



**COUNCIL RESOLUTION NO. 5426**

**RESOLUTION ANNEXING LAND TO THE CITY OF  
EUGENE (ASSESSOR'S MAP 17-04-11-24, TAX LOTS 00800  
AND 00900 LOCATED AT 320 FERNDALE DRIVE)**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**CONSIDERED: October 28, 2024**



**RESOLUTION NO. 5426**

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(ASSESSOR'S MAP 17-04-11-24, TAX LOTS 00800 AND 00900 LOCATED  
AT 320 FERNDALE DRIVE)**

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

**A.** An annexation application was submitted on July 31, 2024, by VK Properties, LLC, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-11-24, Tax Lots 00800 and 00900, 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 September 27, 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 Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 28, 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 17-04-11-24, Tax Lots 00800 and 00900, 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 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 28<sup>th</sup> day of October, 2024.**


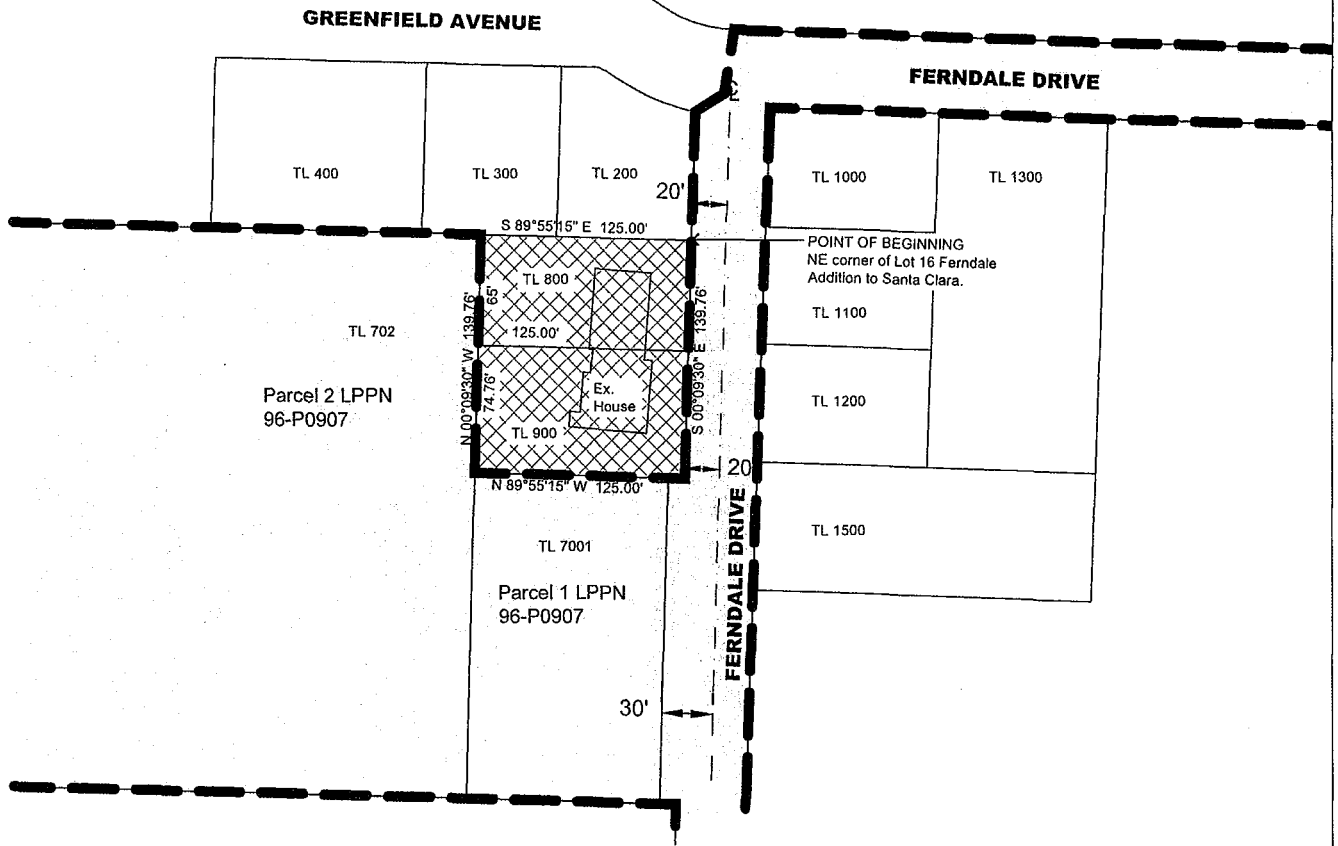




  
\_\_\_\_\_  
City Recorder

Exhibit A

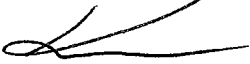
Land Annexation for  
VK Properties, LLC  
NORTHWEST 1/4 of SECTION 11, TOWNSHIP 17 SOUTH,  
RANGE 4 WEST, W.M.  
EUGENE, LANE COUNTY, OREGON



LEGEND

-  LAND TO BE ANNEXED
-  CITY LIMITS
-  EXISTING ANNEXED PROPERTY
-  EXISTING BUILDING

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

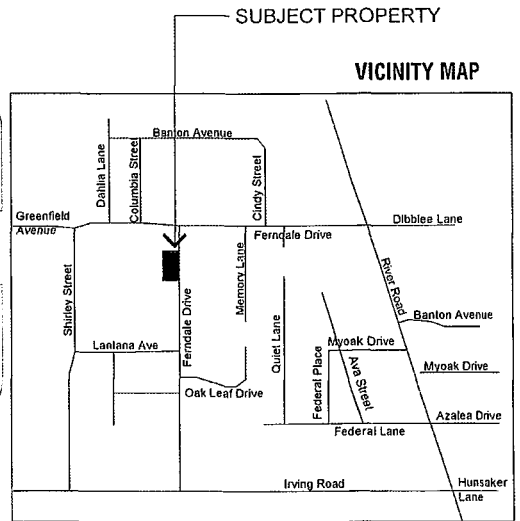


OREGON  
JULY 15, 2003  
**KENT BAKER**  
#59885

RENEWS: 12-31-2025

NOTES

1. CITY LIMIT BOUNDARIES SHOWN PER CITY of EUGENE ON-LINE INTERACTIVE MAP (EUGMAPS-APP) JANUARY 8, 2023.
2. SITE HAS ONE SINGLE UNIT DWELLING ACROSS BOTH TAX LOTS.
3. EASEMENTS OR OTHER RECORDED RESTRICTIONS ARE SHOWN, IF EXISTING, ON THE SITE.



ANNEXATION SITE PLAN

Ferndale Drive Annexation  
320 Ferndale Drive, Eugene, OR 97404

Date: July 12, 2024

Scale: 1" = 100' - 0"



MAP: 17 04 11 24 Tax Lots 800 and 900

## Exhibit B

### Legal Description of Affected Territory to be Annexed

#### (Tax Lots #800 & 900, combined)

A unit of land being situated in the northwest 1/4 of Section 11, Township 17 South, Range 4 West of the Willamette Meridian, said unit of land also being situated in the northeast portion of Lot 16, FERNDALE ADDITION TO SANTA CLARA, as recorded in Book 4, Page 6, Lane County Plat Records, in Lane County, Oregon and more particularly described as follows:

Beginning at the northeast corner of Lot 16, FERNDALE ADDITION TO SANTA CLARA, said northeast corner also lies on the easterly margin of Ferndale Drive;

Thence along the easterly boundary of said Lot 16 and the easterly margin of Ferndale Drive, South 00°09'30" East a distance of 139.76 feet;

Thence leaving the easterly boundary of said Lot 16 and the easterly margin of Ferndale Drive, North 89°55'15" West along the easterly projection of the northerly boundary line of Parcel 1 of Land Partition Plat No. 96-P0907, Lane County Plat Records, in Lane County, Oregon and the northerly boundary line of said Parcel 1 a distance of 125.00 feet to the northwest corner of said Parcel 1, said northwest corner lies on the easterly boundary line of Parcel 2 of Land Partition Plat No. 96-P0907;

Thence along the easterly boundary line of said Parcel 2, North 00°09'30" West a distance of 139.76 feet to the northeast corner of said Parcel 2, said northeast corner lies on the northerly boundary line of aforementioned Lot 16;

Thence along the northerly boundary line of said Lot 16, South 89°55'15" East a distance of 125.00 feet to the point of beginning, all in Lane County, Oregon and containing 17,470 square feet (0.40 acres) of land, more or less.



**Planning Director’s Findings and Recommendation:  
Annexation Request for Ferndale Drive  
(City File: A 24-12)**

<b>Application Submitted:</b> July 31, 2024
<b>Applicant:</b> VK Properties, LLC
<b>Property Included in Annexation Request:</b> Tax Lots 00800 and 00900 of Assessor’s Map 17-04-11-24
<b>Zoning:</b> R-1 Low-Density Residential with an /UL Urbanizable Land Overlay
<b>Location:</b> 320 Ferndale Drive
<b>Lead City Staff:</b> Nicholas Gioello, Associate Planner, City of Eugene Planning Division, 541-682-5453

**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> The subject property is within the Urban Growth Boundary and is contiguous to City limits on its western, southern and eastern borders, consistent with 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 Metro Plan 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 annexation area as appropriate for low-density residential use. The River Road - Santa Clara Urban Facilities Plan (RR/SC UFP) is an 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.

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> and <u>RR/SC UFP</u> refinement plan, and River Road – <u>Santa Clara Neighborhood Plan</u> refinement plan.</p>
<p><b>EC 9.7825(3)</b></p>	<p><b>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.</b></p>
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b></p> <p><input type="checkbox"/> <b>NO</b></p>	<p><b>Findings:</b> 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><u>Wastewater</u> Public wastewater is available via an 8-inch line located in Ferndale Drive adjacent to the site and records indicate the existing structure on the lot is connected to the service line.</p> <p><u>Stormwater</u> There is an open ditch on the west portion of the property that leads to a utility hole and a 21-inch concrete storm pipe which is owned by Lane County. No construction is proposed as part of this application and the site is currently developed with a residential structure. Any future development of the site will require meeting current City of Eugene Stormwater Management criteria and any other applicable criteria and will be evaluated by City staff for compliance. Soils maps indicate Type C soils on the site. No mapped infiltration limiting factors are noted.</p> <p><u>Transportation</u> The subject property has frontage on Ferndale Drive, which is classified as a local street under Lane County jurisdiction. The site is developed with a residential structure and an existing driveway provides access to Ferndale Drive. Any future development of the site or alterations to the existing access connection may require a facilities permit from Lane County Transportation if the street is still under Lane County jurisdiction.</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 no objections to the annexation of the site as water and electric services for the subject property are 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 and emergency medical services will be provided by Eugene Springfield Fire 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 located within the district boundary of Spring Creek Elementary School, Madison 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.