
COUNCIL RESOLUTION NO. 5454

**RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (ASSESSOR'S MAP 17-03-33-12, TAX LOTS 00802
AND 01000 LOCATED AT 388 SOUTH GARDEN WAY)**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: September 8, 2025



RESOLUTION NO. 5454

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 17-03-33-12, TAX LOTS 00802 AND 01000 LOCATED
AT 388 SOUTH GARDEN WAY)**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted on March 19, 2025, by Richard Gorman, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-03-33-12, Tax Lots 00802 and 01000, 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 August 8, 2025, 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 Harlow Neighbors Association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 8, 2025.

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 17-03-33-12, Tax Lots 00802 and 01000, 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 Tax Lot 00802 pursuant to EC 9.7820(3) from AG Agricultural with /UL Urbanizable Land Overlay to AG Agricultural with /ND Nodal Development Overlay, and the annexation and the automatic rezoning of Tax Lot 01000 pursuant to EC 9.7820(3) from GO General Office with /UL Urbanizable Land Overlay to GO General Office with /ND Nodal Development Overlay, shall become effective in accordance with State law.

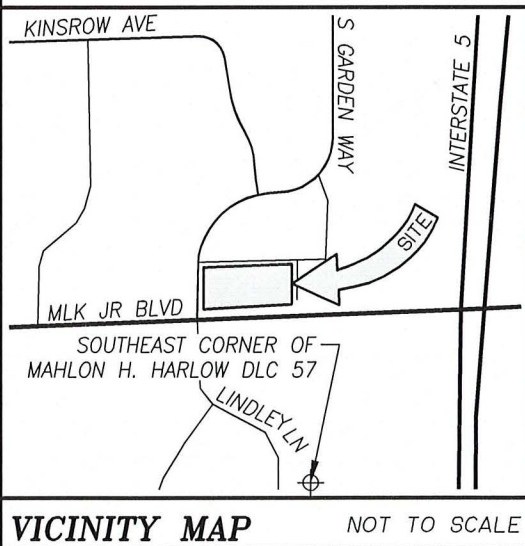
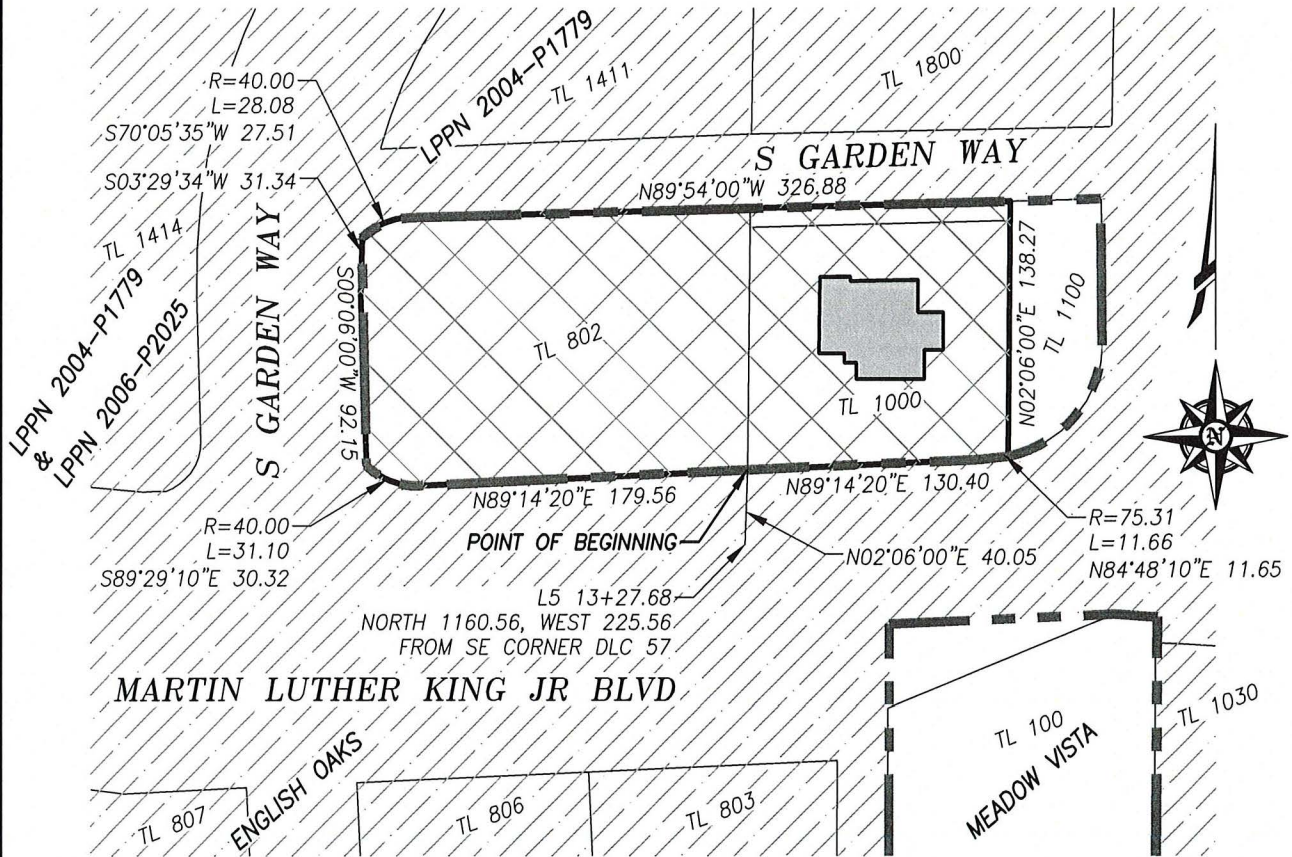
The foregoing Resolution adopted the 8th day of September, 2025.



City Recorder

LAND ANNEXATION FOR
RICHARD GORMAN, DC
 S 1/2, SE 1/4, SEC 28, T17S, R3W, WM
 EUGENE, LANE COUNTY, OREGON

Exhibit A



LEGEND

- CITY LIMITS
- LANDS TO BE ANNEXED
- EXISTING STRUCTURE
- TL TAX LOT

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

DIGITALLY SIGNED

OREGON
 NOVEMBER 30, 2007
 RENEE CLOUGH
 69162LS

EXPIRES: December 30, 2025

NOTES

1. CITY LIMITS BOUNDARIES SHOWN PER THE CITY OF EUGENE ON-LINE INTERACTIVE ZONING MAP ON FEBRUARY 21, 2025.
2. ONLY THOSE EASEMENTS KNOWN TO EXIST ARE SHOWN.
3. THE BEARINGS AND DISTANCES OF THE ANNEXATION BOUNDARY ARE BASED ON CURRENT DEEDS AND LANE COUNTY ROAD MAPPING.

VICINITY MAP

NOT TO SCALE

SCALE: 1"=100'



388 S GARDEN WAY ANNEXATION

SHEET 1 OF 1

ANNEXATION MAP

MAR 24, 2025

Exhibit B

ANNEXATION DESCRIPTION

388 S GARDEN WAY, EUGENE

TM 17-03-33-12, TL 802 & 1000

Branch Engineering Inc. Project No. 25-052

Situated in the City of Eugene, Lane County, State of Oregon in the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 17 South, Range 3 West, Willamette Meridian and described as follows:

ALL those lands conveyed to Richard E. Gorman D.C. by those Warranty Deeds recorded August 13, 1980 on Reel 1088R as Instrument 8039722 and September 2, 1987 on Reel 1474R as Instrument 8738924, both in the Lane County Oregon Official Records. EXCEPT the Street Deed to the City of Eugene as recorded on July 31, 2003 by Reception Number 2003-071152 in the Lane County Oregon Official Records. Said lands being more particularly described as follows:

COMMENCING at the Southeast corner of Mahlon H. Harlow DLC 57 in Township 17 South, Range 3 West, Willamette Meridian; **THENCE** North, 1160.56 feet and West, 225.56 feet, more or less, to Station L5 13+27.68 of Martin Luther King Jr. Blvd (formerly known as Centennial Blvd); **THENCE** North 02°06' East, 40.05 feet, more or less, to the Southwest corner of those aforesaid lands conveyed to Richard E. Gorman D.C. by Instrument 8039722 and the Southeast corner of those aforesaid lands conveyed to Richard E. Gorman D.C. by Instrument 8738924, said point being the **POINT of BEGINNING**; **THENCE** along the boundaries of aforesaid Instruments 8039722 & 8738924 and Reception Number 2003-071152 the following nine numbered courses:

1. North 89°14'20" East, 130.40 feet, more or less, to a point of curvature
2. 11.66 feet, more or less, on a 75.31 foot radius curve to the left with a chord of North 84°48'10" East, 11.65 feet, more or less, to a point on the east line of those lands conveyed to Walter M. Richards, et ux, by that deed recorded February 7, 1952 in Book 454 on Page 178 in the Lane County Oregon Official Records
3. along said east line North 02°06'00" East, 138.27 feet (152.69 feet in Instrument 8039722), more or less, to a point on the south right-of-way margin of South Garden Wy
4. along said south right-of-way margin North 89°54'00" West, 326.88 feet more or less, to a point of curvature

5. 28.08 feet, more or less, on a 40.00 foot radius curve to the left with a chord of South 70°05'35" West, 27.51 feet, more or less, to a point
6. South 03°29'34" West, 31.34 feet, more or less, to a point
7. South 00°06'00" West, 92.15 feet, more or less, to a point
8. 31.10 feet, more or less, on a 40.00 foot radius curve to the left with a chord of South 89°29'10" East, 30.32 feet, more or less
9. North 89°14'20" East, 179.56 feet (178.71 feet in Instrument 8738924), more or less, **RETURNING** to the **POINT of BEGINNING**.

This description is based on those Warranty Deeds recorded August 13, 1980 on Reel 1088R as Instrument 8039722 and September 2, 1987 on Reel 1474R as Instrument 8738924, both in the Lane County Oregon Official Records; the Street Deed to the City of Eugene as recorded on July 31, 2003 by Reception Number 2003-071152 in the Lane County Oregon Official Records; and Road Mapping filed at the Lane County Oregon Surveyor's Office. This description is subject to those inaccuracies which would be disclosed by a boundary survey.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/25



**Planning Director's Findings and Recommendation:
Annexation Request for 388 S Garden Way
(City File: A 25-6)**

Application Submitted: March 19, 2025
Applicant: Richard Gorman
Property Included in Annexation Request: Tax Lots 00802 and 01000 of Assessor's Map 17-03-33-12
Zoning: Tax Lot 00802 - AG Agricultural with /UL Urbanizable Land Overlay; Tax Lot 01000 - GO General Office with /UL Urbanizable Land Overlay
Location: 388 South Garden Way
Lead City Staff: 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.

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.		
Complies		Findings: The subject properties are within the Urban Growth Boundary and are contiguous to the City limits on their eastern and northern borders (S. Garden Way) and southern border (Martin Luther King Jr. Boulevard), 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		Findings: 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 properties to be annexed as appropriate for commercial use and identifies both properties as located within the Nodal Development Area. Per Eugene Code 9.7820(3)(a) any land identified as a Nodal Development Area shall be automatically included in the Eugene /ND Nodal Development Overlay Zone upon annexation.

Tax Lot 00802 is currently zoned AG Agricultural with /UL Urbanizable Land Overlay and Tax Lot 01000 is currently zoned GO General Office with /UL Urbanizable Land Overlay. In accordance with EC 9.7820(3), the /UL overlay will be automatically removed from the properties.

The Willakenzie Area Plan (WAP) is the adopted refinement plan for the subject properties. The subject properties are located within the WAP's South Region and the Chase Gardens Subarea. The WAP designates the area for commercial use. With regard to applicable policies of the WAP, none of the listed policies for this subarea appear to be directly applicable to the subject property except Policy and Proposed Actions (11) which states, "Upon annexation and prior to land division or development, properties located along or east of Garden Way shall rezone to S-CN Chase Node Special Area Zone". Based on this Policy, the properties will need to rezone to S-CN Chase Node Special Area Zone prior to development of the site. In accordance with EC 9.3105, which states, "When a property is rezoned to S-CN, as part of the rezoning process the city shall identify the subarea designation applicable to the property", the appropriate subarea designation is S-CN/C (commercial).

The proposed annexation does not conflict with any of the Land Use Policies in the WAP. The "Public Facilities and Services Element" policies of the WAP are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.

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. 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

		<p>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>Willakenzie Area Plan</u> refinement plan.</p>
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 <input checked="checked" type="checkbox"/> YES <input type="checkbox"/> NO		<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><u>Wastewater</u> Public wastewater is available via an 8-inch line located within South Garden Way right-of-way, which is adjacent to the site. Tax Lot 01000 currently contains a single-family dwelling that is served by a septic and Tax Lot 00802 appears to be vacant.</p> <p><u>Stormwater</u> There is a 10-inch diameter stormwater line to the southwest of Tax Lot 00802 that connects to the 15-inch diameter stormwater line in South Garden Way. Catch basins also appear to be present in South Garden Way. Soils maps indicate Type B soils on site. The subject property does not appear to be mapped as an infiltration limited area. Future development will be subject to the City of Eugene stormwater standards during the building permit process</p> <p><u>Transportation</u> The subject properties front Martin Luther King Jr. Boulevard and South Garden Way. This section of Martin Luther King Jr Boulevard is a minor arterial that is currently owned and maintained by the City of Eugene. The section of South Garden Way adjacent to the west of tax lot 00802 is also a minor arterial. The section of South Garden Way to the north of tax lots 00802 and 01000 is classified as a local street. Both sections of South Garden Way are owned and maintained by the City of Eugene. Compliance with applicable street standards will be evaluated at the time of development.</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></p>

	<p>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 provided by Eugene Springfield Fire 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. 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 zonings of AG Agricultural for Tax Lot 00802 and GO General for Tax Lot 01000 will remain; however, the /UL Urbanizable Land overlay will be automatically removed from the annexation area and the /ND Nodal Development overlay shall be included upon annexation. 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.