



COUNCIL RESOLUTION NO. 5006

**A RESOLUTION ANNEXING LAND TO THE CITY OF
EUGENE (195 LINDNER LANE)**

PASSED: 8/0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: May 24, 2010

RESOLUTION NO. 5006

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (195 LINDNER LANE).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Kirk Giudici and Jade Elms on February 16, 2010 (and deemed complete on March 30, 2010), 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 17-04-13-33, Tax Lot 7100.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described 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 Recommendation is attached as Exhibit C.

D. On April 23, 2010, a notice containing the street address, 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 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 24, 2010.

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 Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land depicted on the map attached as Exhibit A, and 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 automatic rezoning of the land from R-1 /UL to R-1 pursuant to EC 9.7820(3) shall be effective upon the date a copy of this Resolution is filed with the Secretary of the State of Oregon.



The foregoing Resolution adopted the 24th day of May, 2010.

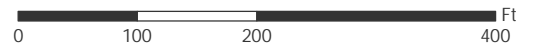


Acting City Recorder

Giudici/Elms (A 10-1)



-  Area Proposed for Annexation
-  Eugene City Limits



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

Legal Description

BEGINNING at a point on the Northerly right-of-way of Lindner Lane, said point being 25.00 feet from, when measured at right angles to, the centerline of said Lindner Lane, said point also being 224.13 feet North and 246.89 feet East of the initial point of KIRCHOFF ADDITION SUBDIVISION, as platted and recorded in Book 13, Page 19, Lane County Oregon Plat Records; thence following along said northerly right-of-way, South $89^{\circ}34'30''$ West 88.30 feet to a point on the easterly right-of-way of Evergreen Drive, said point being 25.0 feet from, when measured at right angles to, the centerline of said Evergreen Drive; thence leaving the northerly right-of-way of said Lindner Lane, and following along the easterly right-of-way of said Evergreen Drive, North $0^{\circ}04'00''$ West 162.23 feet; thence leaving said easterly right-of-way, North $89^{\circ}16'00''$ East 88.30 feet; thence South $0^{\circ}04'00''$ East 162.66 feet to the Point of Beginning, containing 14,314 square feet, more or less, all within the southwest quarter of Section 13, Township 17 South, Range 4 West of the Willamette Meridian, Eugene, Lane County, Oregon.



**Planning Director's Recommendation and Findings
Giudici/Elms Annexation (City File A 10-1)**

Application Submitted: February 16, 2010	
Property Owner/Applicant: Kirk Giudici and Jade Elms	
Location: 195 Lindner Lane, northeast corner of Lindner Lane and Evergreen Drive, west of River Road	
Assessor's Map/ Tax Lot: 17-04-13-33 Tax Lot 7100	
Zoning: R-1 Low Density Residential with /UL Urbanizable Land Overlay Zone	
Lead City Staff:	Alissa Hansen, Senior Planner, (541) 682-5508
Related Permits/Applications:	None

EVALULATION:

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 annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). As shown on the applicant's map, the City limits are contiguous with the subject area of land along the eastern boundary of the property. Additionally, the street abutting the subject property to the south, Lindner Lane, is already annexed.
<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: The proposed annexation area is within the urban growth boundary. Several policies from the Metro Plan generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following: C. Growth Management, Goals, Findings and Policies: <i>Policy 8. Land with 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-4).</i> <i>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)</i> Additionally, both the Metro Plan and the applicable refinement plan, the River Road/Santa Clara Urban Facilities Plan designate the annexation area as appropriate for Low Density Residential use. If the annexation is approved, per EC 9.7820(3), the annexation area will remain zoned R-1 Low Density Residential, and the /UL overlay will
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

		<p>be automatically removed from the annexation area.</p> <p>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, consistent with this Metro Plan policy. 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>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and the applicable refinement plan.</p>
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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		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:
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<p><u>Wastewater</u> There is an 8-inch public wastewater line within Lindner Lane, and a 10-inch public wastewater line within Evergreen Drive adjacent to the subject property. Sewer connection records (#21172) indicate a connection to the public system within Lindner Lane to the south, via a 6-inch service line. Based on this, public wastewater is available to the subject property.</p> <p><u>Stormwater</u> Although Lindner Lane is currently not improved with curb and gutter for directing stormwater, there is an 18-inch public stormwater line within Lindner Lane. There is an existing residence on the property, which is exempt from City stormwater standards. However, any further development of the property may require the applicant to submit a detailed stormwater proposal and demonstrate that all applicable stormwater management standards have been met, including establishing capacity of the receiving system, pre-treating impervious areas prior to discharge, and possibly oil and source controls, depending on proposed development. Public Works staff confirms that on-site stormwater infiltration appears feasible on the subject property, subject to these additional detailed studies, and on-site infiltration testing at the time of future development. Based on this information, stormwater service is available to the subject property.</p> <p><u>Transportation</u> The subject property has frontage on both Lindner Lane and Evergreen Drive. Currently, access to the property is from Lindner Lane, which is under City of Eugene jurisdiction. Lindner Lane is a local residential street platted with a 50-foot right-of-way width. Evergreen Drive is currently under Lane County jurisdiction, and was also platted with a 50-foot right-of-way width.</p> <p>Comments from Lane County Transportation Planning staff indicate that Evergreen Drive is functionally classified as an Urban Local road, having a minimum right-of-way of 60 feet, except that the right-of-way width may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee [LC 15.070(1)(c)(i)(ff)]. Evergreen Drive is maintained by the City of Eugene under the terms of the Intergovernmental Agreement. Lane County referral comments confirm support for the annexation request and include additional comments related to future development of the property, which are provided at the end of this report as informational items for the benefit of the applicant.</p>

		<p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff indicate that there is an existing 4-inch cast iron water main on the north side of Lindner Drive and an existing 6-inch cast iron water main on the west side of Evergreen Drive. EWEB Water staff believe that adequate water service can be made available at the time of development and therefore has no objection to the annexation. EWEB Electric staff state that there are existing EWEB electric overhead facilities surrounding this site and that EWEB Electric has no objection to the proposed annexation request.</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 will be provided by the City of Eugene Fire Department. 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.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan. Additionally, the subject property is within the park service area for Rosetta Park and the Willamette River regional park and bike way.</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> Qwest communications and a variety of other 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.</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 found to be 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 is set in accordance with state law.

INFORMATION:

- Upon approval of the annexation, the annexation area will remain zoned R-1 Low Density Residential, and the /UL overlay will be automatically removed from the annexation area. The Metro Plan designates this property as Low Density Residential.
- Lane County Transportation Planning staff indicates that there are no curbs, gutters, nor sidewalks in Evergreen Drive adjacent to the subject property. In accordance with Lane Manual Chapter 15.515, storm water runoff from private property shall not be directed to the Lane County road right-of-way, nor into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate roadway storm water runoff.

- Given the operational maintenance responsibilities of Lane County, a Lane County Facility Permit shall be required for placement of facilities within the right-of-way of Evergreen Drive. Prior to final approval of any proposed development, including a partition or dwelling, a Lane County Facility Permit must be obtained for construction of the access approach connection to Evergreen Drive. A Facility Permit shall be required for placement of facilities within the right-of-way of Evergreen Drive. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, storm water facilities, or any other facility, thing, or appurtenance [LC 15.205(1)]. For more information, please contact 541-682-6902 or visit <http://www.lanecounty.org/Roads/ROWPermits.htm> for information about facility permits.
- For information regarding EWEB requirements at the time of development, please contact Jay Bozievich, EWEB Water, at 541-685-7337 and Rich Deluna, EWEB Electric, at 541-685-7148.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.