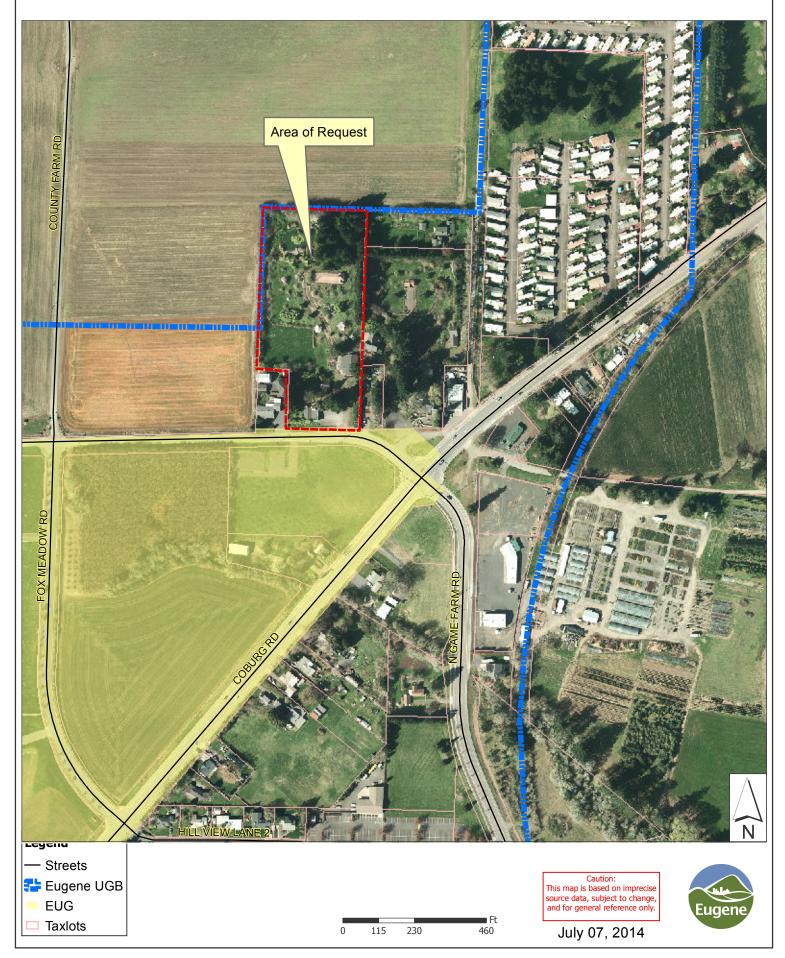
# Van Slyke (A 14-2)



# RESOLUTION NO. \_\_\_\_\_

# A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-09-24 TAX LOT 500)

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

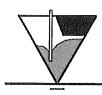
- **A.** An annexation application was submitted by John and Payung Van Slyke, on April 3, 2014, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-09-24 Tax Lot 500.
- **B.** The legal description of the property described is attached to this Resolution as Exhibit A. The territory proposed to be annexed is depicted on the map attached as Exhibit B to this Resolution
- 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 Recommendation is attached as Exhibit C.
- **D.** On June 27 2014, a notice containing the assessor's maps and tax lot numbers, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on July 28, 2014.
- **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:

<u>Section 1</u>. Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-09-24 Tax Lot 500, as described in the attached Exhibit A and shown on the map attached as 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 automatic rezoning of the land from C-1/UL to C-1, pursuant to
EC 9.7820(3), shall become effective in accordance with State Law.
The foregoing Resolution adopted the day of July, 2014.
City Recorder
City Recorder



# EGR & Associates, Inc.

Engineers, Geologists and Surveyors

2535B Prairie Road Eugene, Oregon 97402 (541) 688-8322 Fax (541) 688-8087

# Van Slyke Annexation Description

A parcel of land being that property described in Warranty Deed recorded on Reel 2426R Reception Number 9843617, Lane County, Oregon, Official Records and being more particularly described as follows:

Beginning at a point on the North right-of-way of County Road No. 537, said point being North 0°09'00" East 2479.70 feet and South 87°02'10" West 344.15 feet from the 1/4 Corner between Sections 9 and 16, in Township 17 South, Range 3 West, of the Willamette Meridian; thence North 0°32'00" East 693.61 feet; thence South 89°49'00" West 327.79 feet; thence South 0°32'00" West 519.56 feet; thence North 87°02'10" East 100.00 feet; thence South 0°32'00" West 189.98 feet to said North right-of-way; thence along said North right-of-way North 87°02'10" East 228.38 feet to the Point of Beginning.

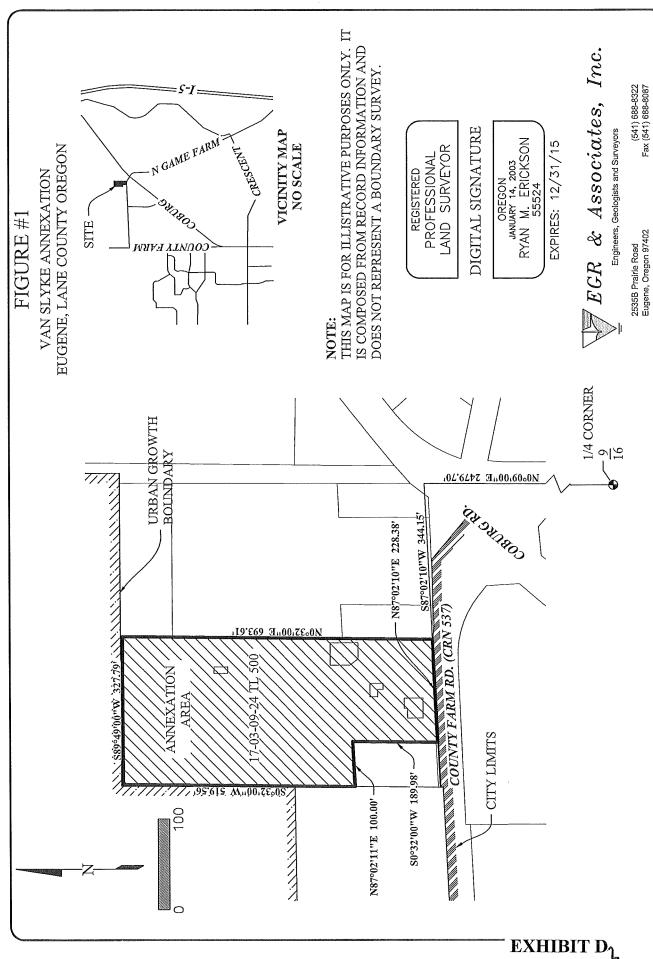
This description is based on County Survey File No. 30258 filed in the Office of the Lane County Surveyor.

REGISTERED PROFESSIONAL LAND SURVEYOR

DIGITAL SIGNATURE

OREGON JANUARY 14, 2003 RYAN M. ERICKSON 55524LS

EXPIRES: 12/31/2015



S.\Projects\6433 Kloos\14-0032 Annexation\Annexation GIS.dwg LAYOUT=8.5X11 L FIGURE Apr 02, 2014 - 6:33am

# Exhibit C Page 1 of 4





Application Submitted: April 3, 2014				
Applicant: John and Payung Van Slyke				
Map/Lot(s): 17-03-09-24: 500				
Zoning:C-1/UL Neighborhood Commercial with Urbanizable Land overlay				
Location: 4010 County Farm Road				
Representative: Kim O'Dea, Law Office of Bill Kloos, PC				
Lead City Staff: Becky Taylor, Associate Planner, (541) 682-5437				

## **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.

each.										
EC 9.782	5(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.									
Findings: The area to be annexed is 4.85 acres of land containing a house and										
Com	plies	structures. The annexation area is within the City's urban growth boundary (UGB), which								
YES	NO	abuts the north boundary, and the northern portion of the west boundary, of the subject								
		property.								
		The Metro Plan states: "The UGB is tax lot-specific where it is coterminous with city								
		limits, where it has been determined through the annexation process, and where it falls								
		on the outside edge of existing or planned rights-of-way. In other places, the UGB is								
		determined on a case-by-case basis through interpretation of the Metro Plan Plan								
		Boundaries Map" (Metro Plan, page II-G-14). The north and west boundaries of the								
		UGB have not been determined previously, but will be coterminous with city limits upon								
		annexation of the subject request. Based on the provisions above, this annexation will								
		establish the UGB boundary for that portion of property which is coterminous with the								
		UGB, as shown and described on Exhibits A and B.								
		oob, as shown and acscribed on Exhibits A and b.								
		The area of request is also contiguous to city limits, which abuts the south boundary of								
		the subject property.								
EC 9.782	F/2) Tho	proposed annexation is consistent with applicable policies in the Metro Plan and in any								
LC 3.762	• •	icable refinement plans.								
	аррі									
Com	nlies	Findings: Several policies from the Metro Plan generally support this annexation by								
Complies NO		encouraging compact urban growth to achieve efficient use of land and urban service								
MIE3		provisions within the UGB, including the following:								
		provisions within the odb, including the following.								
	İ									

## C. Growth Management, Goals, Findings and Policies:

Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:

- a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
- 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)

Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).

Policy 16. 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 Metro Plan designates the annexation area as appropriate for commercial uses.

The <u>Willakenzie Area Refinement Plan (WAP)</u> is the adopted refinement plan for the subject property and also designates the area for commercial uses. The subject property is currently zoned C-1/UL Neighborhood Commercial with Urbanizable Land overlay. Upon annexation, the /UL overlay will automatically be removed. Following annexation, the applicant has indicated that they will submit a request for rezoning of the subject property to GO General Office, which is one of four commercial categories.

With regard to applicable policies of the <u>WAP</u>, the subject property is within the "Unincorporated" subarea. The applicant has addressed several potentially-relevant policies, including clarification about why certain policies are not applicable. Staff concurs with the applicant's findings.

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.

#### 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 NO

**Findings:** 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

Public wastewater needs to be extended to serve the subject property. The applicant's engineer prepared a conceptual wastewater service plan, showing the extension of the existing mainline located within Fox Meadow Road. Public Works staff concurs with the applicant's proposal. The applicant acknowledges that they are responsible for the associated costs of providing the wastewater service.

#### Stormwater

Public stormwater is not available to serve the subject property. Available data indicates that the site is suitable for infiltration. Onsite management of stormwater runoff from development is preferred in the City's stormwater development standards, for providing pollution-reduction and minimizing contributing flows to the public system and to more closely mimic the natural hydrological cycle. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.

#### **Streets**

The southern boundary of the subject property abuts County Farm Road, which is classified as a Major Collector street within City limits. The roadway is not improved to urban standards, as it lacks curbs, gutters, and sidewalks, but it currently has a 36-foot wide paved surface abutting the subject property. Roadway improvements will be addressed as part of a subsequent development permit.

#### **Solid Waste**

Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

#### Water & Electric

Eugene Water and Electric Board (EWEB) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.

#### **Public Safety**

Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.

#### **Parks and Recreation**

A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan. Armitage Park is located approximately 1,580 feet to the west.

#### **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

# Exhibit C Page 4 of 4

the required land use controls for future development of the subject property upon annexation.

#### **Communications**

Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.

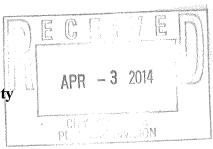
#### **Public Schools**

The subject property is within the Eugene 4J School district and is served by Gilham Elementary School, Cal Young Middle School and Sheldon High School.

## **CONCLUSION:**

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

Narrative in Support of Annexation of Van Slyke Property (Map 17-03-09-24, TL 500)



#### I. Introduction

This is an application for annexation of roughly 4.79 acres of land containing a house and accessory structures near the corner of County Farm Road and Coburg Road. The property is located within the City of Eugene UGB. The property is adjacent to County Farm Road to the south, which in within the City Limits. As such, the property is adjacent to the City Limits to the south.

The street address is 4010 County Farm Road, Eugene, OR 97408. Map 17-03-09-24, TL 500. The subject property is currently zoned C-1/UL.

The City of Eugene now makes annexation decisions under the standards and procedures set out in Ordinance No. 4960 (Dec. 10, 2007). The requirements for an application are stated in ULC 9.7810. These are addressed in Part II below, and the supporting documents are attached hereto as exhibits. A full list of exhibits appears at the end of this statement.

The approval criteria for annexations are stated in EC 9.7825. These are addressed in Part III below.

# **II. Application Contents**

The information requirements for an annexation application are stated at EC 9.7810(1) through (10). Each item is addressed in the respective paragraph below.

EC 9.7810(1): Owners, electors, tax lots, street addresses:

John and Payung Van Slyke, 4050 County Farm Rd, Eugene, OR 97408. See Exhibit G. Assessor's Map 17-03-09-24, TL 500.

Site address: 4010 County Farm Road, Eugene, OR 97408.

Electors: None.

EC 9.7810(2): Consent to annex form by all owners and not less than 50 percent of residing electors: See Exhibit A, a consent to annex form signed by each owner and elector, as listed above.

EC 9.7810(3): Alternative to consent to annex form signed by a majority of electors and owners: This information is not required, as (2) above has been complied with.

EC 9.7810(4): Previous owner's consent: This information is not required, as (2) above has been complied with.

EC 9.7810(5): Verification of property owners form signed by A&T: See Exhibit B.

EC 9.7810(6): Certificate of electors form signed by Lane County Elections: See Exhibit B, provided by Lane County Elections.

EC 9.7810(7): Legal Description by surveyor in form of ORS 308.225: See Exhibit D, prepared by Poage Engineering and Surveying.

EC 9.7810(8): County Assessor's cadastral map of land: See Assessor's map in Exhibit E.

# EC 9.7810(9): List of Lane County public service districts presently providing service:

Fire: Willakenzie/Eugene RFPD

Ambulance: Eugene Fire & EMS (district WC)

Transportation: Lane Transit District (service area and ride source)

Soil and Water Conservation District: Upper Willamette

Utility District: Eugene Water and Electric Board

Schools: Eugene 4J (Gilham, Cal Young and Sheldon)

See Exhibit F and G.

EC 9.7810(10): Written Narrative addressing criteria in EC 9.7825: See Part III below.

## III. Narrative addressing approval criteria

The standards for annexation are stated at EC 9.7825. There are three standards:

<u>Annexation – Approval Criteria.</u> The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (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.
- (2) The proposed annexation is consistent with applicable policies in the <u>Metro Plan</u> and in any applicable refinement plans.

- (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.
- (1) Within the Urban Growth Boundary: The property proposed to be annexed is within the UGB. See Exhibit H.
- (1)(a) Contiguous to the city limits: The property proposed to be annexed is contiguous to the city limits to the south. See Exhibit H. (Note that if it is determined that County Farm Road has not been annexed, then the property qualifies under (1)(b) because it would be separated only by County Farm Road, a public road).

# (2) Consistency with Metro Plan Policies and applicable refinement plans:

The Metro Plan Policy 10, page 11-C-4, recognizes annexations through this normal process to be the highest priority. As such, the proposal is consistent with this policy

Metro Plan Policy 8, page 11-C-4, provides for annexation when a minimum level of key facilities and services can be provided. This policy is the subject of the annexation standard in (3) below.

Metro Plan Policy 16 provides that land within the UGB shall be annexed to a city and provided with the minimum level of urban facilities and services. It further provides that while the timeframe for annexation may vary, annexation should occur as land transitions from urbanizable to urban. The property is within the UGB and therefore, based on this policy, should be annexed. The provision of facilities and services is addressed in standard (3) below. The property is already designated Commercial and zoned C-1 and key facilities and services are available or can be provided. See (3) below. As such, the property has transitioned to urban. The proposal is consistent with Policy 16.

Metro Plan Policy 18 is instructional to the City to dissolve special service districts after annexation and to consider intergovernmental agreements with affected special service districts. The applicant does not object to dissolving special service districts, as needed. The proposal is consistent with Policy 18.

The subject property is also within the area of the <u>Willakenzie Area Plan</u>, an area refinement plan. The subject property is within the Unincorporated Subarea, which contains the following potentially relevant policies:

*Policy 1 (page 57)* − .

This policy is not relevant to the proposal. To avoid confusion, the applicant wishes to make clear that the subject property is not the property referenced in this policy.

Policy 5 (page 57) – The City shall limit access points along both side of County Farm Road, north of the present city limits. Encourage construction of a local residential street system to provide access.

This policy is not related to annexation. However, there is an existing access point to the property. No additional access points will be needed.

Policy 10 (page 59) – The City shall recognize the existing neighborhood commercial zoning at the northwest corner of County Farm Road and Coburg Road and shall discourage any future commercial rezonings in the immediate area.

This policy is not related to annexation. The purpose of this policy is two-fold: (1) to recognize the subject property as being zoned neighborhood commercial (other policies recognize other commercial zonings in the area); and (2) to discourage the rezoning of noncommercially-zoned properties to commercial zoning in the immediate area. In other words, this policy recognizes existing commercial zoning, but wants no additional commercial zoning in the immediate area.

## Public Facilities and Services Element

Policy 1 (page 122) — "The City shall provide for annexation of urbanizable land in a manner consistent with State law as well as local annexation and growth management policies."

By applying through the county process, the proposal is consistent with this policy.

# (3) Provision of a minimum level of key urban facilities and services in an orderly, efficient, and timely manner:

The Metro Plan defines the "Minimum Level" of "key urban facilities and services" as including

"wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (in other words, not necessarily within walking distance of all students served)."

Each of these facilities and services is addressed below.

In summary, the minimum level of key urban facilities and services is either immediately available or can be provided within a reasonable future time frame as needed. See Exhibit F.

Wastewater services: When property is annexed to the city, it is automatically annexed to the Lane County Metropolitan Wastewater Service District, as provided for in ORS 199.510(2)(c). In the post-Boundary Commission era, the subject property will have to be annexed to the MWSD in a separate action, following annexation to the city.

Currently, there is an 8-inch public wastewater line in Fox Meadow Road, which stubs to County Farm Road roughly 500 feet west of the subject property. The entire extension would be roughly 700 feet within public road ROW. See Exhibit F-3.

#### **Stormwater services:**

Currently, there is a public ditch across from the subject property on the south side of County Farm Road at its intersection with Coburg Road. See Exhibit F-2.

# **Transportation:**

The property is at the corner of County Farm Road, an urban local road, and Coburg Road, urban minor arterial. Exhibit F-5. The site is within the LTD service and ride source area. Exhibit G.

**Solid Waste Management:** Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

**Water Service:** Water is available to the subject property from a 10-inch water main line in County Farm Road. Exhibit F4. Property is directly served by a 1-inch service line. Exhibit F4.

**Fire and emergency medical services:** Fire protection is currently provided either by Willakenzie/Eugene RFPD. Upon annexation, the City of Eugene will provide services directly to the property.

**Police Protection:** Police protection will be provided by Eugene, which currently services other properties inside the city. After annexation this property will receive police services on an equal basis with all properties inside the city.

City-wide parks and recreation programs: A minimum level of park services can be provided to this area, consistent with the Metro Plan. Armitage Park, a major county park, is roughly ¼ north of the subject property on Coburg Road.

**Electric Service:** The property is already served by EWEB Exhibit F6. New development will be served by EWEB.

Land Use Controls: The subject property is now, and after annexation will continue to be, subject to the land use controls of the City of Eugene.

**Communication Facilities:** Land line phone service is provided by Centurylink other services are now available to the subject property, and to the immediately surrounding property.

**Public schools on a district-wide basis:** The Eugene 4J School District serves the annexation area. Existing schools are: Gilham Elementary, Cal Young Middle School and Sheldon High School. Exhibit G.

Sincerely
Kimberly J.R. O'Dea

### LIST OF EXHIBITS FOR ANNEXATION

- A. Consent to Annex Forms
- B. Annexation Petition, which includes: Lane County Assessment and Taxation Verification of Property Ownership form and Certificate of Electors Form, Lane County Elections
- C. Census Information sheet
- D. Legal description and Map of Annexation Area, Poage Engineering & Surveying

Exhibit D.1 Map of annexation area-

Exhibit D.2 – Site Plan for annexation area

Exhibit D.3 – Surveyor certification of legal description and map

- E. Lane County Assessor's cadastral map of subject property.
- F. Summary Table of Urban Services Provided
  - F2. City Stormwater Maps excerpt
  - F3. City Wastewater Maps excerpt
  - F4. EWEB Water Maps excerpts
  - F5. County Road Atlas
  - F6. EWEB Power Maps excerpt
- G. RLID property printouts
- H. Area Map
- I. Aerial Photograph

- J. Zoning Maps (base and overlay)
- K. Designation Map
- L. Resource Maps (Groundwater Limited Area; Wetlands; Class I Streams, DFirm; LOMA)
- M. WAP excerpt

Consent	to	Annex	ation
		<del></del>	

Consent is hereby given to the annex described real property:	ation by the City of Eugene, Oregon of the following
Map and Tax Lot: 17030924 70 53	Eugene OR 97408
regar rescription.	,
See AHACI	hed
In the corporate limits of said city, which is c	wned by the undersigned
DATED this <u>19</u> day of <u>MM</u>	Ch., 2014. Dayung Tan Jan
STATE OF OREGON ) )ss County of )	
notary public in and for the said county and st	
freely and voluntarily.	day resolved herein and who executed the same
Seal:	IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.    Word   Where   Wher
Reg.No./nriveulavn. 4684/2555	Notarial Services Attorney

We, the following property owners/electors, consent to the annexation of the following territory to the City of faveer Name of City): \$\( \frac{\mathcal{E}\to \eta \)}{\text{Signature}} \) Data Signed Print Name Residence Address Map and Tax Let Number metry as the following territory to the City of faveer Name of City): \$\( \frac{\mathcal{E}\to \eta \)}{\text{Signature}} \) Data Signed Print Name Residence Address Map and Tax Let Number metry as the following territory to the City of faveer Name of City Number (are in the proposed samples in 14-0-0-0-0100) \) And Shift Residence Address Map and Tax Let Number metry in the following territory to the City of faveer Name of City Number (are in the proposed samples in 14-0-0-0-0100) \) And Shift Residence Address Map and Tax Let Number metry in the proposed same and the proposed same applicables and the proposed same and the proposed same and the proposed same applicables and the proposed same applicables and the proposed same and the proposed same applicables and the proposed same	CG = Cottage Grove EU = Eugene IC = Imerion City	The state of the s
Petition Signature Sheet  Annexation by Individuals  Print Name    Comparison of the following territory to the City of (Insert Name of City):   Eucy ere		

