Records and running thence North 0° 05' 30" West 114.22 feet to the center line of West Hilliard Avenue; thence North 85° 58' West 101.68 feet; thence North 65° 14 1/2' West 7.28 feet; thence leaving West Hilliard Avenue and running South 0° 05' 30" East 124.33 feet; thence South 89° 97' East 108.0 feet to the point of beginning, in Section 24, Township 17 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, excepting therefrom a 25 foot wide strip of land along the North boundary for roadway.



**Planning Director’s Findings and Recommendation:  
Annexation Request for PHILLIPS & KOCH INVESTMENTS, LLC  
(City File: A 22-4)**

<b>Application Submitted:</b> March 8, 2022
<b>Applicant:</b> Phillips & Koch Investments, LLC
<b>Property Included in Annexation Request:</b> Tax Lot 01602 of Assessor’s Map 17-04-24-23
<b>Zoning:</b> R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
<b>Location:</b> 158 West Hilliard Lane
<b>Lead City Staff:</b> Reid Verner, Senior Planner, City of Eugene Planning Division, 541-682-5534

**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.

<b>EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:</b>	
<b>(a) Contiguous to the city limits; or</b>	
<b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<b>Complies</b>	<b>Findings:</b> Tax Lot 01602 is contiguous to City limits along the property’s northern boundary that borders West Hilliard Lane. Based on the available information, the proposed annexation complies with this criterion based on subsection (a).
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<b>Complies</b>	<b>Findings:</b> 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</i> text):
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
	<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><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><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-5).</i></p>

*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 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.

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 refinement plan.

**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

The single-family dwelling located at 158 West Hilliard Lane is currently served by public wastewater services per sewer connection record 23609 (Permit 91-03516-01).

Stormwater

At the time of future development, 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 and efficient, and timely manner.

Transportation

The property has frontage on West Hilliard Lane, which is classified as a local street and maintained by the City of Eugene. Future development including extension of sidewalk, curb gutters, streetlights and street trees will be reviewed by the building permit services department.

Solid Waste

Collection service is provided by private firms, and service can be provided to the site by one of several firms upon annexation. Regional disposal sites are operated by Lane County.

Water and Electric

Eugene Water and Electric Board (EWEB) 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.

	<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 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.