



COUNCIL RESOLUTION NO. 5415

**RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (ASSESSOR'S MAP 17-04-24-31, TAX LOT 07700,
LOCATED ON STULTS AVENUE).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: July 22, 2024



RESOLUTION NO. 5415

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-04-24-31, TAX LOT 07700, LOCATED ON STULTS
AVENUE).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on March 25, 2024, by Metro Planning, Inc., in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-24-31, Tax Lot 07700, to the City of Eugene.

B. The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit B. A map depicting the annexation area is 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 C.

D. On June 20, 2024, 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 July 22, 2024.

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

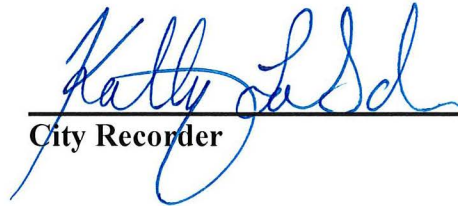
NOW, THEREFORE,

**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 17-04-24-31, Tax Lot 07700, 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 Low-Density Residential Zone (R-1) with /UL Urbanizable Land Overlay to Low-Density Residential (R-1) shall become effective in accordance with State law.

The foregoing Resolution adopted the 22nd day of July, 2024.



City Recorder

ANNEXATION SITE PLAN

FOR

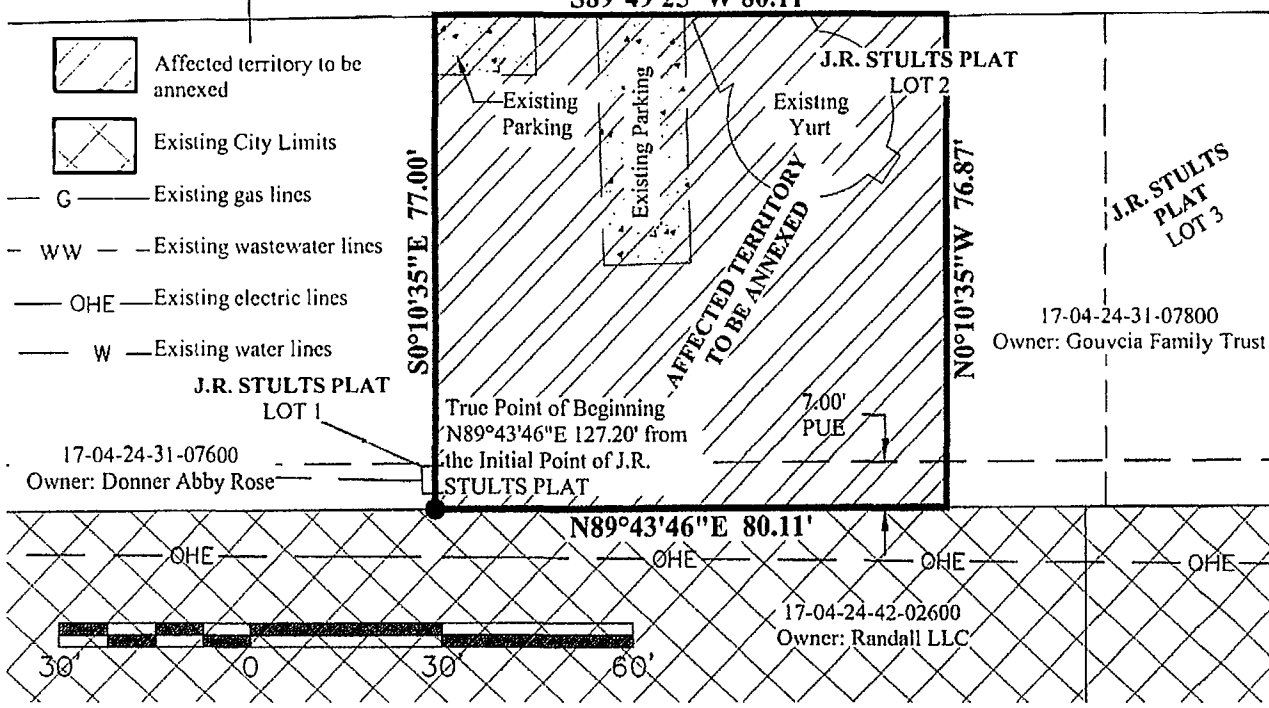
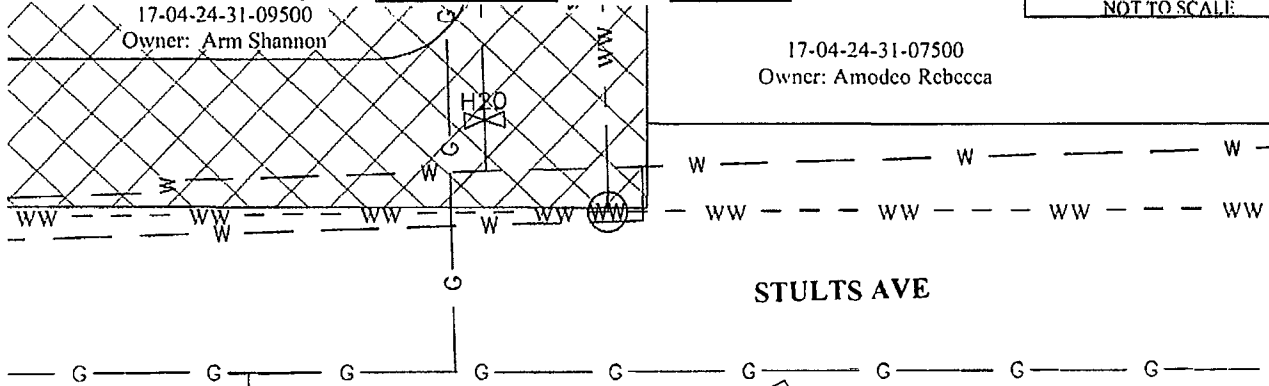
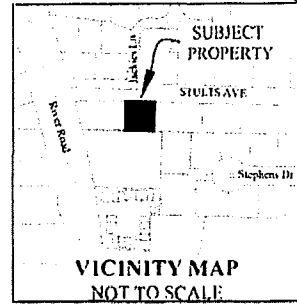
ZAGORUYKO-STULTS AVE

PORTION OF LOT 2, BLOCK 3, J.R. STULTS PLAT

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, TOWNSHIP 17 SOUTH, RANGE 4 WEST, W.M.

LANE COUNTY, OREGON

Date Prepared: December 2023 Revised: April 2024



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Moorhead

OREGON
JANUARY 9, 2007
CHRISTOPHER J. MOORHEAD
61380

RENEWS: 12/31/24

ASSESSORS MAP: 17-04-24-31-07700

Signed
4/16/24

CHRIS MOORHEAD, PLS

38702 CAMP CREEK ROAD
SPRINGFIELD, OR 97478
(541)228-7193



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 23-083

Exhibit B

LEGAL DESCRIPTION

Lot 2, Block 3, J.R. STULTS PLAT, as platted and recorded in Book 39, Page 29, Lane County Oregon Plat Records, in Lane County, Oregon.

More particularly described as follows:

Beginning at the Initial Point of J.R. STULTS PLAT, as platted and recorded in Book 39, Page 29, Lane County Oregon Plat Records; thence North $89^{\circ}43'46''$ East 127.20 feet along the south line of J.R. STULTS PLAT, to the True Point of Beginning; thence continuing along said south line North $89^{\circ}43'46''$ East 80.11 feet; thence leaving said south line North $0^{\circ}10'35''$ West 76.87 feet to a point on the southerly right of way of Stults Avenue; thence continuing along said southerly right of way South $89^{\circ}49'25''$ West 80.11 feet; thence leaving said southerly right of way South $0^{\circ}10'35''$ East 77.00 feet to the True Point of Beginning, all in Lane County, Oregon.

Certification of Description

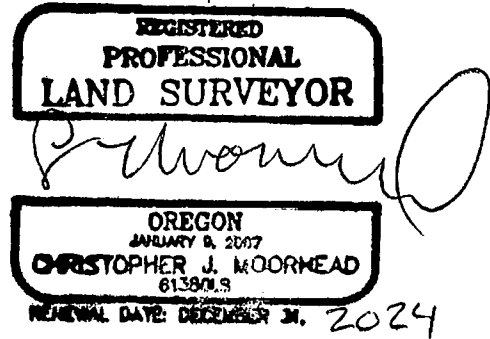
Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: *C. Moorhead*
Registered Land Surveyor

Print Name: Christopher J. Moorhead

Date: Jan. 31, 2024

Seal: ~~~~





**Planning Director’s Findings and Recommendation:
Annexation Request for Stults Avenue
(City File: A 24-3)**

Application Submitted: March 25, 2024
Applicant: Katie Keidel, Metro Planning, Inc.
Property Included in Annexation Request: Tax Lot 07700 of Assessor’s Map 17-04-24-31
Zoning: R-1 Low-Density Residential with a /UL Urbanizable Land Overlay
Location: South side of Stults Avenue, east of River Road
Lead City Staff: Brai Black, Assistant Planner, City of Eugene Planning Division, 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.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:	
<p>(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 southern border, 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	<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> <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>
<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 annexation area as appropriate for low-density residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP), one of the adopted refinement plans applicable to the subject property, also designates the area for low-density residential use. The property is currently zoned R-1 Low-Density Residential with a /UL Urbanizable Land overlay. 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” in Section 2.2 of the RR/SC UFP appear to be directly applicable to the annexation 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.

The River Road - Santa Clara Neighborhood Plan is the other more recently adopted refinement plan applicable to the subject property. While none of the goals or policies appear to serve as mandatory approval criteria for this annexation, the following policy is relevant to the annexation request:

Policy 17.4 Annexation: Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.

As this annexation request is both served by key urban facilities (see below) and is a voluntary annexation, this policy is generally supportive of the request. Further, the Neighborhood Plan Goals focus on promoting additional housing infill, which this annexation will facilitate because of the expanded residential uses allowed on this property following annexation.

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

		<p>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>, the <u>RR/SC UFP</u> refinement plan, and the <u>River Road – Santa Clara Neighborhood</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>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> The subject property is currently served by the public wastewater system as verified by the City’s Public Works Department.</p> <p><u>Stormwater</u> At the time of further development of the property, treatment of stormwater will be 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 Stults Avenue, which is a public street. 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) 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 throughout 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 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 Land 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.