

# MINUTES

## LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall  
Council Chamber (777 Pearl Street)

April 6, 2006  
7:00 p.m.

**PRESENT:** Clay Myers, chair; Eleanor Mulder, vice chair; Karen Seidel, Ernie Olson, Christine Larson

**ABSENT:** Van Heeter, Jim Spickerman

### I. CALL TO ORDER – ROLL CALL

Chair Clay Myers convened the meeting at 7:00 p.m. Paula Taylor, Executive Officer, called the roll.

### II. APPROVAL OF EXPENSES – JANUARY/FEBRUARY 2006

- \* Moved and seconded (Larson/Seidel) to approve the expenses for January 2006 (\$8,328.38) and February 2006 (\$10,156.92). The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Larson, and Olson voting yes)

### III. APPROVAL OF MINUTES – FEBRUARY 2, 2006

Two corrects to the minutes were noted: page 3 of 20, last paragraph, correct “Dr4ive” to “Drive”; page 9, second paragraph, change “River Road” to “Santa Clara.”

- \* Moved and seconded (Mulder/Seidel) to approve the minutes of February 2, 2006, as corrected. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Seidel, Larson, and Olson voting yes).

### IV. NEW BUSINESS: PUBLIC HEARING

#### Annexation of Territory to the McKenzie Fire and Rescue (Christianson, et al)

- A. BC File F MK 06 – 22  
Initiated by Resolution 05/06 – 12 by McKenzie Fire and Rescue  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 6, 2006  
Action to be taken by June 6, 2006

### Description

This application includes seven separate areas located along the McKenzie Highway generally from Walterville to Nimrod, and also along Buck Point Way, Deerhorn Road, Kickbusch Lane, Indian Ford Road, MJ Chase Road, and Upland Street

Acres: ± 8 (Area 1); ± 18 (Area 2); ± 290 (Area 3); ± 21 (Area 4); ± 31 (Area 5); ± 575 (Area 6); ± 45 (Area 7)

Estimate of existing population: 2 (Area 1); 2 (Area 2); 7 (Area 3); 2 (Area F4); 4 (Area 5); 15 (Area 6); 3 (Area 7)

Existing land uses: Forest land with existing residential units, rural residential land with residential units, vacant

Existing zoning in Lane County: RR-2, rural residential with 2-acre minimum lot size; RR-5, rural residential with 5-acre minimum lot size; F-1, non-impacted forest lands; F-2, impacted forest lands; E-30, exclusive farm use with 30 acre minimum lot size; ML, marginal lands; SG, sand and gravel; RPF, rural public facilities

Applicable comprehensive plan: Lane County Rural Comprehensive Plan (acknowledged in 1984 and as subsequently amended); Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), Schools (Springfield School District 19, McKenzie School District 68) roads (Lane County), water (Santa Clara Water District)

Exhibit IV-A-1 attached to the April 6, 2006, staff report included a complete listing of the property owners, addresses, and tax lot numbers for each of the areas

### Reason for Annexation

The proposal was initiated by the McKenzie Fire and Rescue Board of Directors to annex properties located adjacent to the fire district boundaries to ensure fire protection to areas outside the fire district that have improvements or could be improved in the future. The annexation will also clarify the boundaries of the district in areas where properties are split by the district boundaries.

### Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexations, at McKenzie Fire & Rescue main fire station, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.*

Chair Myers called for *ex parte* contacts or conflicts of interest from the commission. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing. There was no objection to the adequacy of the notice provided.

Ms. Taylor provided the staff report. She entered the written staff report in the public hearing record in accordance with the commission's administrative rules.

Ms. Taylor said if the commission approved the annexation that evening it would not become effective until May 22. She said until that time registered voters in the area would have the opportunity to electors in the area of annexation to request an election. She said if no election were requested then the annexation would become effective on May 22.

Ms. Taylor said the fire protection district reviewing its boundaries for over a year and looking at adjacent properties which were developing. She said the annexation was in response to requests for fire protection services from those properties. She said the district had received consent to annex from most of the property owners in the area.

Ms. Taylor said she had received one inquiry from a property owner that had a meandering lot and was wondering why all of his tax lot was not being included in the annexation. She said the reason all of the property was not included in the annexation was that not all of the land was developable. She said no other questions had been received.

Ms. Taylor said the boundary commission staff had reviewed the proposal and had concluded that the request was consistent with standards for approval under boundary commission law. She said staff was recommending approval of the application.

Ms. Taylor said the Lane County Land Management Division had responded to the referral that the annexation was consistent with the Lane County Rural Comprehensive Plan and the Eugene-Springfield Metropolitan Area General Plan. She said there provisions in both of those plans that allowed for an appropriate level of fire protection services.

Mr. Myers opened the public hearing and called for testimony from the proponent.

#### Proponent's Opening Statement

Fire Chief Dale Ledyard, P.O. Box 369, Waltherville, said several citizens had approached the district about annexation. He added that the district had a desire to clarify its boundaries in order to make responding to fires easier. He said the additions of property would not affect the level of service or response times. He said it had always been a goal to provide reasonable cost fire protection to the district and noted that the addition of properties would lower costs for members of the district as well as lowering insurance costs.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- \* Moved and seconded (Seidel/Olson) to approve BC File F MK 06 – 22 annexing territory to McKenzie Fire and Rescue based on the findings and reasons in the April 6, 2006, staff report. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Larson, Olson, and Seidel voting in favor).

Annexation of Territory to the City of Eugene (Cowan)

- B. BC File C EU 06 – 17  
Initiated by property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on February 22, 2006  
Action to be taken by May 23, 2006

Description

The annexation area includes one tax lot located in the Santa Clara region of North Eugene, north of Beltline Road, east of River Road, north of Dean Avenue, south of River Loop #2, west of Kirsten Street, and east of Kendra Street

Property owners: William Cowan (1520 N Danebo Street)

Tax lot: 519, T17S R04W S01 Map 32

Acres: ± 0.14

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlay

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

The property owner is requesting annexation in order to prepare the property for low density residential development. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Register Guard on March 17, 2006.* A second notice may be published in a newspaper of

general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (William Cowen, owner of the private property proposed for annexation and initiator of this annexation request) on March 24, 2006. The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Chair Myers called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing. There was no objection to the adequacy of the notice provided.

Ms. Taylor provided the staff report. She entered the written staff report into the public hearing record in accordance with the commission's administrative rules.

Ms. Taylor said if the commission approved the annexation it would not become effective until May 22. She said the method of initiation allowed for a period of time in which registered voters in the area of annexation could call for an election. She noted that, at the time of the writing of the staff report, there were no electors registered within the area to be annexed. She said the annexation was not contiguous to the City of Eugene and did not include a road right of way. She noted that the property was within the urban growth boundary established by the Eugene-Springfield Metropolitan Area General Plan.

Ms. Taylor said she had received letters of objection from the Santa Clara water and fire districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report.

Ms. Taylor said staff had determined that the annexation request was consistent with boundary commission standards. She said boundary commission law allowed for noncontiguous annexations and the commission had previously approved non contiguous annexations. She said urban services could be provided to the property immediately or in a timely manner. She said staff was recommending approval of the annexation request.

Mr. Myers opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Jim Carlson, Assistant City Manager, City of Eugene, said the request met all of the standards for annexation. He said the Metro Plan was based on the premise that Eugene and Springfield were the logical providers of urban services so the annexation was appropriate.

Mr. Carlson said the city had looked at each of the evening's requested annexations to determine whether there were logical and appropriate segments of street that could be added to the annexations. He noted that city staff did not think that the annexation of streets would add to the connectivity to other annexed areas of the city.

Those in Support

Bill Cowen, property owner of the requested annexation, thanked commission staff for the high quality work involved in the staff report.

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

\* Moved and seconded (Olson/Larson) to approve BC File C EU 06 – 17 annexing territory to the City of Eugene based on the findings and reasons included in the April 6, 2006, staff report. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Larson, Olson, and Seidel voting in favor).

Annexation of Territory to the City of Eugene (Shin Property LLC)

- C. BC File C EU 06 – 25
  - Initiated by property owner petition
  - Action under ORS 199.490(1)(c) of the boundary commission law
  - Received on March 7, 2006
  - Action to be taken by June 5, 2006

Description

The annexation area includes one tax lot located in the Santa Clara Region of north Eugene, north of Beltline Road, east of River Road, north of Hunsaker Lane, and south of Azalea Drive

Property owner: Shin Property LLC (389 W. 6<sup>th</sup> Avenue, Eugene)

Tax lot: 5700, T17S R04W S11 Map 41

Acres: ± 1.68

Estimate of existing population: 0

Existing land use: Residential, commercial

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlays and C-1/UL, neighborhood commercial with urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads, (Lane County), water (Santa

Clara Water District), fire (Santa Clara Rural Fire Protection District),  
wastewater (City of Eugene)

Reason for Annexation

The property owner is requesting annexation to prepare the site for redevelopment. The Eugene-Springfield Metropolitan Area General Plan requires annexation in order to provide urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Shin Properties LLC, , owner of the private property proposed for annexation and initiator of this annexation request) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Chair Myers called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing.

Ms. Taylor provided the staff report. She entered the written staff report in the public hearing record in accordance with the commission's administrative rules.

Ms. Taylor said if the annexation were approved it would become effective on May 22. She said there were no electors in the area to be annexed. She noted that the area was contiguous with the city limits and there were no road rights-of-way included in the annexation.

Ms. Taylor said she had received letters of objection from the Santa Clara water and fire districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report.

Ms. Taylor said the proposal met the standards of approval under boundary commission law. She said urban services were already available to the annexation area.

Ms. Taylor noted that there was a correction to the staff report for all of the Eugene annexations that evening. She said there was reference in the staff report to parks and recreation services. She said Hilman and Whitman boat landings were no longer owned by the City of Eugene and were now county facilities.

Ms. Taylor said staff had received written requests from two property owners adjacent to the annexation property to be included in the request. She said the staff report included a packet of information submitted to staff from Marilyn Spriggs (tax lot 6200) and Claire Riesselmann (tax lot 6300). She said the properties were located along the southeast edge of the Shin property. She noted that City of Eugene Public Works had submitted a letter in support of adding the additional tax lots to the annexation proposal. She said the addition of properties came late in the process but stressed that Oregon statute allowed property owners to consent in writing or at a hearing to have their properties included in an annexation. She said services could be delivered to the additional properties and noted that the entire annexation area would be contiguous to the City of Eugene. She also noted that there were no road rights of way included in the annexation request. She said if the commission chose to include those properties then additional findings and reasons would have to be adjusted.

Ms. Taylor noted that there was another correction to the specific staff report for the annexation request. She said the staff report had stated that River Road was inside the city limits and maintained by Lane County. In fact the stated portion of River Road was owned and maintained by the City of Eugene. She added that existing finding number three in the staff report included a statement that the land use designation in the area was low-density residential and low-density commercial. She noted that there was no zoning designation for "low-density commercial" and recommended crossing out "low density" from the wording.

Ms. Taylor said staff recommended approval of the annexation. She said if the commission chose to modify the application to allow for the additional properties to be included then the options available to the commission would be discussed after the public hearing.

Mr. Myers opened the public hearing.

#### Proponent's Opening Statement

Bill Kloos spoke on behalf of the applicant. Regarding additional people requesting annexation, Mr. Kloos said there was concern that if the additional properties were included then there was a slight possibility of an election being requested. He urged approval of the application as submitted. He said his client was eager to proceed with development of the property.

#### Public Officials in Support

Jim Carlson, Assistant-City Manager, City of Eugene, said the annexation area was contiguous to previously annexed area. He added that the city was responsible for maintenance of the section of River Road adjacent to the subject property. He said there were no road rights-of-way included in the annexation. He said the city was supportive of the inclusion of the additional properties.

In response to a question from commissioner Mulder regarding whether there was a way to approve the application if something went wrong, Mr. Carlson said there was no standard answer to give because the additional requests for annexation did not often happen.

#### Others in Support

Joanne Petitti, 85 Hunsaker Lane, Eugene, explained the reason she wanted to annex her property in combination with the original annexation. She noted that Santa Clara school was located

directly across the street from her property and she was unsure what would become of the property when the school site was eventually sold by the school district. She said if the property were developed with high-density residential units then the privacy of her property would be eliminated. She said inclusion of her property in the annexation request would allow her do something with the property instead of living in the middle of a commercial district. She stressed that she wanted to keep her options open.

Public Officials in Opposition – None

Others in Opposition – None

Rebuttal by Proponents – None

Seeing no one else wishing to testify, Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Olson commented that the additional properties were similar in nature to the requested annexation and it would be repetitive to have the additional properties go through another annexation process.

- \* Moved and seconded (Olson/Mulder) to modify BC File C EU 06 – 25 to include the additional tax lots into the annexation area.

In response to a question from Ms. Seidel regarding whether boundary commission staff had time to review the standards regarding the two additional properties, Ms. Taylor said the available services were identical but there was a difference in access because the additional properties had access from Hunsaker Lane rather than River Road. She said the additional properties met the criteria for approval.

In response to a question from Mr. Myers regarding how many registered voters were in the additional areas, Ms. Taylor said there were two registered voters in each of the additional tax lots. She surmised that people who requested annexation would not call for an election later. She added that the annexation was clearly allowed under boundary commission law.

- \* The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Larson, Olson, and Seidel voting in favor).

Ms. Taylor said new findings and reasons were included in the material described prior to the hearing. She cited a new Finding #3 which stated: “At the request of the property owners, the original annexation area was modified to include two properties: tax lot 6200, T17S R04W S11 Map 41 owned by Marilyn Spriggs totaling 0.41 acres and tax lot 6300, T17S R04W S11 Map 41 owned by Claire Riessellmann totaling 0.20 acres.” She said the total modified annexation area included approximately 2.28 acres. She noted that the remaining findings would have to be renumbered.

- \* Moved and seconded (Mulder/Seidel) to approve modified BC File C EU 06 – 25 annexing territory to the City of Eugene including the amended findings and reasons. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Larson, Olson, and Seidel voting in favor).

Annexation of Territory to the City of Eugene (Butte Construction, Inc./Bobolink Avenue)

- D. BC File C EU 06 – 24  
Initiated by property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 7, 2006  
Action to be taken by June 5, 2006

Description

The annexation area includes one tax lot and a portion of Bobolink Avenue located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, west of Stark Street, east of Maesner Street, and north of Bobolink Avenue—the portion of Bobolink Avenue included in the annexation is located between Stark Street and Maesner Street

Property owners: Butte Construction (P.O. Box 41033, Eugene)

Tax lot: 905, T17S R04W S02 Map 23

Acres: ± 0.66 (± 0.21 acres in TL 905; ± 0.45 acres in rd r/w)

Estimate of existing population: 0

Existing land use: Vacant, road rights-of-way

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

The property owner is requesting annexation in order to prepare the private property for residential development. The existing road right-of-way is included to facilitate the provision of urban services to developing properties inside the City of Eugene. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. “Affected territory” as defined by ORS 199.415(3) means the territory described in the petition. The “petition” includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Butte Construction Inc., owners of the private property proposed for annexation and initiators of this annexation request) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days

before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Chair Myers called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing.

Klaus Pressler, 211 River Loop #1, Eugene, raised objection to the notice provided. He said adjacent properties were impacted by the proposed street annexation and were therefore affected by the annexation despite the language in the Oregon Revised Statute. He said the word could be "impacted" rather than affected but reiterated his objection to the notice provided.

Ms. Taylor reiterated that advertising of public notice was provided according to state statute. She noted that there had been similar objections raised in the past especially when street annexations were included. She acknowledged that owners felt impacted by annexations of roads. She said the decision for the commission was to decide if the notice was provided according to state law and then it could proceed with the public hearing. She said the commission could discuss financial implications and legal ramifications of providing additional notice at a later time.

There was general consensus among the commission that notice had been provided in accordance with the law and members and to proceed with the public hearing.

Moving on to the staff report, Ms. Taylor entered the printed staff report into the public hearing in accordance with the commission's administrative rules. Ms. Taylor said the commission had approved an annexation of tax lots to the south several months previously but noted that the commission had not approved a street annexation attached to the request which included some of Bobolink, Western, and Maesner streets. She noted that a small section of Bobolink between two intersections was included in the current annexation request which would connect previously annexed properties.

Ms. Taylor noted that the City of Eugene reviewed annexations for logical and appropriate connections to other annexed areas. She said if the annexation was approved that evening there would be a 45-day period for registered voters on the property in question to request an election. She said there had been no registered voters in the area of annexation at the time the staff report was prepared.

Ms. Taylor said she had received letters of objection from the Santa Clara water and fire districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report. She added that the Santa Clara fire district had also objected to the inclusion of Bobolink on the grounds that there was no sufficient reason for the inclusion of the requested right-of-way and the annexation of the street was not essential for the delivery of services.

Ms. Taylor noted that the standards for the approval of the annexation had been met. She said the City of Eugene would be providing all services to the area if the annexation were approved. She noted that the area was not contiguous to the City of Eugene but reiterated that the annexation met the criteria for approval.

In response to a question from Ms. Seidel regarding a statement in the staff report saying that over half of the properties in the area supported the annexation, Ms. Taylor said the statement was a reference to what the language of the law required. She said the law required consent from half the owners in the land area.

Mr. Myers opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Jim Carlson, Assistant City Manager, City of Eugene, said the annexation was near a number of annexations that had been before the commission in the previous two years. He said the current proposal was to add the one block section of Bobolink Street between Stark and Maesner. He added that a memo had been provided in the staff report with reasons why the city asked for annexations of road rights-of-way. He said the road maintenance agreement with Lane County was a transition agreement for roads from county to city jurisdiction. He said there were also similar transition agreements between EWEB and the Santa Clara Water District that defined how facilities that were provided in the road rights-of-way changed ownership from the water district to EWEB. He noted that all of the properties on the south side of the road had been annexed. He stressed that the city was looking for logical and appropriate street segments to provide connectivity for annexed areas.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark Street, Eugene, spoke in opposition to superfluous street annexations. He said that included the short section of Bobolink being requested for annexation. He noted that the commission had denied a similar annexation request in August 2005. He said the reason that the previously requested street annexation had been denied was that there was some question of putting sections of county roads in isolation. He said the same reason applied for the current annexation request.

Richard Wagner, 3663 Webster Street, Eugene, spoke against the street portion of the annexation. He said it made no sense to annex the small section of Bobolink. He said the annexation would do nothing since emergency vehicles could access the area smoothly already.

Jerry Ritter, Secretary of Legislative Affairs for Oregon Communities for a Voice in Annexations (OCVA), 1865 Yolanda Avenue, Springfield, said his testimony would apply to all of the street annexations on the agenda that evening. He said OCVA had worked hard to make sure that Oregon citizens had a voice in annexations and had actively opposed forced annexation procedures around the state. During the 2005 legislative session he said OCVA had won its battle to repeal ORS 195 combined vote annexation procedure which he said was a particularly despicable method of annexing. He said, with the elimination of the statute, the only other method of forced annexation was the intentional island creation. He said Eugene's statements of non intent aside, the city desired to annex the Santa Clara and River Road areas. He said city officials knew there was wide spread opposition to annexation and the only way to annex was to

do it by force. He said there was no legitimate reason for any of the street annexations on the agenda that evening. He said the primary purpose for the street proposals was to hasten the creation of islands so annexation could be imposed with no vote of the people. He said the legislature had sent a strong message about giving people a voice in annexations in 2005 and stressed that the commission had the ability to deny the proposed street annexations. He added that just because the commission could approve the annexations did not mean it should. He urged the commission not to remove the voice of citizens from annexation proceedings. He made himself available for questions.

Lenore Fischer, P.O. Box 178, Eugene, said there was no reason for the street annexation. She said the property in the Santa Clara/River Road area was owned by people who did not want to be in the City of Eugene. She urged the commission not to approve the street annexations and stressed that the areas were well taken care of.

Neill Juilfs, 3410 Hyacinth, Eugene, said he was not opposed to the property annexation but was opposed to the "blatant" land grab street annexation proposed by the City of Eugene.

Richard Crane, owner of the property next to the school that was being annexed. He said the people of the area did not want to be annexed and wanted a vote if annexation were to be forced. He raised concern over financial impacts to citizens in the area if annexation into the city were to occur. He said it was not the purpose of government to circumvent the will of the people and remarked that the City of Eugene was trying to do so at great financial distress to the people affected.

Dave Van Sickle, 2057 Grove Street, Eugene, none of the streets proposed to be annexed that evening were at the request of the original applicant. He said the city was setting the stage for island annexation to circumvent the right of citizens to vote. He said annexation was becoming a voting rights issue.

David Samarin, 846 Blackfoot Avenue, Eugene, said that public notices had been posted in *The Register Guard* and remarked that he despised that news paper as a total liberal newspaper that did not consider the people in the area. He said the city had been trying to circumvent the will of the people in the Santa Clara area for decades and suggested that everyone from the Santa Clara area should receive cards for a vote on annexation. He said the city was using the tactics he surmised that the American Indians used against the pioneers by surrounding the wagon trains and then attacking. He said the people in the Santa Clara resented that method and added that government was telling the people what to do when the people should tell the government what they wanted.

Karen Washburn, 3060 Webster Street, Eugene, said she had been in the neighborhood for 35 to 40 years. She said she liked the neighborhood the way it was.

Tawnee Rayburger opposed being annexed into the city against her will. She said there was no benefit for any of the neighbors in the area to be annexed.

Reverend Mark Dillon, 2959 River Road, Eugene, reiterated the comments made that evening. He said he was not against the property annexation but reiterated Mr. Samarin's comments that the city was encircling land in the area and remarked that he did not like *The Register Guard* either. He noted that a notice of annexation had been posted on the telephone pole in his yard and remarked that it was illegal to place public notice on the telephone pole on his property

Kimberly Nicholas, River Road, raised concern over the city gaining control over county residents. She stressed that the people should have a say in their government since people made up the government. She said she was opposed the annexation without a vote.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Commissioner Olson said he did not want to stop people from developing their property but raised concern over adding street annexations to property annexation requests. He urged the commission to consider all street annexations proposed by the city as a separate process.

Commissioner Larson said it was logical to annexation the portion of street requested by the city since there were annexed properties on both sides of the street.

Ms. Taylor stressed that the issue before the commission was the annexation of one lot with the addition of a small portion of Bobolink Street. She said the decision before the commission was not about annexation of other properties.

Ms. Larson said the City of Eugene needed to understand that if it was logical and appropriate to annex a portion of street right-of-way then it would be approved and if the proposed annexation were not logical then it would not approve the request.

- \* Moved and seconded (Seidel/Larson) to approve BC File 06-24 with the findings and facts as presented by staff. The motion passed; 4:1 (commissioners Myers, Mulder, Larson, and Seidel voting in favor, and commissioner Olson voting in opposition).

Annexation of Territory to the City of Eugene (Motherway/River Road)

E. BC File C EU 06 – 23  
Initiated by property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 6, 2006  
Action to be taken by June 5, 2006

Description

The annexation area includes one tax lot and a portion of River Road located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, north of Chapel Drive, south and east of Cindy Street—the portion of River Road included in the annexation is located between Wedgewood Drive and Azalea Drive

Property owners: Neoma and Kenneth Motherway (3198 River Road, Eugene)  
Tax lot: 5805, T17S R04W S11 Map 12  
Acres: ± 5.73 (± 0.42 acres in TL 5805; ± 5.31 acres in road r/w)  
Estimate of existing population: 2 (one residential unit)  
Existing land use: Residential, road right-of-way

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads, (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

#### Reason for Annexation

The property owners are requesting annexation in order to partition the private property for low density residential development. Existing road right-of-way is included to facilitate the provision of urban services to developing properties inside the City of Eugene. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

#### Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Neoma and Kenneth Motherway, owners of the property proposed for annexation and initiators of this annexation request) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Chair Myers called for declarations of *ex parte* contact or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing.

Jim Seaberry, 3294 Stark Street, Eugene, objected to the notice required. He said he had missed the notice for the annexation request. He said there was one sign on one telephone pole along a half mile stretch of road. He stressed that this was not adequate notice.

Ms. Taylor said the posting of notices was at each intersection of River Road and the adjacent rights-of-way. She cited Azalea, Banton, Wedgewood, Chapel, and River Loop #1 as places where notices were posted. She added that she had also posted notices on both sides of the annexation area.

Klaus Pressler, 211 River Loop #1, Eugene, said he was only able to find one notice on River Road and could not find one posted on River Loop #1. He said he did not read *The Register Guard* every day. He added that the stated nine day period for written testimony to be submitted was not provided in a timely manner. He commented that there was only 24 hours from the time the notices were posted until the nine day period was over.

Ms. Taylor said *The Register Guard* advertising did include the same terminology as the posted notices of annexation. She noted that several years previously there had been controversial annexations and a high volume of material had been submitted during the public hearing with the intention that the commissioners would read all of it before conducting a public hearing. She said the person who had submitted the material had stated that the reason it was submitted was to cause the commission to delay its decision. She said early notice was beneficial to ensure early submittal of written material. She said it was never the commission's intent to imply that written material had to be submitted by a certain time and commented that the actual language in the notice did not say that. She acknowledged that the language could be misinterpreted and said she would look at the language again to see if it could be made clearer. She stressed that anyone was always welcome to come to a commission meeting and submit whatever written testimony they wished in whatever quantities. She said submitting the material in advance would ensure that the commission could read the material before a public hearing.

Regarding posting of the notice signs, Ms. Taylor said notices were posted on March 22.

Ms. Mulder encouraged people to help police their neighborhoods in case someone was pulling down notice signs because they were angry, then it would deprive the area of the notice it needed.

Ms. Taylor reiterated that the commission could have a future discussion on how to change the notice provided for hearings.

David Samarin, 846 Blackfoot Avenue, Eugene, accused boundary commission staff of posting notices in *The Register Guard* because they knew that most people did not read *The Register Guard*. He also accused staff of placing signs in outlying areas so most people would not see the notices. He stated that if he wanted to live in the City of Eugene he would have moved to the City of Eugene. He accused staff of trying to force him into the city.

Ms. Taylor said the current question before the commission was whether public notice had been provided according to state law. She said if the commission felt that had occurred then it could proceed with the public hearing.

David Grossnicklaus, 3145 River Road, Eugene, said he had seen no notice provided at all. He said he had not been aware that the street in front of his property was going to be annexed. He said the notice provided might be within the law but the adequacy of the notice was insufficient. He suggested a mailing to the property owners in the area.

Nancy Tarusan did not know about the meeting until she was told by a neighbor. She said she had seen no posted notices and accused staff of hiding notices so no one would see it.

John Dotson, 2447 Canterbury Street, Eugene, said he spent two hours walking Irvington, Blackfoot, and Crocker, handing out notices about the meeting and 80 percent of the people he talked to had been unaware of the meeting.

Karsten Wilson, 3052 Webster Street, Eugene, suggested that staff time would be better served to send mailings to neighborhoods instead of driving the area posting notices.

Ms. Seidel said the legal requirements of public notice had been met.

Ms. Taylor said she only knew who the property owner who made the annexation request was. She said she had no way of knowing who else lived in the neighborhood.

Ms. Larson stressed that it was more complicated than it sounded to send mailings to entire neighborhood areas.

Ms. Taylor said she would continue to meet the statutory requirements and suggested a future discussion of further measures to be taken regarding public notice.

Ms. Mulder said the cost of public notice should be borne partially by applicants even if there was no proposed street annexation.

Mr. Myers called for the staff report.

Ms. Taylor provided the staff report and entered the printed staff report into the public hearing in accordance with the commission's administrative rules.

Ms. Taylor said if the annexation were approved it would not be effective until May 22 so there would be an opportunity for registered voters in the annexation area to request an election. She noted that there were two registered voters in the area at the time the staff report was written.

Ms. Taylor said the annexation, if approved, would create two islanded areas and the staff report was sent to the owners of those tax lots consistent with the desire of the boundary commission to provide that service. She said she had not been contacted by any of the property owners within those areas. She stressed that those two property owners would not be annexed with the current application.

Ms. Taylor said she had received letters of objection from the Santa Clara Water and Fire Districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report. She noted that the Fire District had also objected to the inclusion of River Road right-of-way in the annexation proposal.

Ms. Taylor said the standard for annexation had been met. She said the property was contiguous to the city limits and needed services were available. She said staff were recommending approval of the application as submitted.

#### Proponent's Opening Statement

Jason Elliott, 3198 River Road, Eugene, spoke on behalf of the applicants. He said the applicant was requesting annexation so their property could be further developed. He said it was not important to the applicant that the road right of way was included in the annexation.

#### Public Officials in Support

Jim Carlson, Assistant City Manager, City of Eugene, stressed that the boundary commission was the appropriate body for determining annexations in Lane County. He added that the commission was required by law to do things that were consistent with the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). He stressed that the Metro Plan required annexation before development and noted that the Metro Plan assumed that Eugene and Springfield were the logical providers of services and also assumed that, ultimately, land within the urban growth boundary would be annexed to the city and provided with urban services. He noted that the timeframe for annexation would vary but annexation would occur as the land transitioned from urbanizable to urban. He said the city was trying to make rational choices about logical and appropriate annexations to provide connectivity for annexed areas.

Regarding the current annexation request, Mr. Carlson said the city had asked for inclusion of a segment of River Road from Azalea to Wedgewood which was approximately 2,300 feet and connected numerous annexed areas to the main body of the city. He said one of the primary purposes of the request was to connect a large number of previously annexed areas. He reiterated that the road annexation was logical and appropriate. He said Lane County had approved the request and noted that Lane County had also approved the Metro Plan in 1982 and as subsequently amended. He noted that there were a number of intergovernmental agreements for maintenance of roads and the requirement that the City of Eugene request jurisdictional transfer of road ways. He said the county understood that there was transition taking place and there as a logical way of dealing with that transition including annexation.

Mr. Carlson said River Road was an interesting case because one of the urban service issues was that Lane County had installed storm water drainage systems that were sized only for the road way and did not allow any adjacent development to connect to the drainage. He said the city would have to retrofit a new and larger storm drainage system. He stressed that it would improve the efficiency and effectiveness of services that were provided to have the section of roadway under the jurisdiction of the City of Eugene.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark Street, Eugene, said if the annexation of street right-of-way were approved, the city would own all of River Road from Beltline to Federal Lane. He said there would be less than one tenth of a mile from Wedgewood to Blackfoot that was not annexed and all of west Santa Clara would be lassoed for annexation. He urged the commission to leave ten feet of the street annexation so the gap would not allow such a large islanded area.

John Dotson, 2447 Canterbury Street, Eugene, questioned whether a number of land owners in an annexation area could call for a vote and cancel the proposed annexation. He remarked that the city could not care less about the people in the River Road and Santa Clara areas. He questioned if a street was annexed that was abutted by other land owners then why did the election rule not apply. He questioned why the impacted property owners did not have a chance to vote and why the 45-day rule did not apply. He stressed that was his money that would be used for road improvements made by the city.

Klaus Pressler, 211 River Loop #1, Eugene, pointed out that there had been money set aside by the Santa Clara Water District for improvements. He said when the city assumed control of the

street there would be no legal remedy for getting back those funds. He commented that this sounded like theft. He said the superfluous annexation of River Road was impacting the neighbors if not by the letter of the law affecting the neighbors. He stressed that each property owner along River Road was impacted and deserved a vote.

#### Those neither in Support or Opposition

David Grossnicklaus, 3145 River Road, Eugene, questioned whether there would be any compensation to the neighbors, since there had been funding set aside by the Santa Clara Water District, when Eugene took over maintenance of the portion of River Road.

Ms. Larson said the boundary commission was not qualified to answer that question.

Mr. Grossnicklaus suggested delaying a vote on the annexation until the question could be answered.

Ms. Taylor said the agreement between the Santa Clara Water District and the Eugene Water and Electric Board did talk about the transition of properties. She said there were also provisions for when pipes under the roads were annexed. She said there was no specific language regarding compensation but noted that the agreements were reviewed periodically. She said the water district should address those concerns.

Nancy Tarusan, 2950 River Road, Eugene, said she had purchased her house seven months previously because it was not in the City of Eugene. She said the annexation process was confusing to her and sounded like the matter was all about money. She said it was sad that people would lose their homes because someone else wanted to make a profit.

David Samarin, 846 Blackfoot Avenue, Eugene, speaking to adequacy of the notice, commented that renters were affected just as much as property owners. He urged boundary commission staff to send notification cards to everyone in the nearby area when an annexation was planned.

Elder Thomas, 945 Irvington Drive, Eugene, commented that she felt insulted that commissioner Mulder had implied that angry people were pulling down public notice signs. She said there was nothing that indicated people were pulling down notice signs. She added that if there was that large of an opposition then the city should take notice. She said the residents along Irvington had not known that the City of Eugene had paid for oversizing the pipes and remarked that those residents were not looking for city involvement. She remarked that the city's action seemed clandestine.

Richard Crane, 388 Lodenquai Lane, Eugene, acknowledged that the Metro Plan called for transition of lands from county to city. He said if that had to be done apart from the will of the people and what would be good for them then the commission would do that. He said the reason for public hearing could be to delay that process for a while and give property owners a reprieve. He said property owners would certainly like to have the annexation of roads delayed to respond to the will of the people. He said the people did not want to be annexed at all and would prove it if given a vote. He urged the commission not let the people down and to help the homeowners maintain independence as long as possible.

#### Rebuttal by Proponents

Jim Carlson, Assistant City Manager, City of Eugene, said it was clear in the agreement between Eugene Water and Electric Board that no money changed hands upon the annexation and transfer and title. He read from the agreement; “. . . title shall pass to Eugene Water and Electric Board for such water mains, meters, valves and other portions of water service installations owned by the district and in which district may have any interest in located within each annexation, not to include real property effective on the first day of the month following the effective date of the annexation.” He said the water system improvements would still be in place and would still serve the neighborhood. He said EWEB provided all of the services in both Santa Clara and River Road water districts already through intergovernmental agreement. He said neither water district had any staff. He stressed that the water system would not change.

Mr. Carlson said there nothing clandestine about the oversizing of pipes on Irvington and stressed that it was the result of good intergovernmental cooperation and efficient use of public money. He said the county had put in the services that were needed at the time.

Mr. Carlson said none of the annexations on the agenda that evening were taking place without the request of the property owner.

Mr. Myers closed the public hearing.

#### Boundary Commission Discussion and Decision

Ms. Larson said as long as she had been on the boundary commission she had participated in no votes on annexations that had not been initiated by the property owner. She said the boundary commission had never initiated any annexations of property that did not wish to be annexed.

Ms. Taylor reiterated that there had not been annexations without consent of the property owner since Ms. Larson had been on the commission.

- \* Moved and seconded (Larson/Seidel) to approve BC File C EU 06 – 23 annexing territory to the City of Eugene based on the findings and reasons in the April 6, 2006, staff report. The motion passed; 4:1 (commissioners Myers, Mulder, Larson, and Seidel voting in favor and commissioner Olson voting in opposition.)

#### Annexation of Territory to the City of Eugene (Zeedyk/River Loop #1)

- F. BC File C EU 06 – 21  
Initiated by property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 1, 2006  
Action to be taken by May 29, 2006

##### Description

The annexation area includes one tax lot and a portion of River Loop #1 located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Loop #1, west of Dalewood Drive. The portion of River Loop #1 included in the annexation is located between River Road and Dalewood Drive.

Property owner: Steven Zeedyk (229 Shamrock Court, Eugene)

Tax lots: 1800, T17S R04W S11 Map 14

Acres: ± 1.89 (± 0.44 acres in TL 1800; ± 1.45 acres in rd r/w)

Estimate of existing population: 2 (one residential unit)

Existing land use: Residential, road right-of-way  
Existing zoning in Lane County: AG/UL, Agricultural with urbanizable lands overlays  
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan  
(acknowledged in 1982 and as subsequently amended)  
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Sand Clara Water District), fire (partially in the Willakenzie Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

The property owners are requesting annexation in order to divide the private property for additional low density residential development. Existing road right-of-way is included to facilitate the provision of urban services to developing properties inside the City of Eugene. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Steven Zeedyk, owner of the properties proposed for annexation and initiators of this annexation) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene City hall, and at the Lane County Courthouse on March 22, 2006.*

Chair Myers called for declarations of *ex parte* contact or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing.

Charles Halbrook, 3056 Dalewood Street, provided a copy of the posted notice in his area. He claimed he had 'been deceived and misled' by the notice because of a typographical error in the street name provided in the notice. He said the notice was not worth the paper it was printed on.

Klaus Pressler, 211 River Loop #1, objected to the notice provide. He called attention to the last page of the staff report regarding the annexation. He referred to his demand letter for his property rights and the rights of other property owners in the area. He re-submitted and re-asserted his objections raised in the letter. He said he wanted to change his wording from "Affected" to "Impacted." He added that there had been a discrepancy in the street names and commented that the street name should be appropriately referred to. He added that the notices went up 24 hours

before the deadline for written submissions to be submitted. He said none of the property owners on River Loop #1 had noticed the posters on the section of the street to be annexed.

Ms. Taylor said the notices were posted on March 22. She acknowledged that there had been an incorrect reference to a street name and noted that the correction was mentioned in the written staff report. She stressed that the statutory requirements for notice had been met and reiterated that there would be further discussion on how to provide notice beyond what was required by law.

There was general consensus from the commission to proceed with the public hearing.

Ms. Taylor provided the staff report and entered the printed staff report into the public hearing in accordance with the commission's administrative rules.

Ms. Taylor noted that if the annexation were approved it would not be effective until May 22 to allow for the affected property owners to call for an election. She said there had been three electors in that area at the time of submittal of the application. She said the annexation was not contiguous to the main body of the city of Eugene. She noted that it did share a common boundary with an annexed area recently approved. She said the annexation would create two islands shown on the map in the written staff report.

Ms. Taylor said no portion of River Road was being requested to be annexed but noted that River Loop #1 right-of-way was included. She said boundary commission staff was recommending approval of the annexation as submitted.

Ms. Taylor said she had received letters of objection from the Santa Clara water and fire districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report. In addition, she noted that the Santa Clara fire district objected to the inclusion of River Loop #1 right-of-way and had asked the commission not to include that portion of the road.

Ms. Taylor said urban services could be delivered to the lands proposed for annexation and inclusion of the road right-of-way would assist in the delivery of those services.

Mr. Myers opened the public hearing

#### Proponent's Opening Statement

Steve Zeedyk, 229 Shamrock Court, Eugene, said he wanted to annex for future development but said the street annexation should not affect his property annexation in any way.

#### Public Officials in Support

Jim Carlson, Assistant City Manager, said the city was requesting the inclusion of one block of right-of-way annexation. He said the annexation of the portion of the street would provide connectivity with previously approved annexations in the area. He noted that there was construction going on in the area on those previously annexed properties. He said when city staff reviewed what was considered to be the logical and appropriate segment they had considered extending the annexation to Wedgewood and also extending to include Dibblee Lane. He said

staff felt that there would be future opportunities to make those annexations and restricted the request to the street section proposed in the staff report.

Mr. Carlson said no properties being annexed against their will and no road improvements planned for River Loop #1. He said road improvements only took place when 50 percent of the property owners requested that the work be done. He said annexation of road ways did not financially affect either the Santa Clara water or fire districts.

Commissioner Seidel said she had read the memo on street annexations provided in the staff report and expressed a hope that the memo would be more widely circulated. She suggested that rather than attaching road annexations to requested property annexations, make specific proposals for the highest priority street annexations. She suggested that it might be more efficient.

Mr. Carlson said he would take the advice into consideration.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark Street, Eugene, complimented Ms. Seidel on her advice to Mr. Carlson. He said requesting annexations in the method she proposed would lessen the animosity in the area. He spoke against the application and said the unincorporated areas of Santa Clara included families that were just getting started and older couples. He said the assets of both were tied up in their homes. He said he would not have wanted his parents to go through what current residents were going through. He said young married couples needed a start that was being deprived if they had to pay city taxes.

Kristy Swanson, 99 River Loop #1, Eugene, said she lived directly across the street from the property being annexed. She said the street annexation was not logical or appropriate. She said the area was still primarily rural and there was relatively little traffic. She said there was no rush to transition the area into city jurisdiction. She reiterated that there was no necessity to annex the road immediately.

Elder Thomas, 945 Irvington Drive, Eugene, said she opposed the annexation because of the typographical error in the notice provided. She said the fliers were not correct and no one should tolerate errors in public documents. She stressed that staff had acknowledged that the postings were incorrect at the time they were put up. She said staff should take the time to correct the error and wait on the hearing until proper notice had been provided.

John Dotson, 2447 Canterbury Street, Eugene, said every objection that evening had been for the added street annexations. He said the reality was that two things were happening that evening. The first was the annexations of properties and the second was that street annexations were being tacked on by city personnel. He said the city was dictating the annexation process via internal regulation. He said the city had forced the applicant to attach that annexation.

Mr. Dotson said the people were looking at actions and not listening to the words of the commissioners. He said the city did not want a vote of the people on annexations and expressed a wish that the commission would separate street annexations from requested property annexations.

Ms. Larson noted that the commission had previously denied road annexations requested by the City of Eugene. She added that cities were the providers of urban services and noted that Santa Clara and River Road were expected to be urban areas as outlined in the Metro Plan.

Klaus Pressler, 211 River Loop #1, Eugene, said he was not objecting to the annexation of the property in the application but reiterated his objection to the street annexation attached to the application. He urged the commission to re-read his letter attached in the written staff report. He opined that the city would eventually force annexations on the islanded properties in the area and renewed his objection.

Jeff Belleville, 4627 Spring Avenue, Eugene, said he had observed the public hearing and urged the commission to start hearing the people.

David Grossvicklaus, 3145 River Road, Eugene, said 20 percent of the surrounding area was annexed into the city. He said that left 80 percent of the surrounding properties that were unincorporated. He renewed his objection to the added street annexation.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Mr. Carlson said there was no other section of road other than the portion indicated in the staff report.

Jim Seabury said Mr. Carlson was not the proponent of the annexation and could not provide rebuttal testimony. He said Mr. Carlson's comments should not be part of the record.

Commissioner Mulder commented that the boundary commission was not representing the City of Eugene and were appointed by the Governor.

In response to a question from Ms. Mulder regarding the typographical error in the notice provided and whether it affected the legality of the annexation, Mr. Carlson said he was not the right person to answer the question.

Mr. Myers closed the public hearing and called for deliberation.

Boundary Commission Discussion and Decision

Commissioner Larson said she was inclined to include River Loop #1 in the annexation because of the development occurring to the east and north.

- \* Moved and seconded (Larson/Seidel) to approve BC File C EU 06 – 21 annexing territory to the City of Eugene based on the findings and reasons in the April 6, 2006, staff report. Motion passed; 4:1 (commissioners Myers, Mulder, Larson, and Seidel voting in favor and commissioner Olson voting in opposition)

Mr. Myers called for discussion on whether the commission desired to continue the meeting in spite of the late hour and whether it wanted to limit testimony.

- \* Moved and seconded (Mulder/Larson) to continue the public hearing items and limit testimony to two minutes preferably to new testimony and from people who had not yet spoken. The motion

passed unanimously; 5-0 (commissioners Myers, Larson, Mulder, Seidel, and Olson voting in favor).

Annexation of Territory to the City of Eugene (Piculell/Nottingham Avenue/Watson Drive

- G. BC File C EU 06 – 26  
Initiated by Resolution 05property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 7, 2006  
Action to be taken by June 5, 2006

Description

The annexation area includes one tax lot and portions of Nottingham Avenue and Watson Drive located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, east of Scenic Drive and Nottingham Avenue, north and south of Wendover Street. The portions of Nottingham Avenue and Watson Drive included in the annexation are located east of Scenic Drive.

Property owner: Arthur and Dee Piculell (4820 SW Scholls Ferry Road, Portland)

Tax lot: 100, T17S R04W S01 Map 22

Acres: ± 5.78 (± 3.44 acres in TL 100; ± 2.34 acres in road r/w)

Estimate of existing population: 4 (one residential unit)

Existing land use: Residential/ Road rights-of-way)

Existing zoning in Lane County: AG/UL, agricultural with urbanizable lands overlays

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

The property owners are requesting annexation in order to prepare the private property for residential development. Existing road rights-of-way are included to facilitate the provision of urban services to developing properties inside the City of Eugene. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Arthur and Dee Piculell, owner of the private property proposed for annexation and initiator of the annexation request) on March 24, 2006.* The

final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Chair Myers called for *ex parte* contacts or conflicts of interest from the commission. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing. There was no objection to the adequacy of the notice provided.

Ms. Taylor provided the staff report and entered the printed staff report into the public hearing in accordance with the commission's administrative rules.

Ms. Taylor said the annexation was within the urban growth boundary but noted that the property was not contiguous to the main body of the City of Eugene. She said the annexation would not become effective until 45 days after the proposed approval and would become effective on May 22. She noted that if the application were approved it would create an island of 17 lots. She noted that the staff report had said 14 lots would be islanded and asked the commission to note the correction to 17. She said the islanded area was shown on a map included in the staff report.

Ms. Taylor said the application met the commission's criteria for approval. She said the services necessary for development to occur could be provided.

Ms. Taylor said she had received letters of objection from the Santa Clara water and fire districts. She said the letters were attached to the staff report and were included in the public hearing record. She noted that the objections were of similar nature to past objections regarding annexations of territory in the Santa Clara region of north Eugene. She noted that staff response to the objections was provided in the staff report. She noted that the Santa Clara Fire District objected to the inclusion of road rights-of-way.

Ms. Taylor said staff was recommending approval of the application.

In response to a question from Ms. Seidel regarding finding 8 in the staff report and whether the area was developed or undeveloped, Ms. Taylor noted the additional correction and said the area was developed with one single family residence.

Mr. Myers opened the public hearing.

#### Proponent

Marty Peets, 3734 SW 58<sup>th</sup> Drive, Portland, spoke as the applicant's representative. He said the city had requested adding a street annexation to the original request and requested that if the street approval affected the property annexation then they should be considered separately.

#### Public Officials in Support

Jim Carlson, Assistant City Manager, City of Eugene, said the annexation was adjacent to a previously annexed land. He said the city was asking for annexation of both local streets providing access to the new development.

Those in Support – None

Public Officials in Opposition – None

Others in Opposition

Rachel Kunkle, Stark Street, Eugene, urged the commission to listen to what the people were saying. She said the annexation would be an inconvenience to the people in the area. She urged the commission to set aside their own feelings and think about the people.

Leanne Fischer-Boden, P.O. Box 178, Eugene, said she owned property near the area requested for annexation. She said she was a landlord in the area and noted that her tenants would not want to be living in the City of Eugene. She raised concern over extra traffic on the street resulting from new development and urged the commission to deny the application because it was wrong. She said she did not want Nottingham Street in the city because it would affect her renters and ruin the whole area.

Neill Juilfs, 3410 Hyacinth Street, Eugene, said Nottingham Avenue provided access to 25 tax lots and noted that if the annexation were approved it would mean that only two of the 25 would be in the City of Eugene.

Jim Seaberry, 3294 Stark Street, Eugene, said he was against the “superfluous” street annexation.

Valerie Nelson, 617 Watson Drive, Eugene, said she hoped to remain living in Lane County. She said her property was being surrounded. She said Wendover Street was already in the City of Eugene so Nottingham Street did not need to be annexed. She said it was wrong for the city to attach street annexation requests to property annexations.

Susan Kunkle, Stark Street, Eugene, said it was unfair to attach street annexations to property annexations. She raised concerns over unwilling annexations and people having to pay additional taxes. She said the commission was not realizing that people were part of the issue.

Rebuttal by Proponent

Mr. Peets said he understood the value of urban services provided in an organized fashion. He said the street annexation made development easier since he would be dealing with one municipality.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- \* Moved and seconded (Seidel/Larson) to approve BC File C EU 06 – 26 annexing territory to the City of Eugene based on the findings and reasons in the April 6, 2006, staff report. The motion passed, (4:1); (commissioners Seidel, Larson, Myers and Mulder voting in favor and commissioner Olson voting in opposition).

Annexation of Territory to the City of Eugene (Eugene School District 4J/Spring Creek/ Irvington Drive/Crocker Road/Blackfoot Avenue/W Hilliard Lane/Marion Lane)

- H. BC File C EU 06 – 27  
Initiated by Resolution 05 property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on March 7, 2006  
Action to be taken by June 5, 2006

Description

This application includes three separate annexation areas: **Area 1** includes one tax lot and a portion of Spring Creek Drive located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of Spring Creek Road, west of Scottdale Street. The portion of Spring Creek Drive included in Area 1 is west of Scottdale Street. The portion of Spring creek Drive included in Area 1 is between River Road and Scenic Drive; **Area 2** includes one tax lot and portions of Irvington Drive, north of Blackfoot Avenue located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, south of Irvington Drive, north of Blackfoot Avenue, and east of Crocker Lane. The portion of Crocker Lane is between Irvington Drive and Blackfoot Avenue, and the portion of Blackfoot avenue is between Crocker Lane and River Road; **Area 3** includes three tax lots and portions of W Hilliard Lane and Marion Lane located in the River Road area of north Eugene, south of Beltline Road, east of River Road, south of W Hilliard Lane, north of Marion Lane, and east of Hoover Lane. The portion of W Hilliard included in Area 3 is between River Road and the east property line of tax lot 2100 and the portion of Hoover Lane is located between River Road and Hoover Lane

Property owner: Eugene School District 4J (200 N Monroe Street, Eugene)

Tax lot: 500, T17S R04W S02 Map 13 (Area 1)

5502, T17S R04W S02 Map 30 (Area 2)

2100, T17S R04W S02 Map 23, 8301, and 8500, T17S R04W S24 Map 24 (Area 3)

Acres: ± 16.90 (± 13.54 acres in TL 500; ± 3.36 acres in road r/w) Area 1

± 25.91 (± 11.84 acres in TL 5502; ± 14.07 acres in road r/w) Area 2

± 12 (± 8.54 acres in TLs 2100, 8301, and 8500; ± 3.46 acres in road r/w) Area 3

Estimate of existing population: 0

Existing land use: Elementary schools, road rights-of-way

Existing zoning in Lane County: PL/UL, public land with urbanizable lands overlay; AG/UL, agriculture with urbanizable lands overlay

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

The property owner – Eugene School District – is requesting annexation to the City in order to receive urban services only provided by the City, such as the safer schools program through the Eugene Police Department. These are the remaining three schools in the north Eugene area that are not within the City. Existing road rights-of-way are

included to facilitate the provision of urban services to annexed or annexing properties. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

#### Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on March 17, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Eugene School District 4J, owner of the private property proposed for annexation and initiator of the annexation request) on March 24, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on March 22, 2006.*

Clay Myers, chair, called for *ex parte* contacts or conflicts of interest from the commission. None were declared.

Paula Taylor, Executive Officer, outlined the notice provided for the hearing.

Chair Myers, asked if there were objections to the public notice.

Heidi Pauly, 3598 Crocker, Eugene, said the notice had been posted on a light post above four mailboxes. She said it was hard to approach. She suggested sending post cards to properties in the area rather than posting notices on light poles. She questioned why roads were added to the annexation if there was no intent to force property owners to annex.

Shelly Cardwell, 117 W Hilliard Lane, Eugene, said she had been unaware of the hearing until she had been approached by a neighbor. She said she had sought out the pole where the notice was posted.

Susan Kunkle objected to the notice because it had been posted to high. She added that she had only found one notice posted and had driven around looking.

Don Kuehling, 111 W Hilliard Lane, Eugene, said he never went around looking at telephone poles until the past week. He said he was shocked that communicating through telephone poles was the method used for providing public notice.

Jim Seaberry, 3294 Stark Street, Eugene, objected to the adequacy of the notice. He submitted written material and photographs of the posted notices. He said he had walked the area and

talked to neighbors and no one knew about the public hearing. He also submitted signatures from houses on Blackfoot Avenue who had not known about the hearing.

Ms. Taylor said the notices had been posted in each of the three annexation areas. She said she had posted notices on both sides of Irvington at intersections, along Crocker Road at intersections, and on Blackfoot Avenue at intersections. She added that she had posted additional notices where she thought it was appropriate.

The boundary commission agreed that notice had been provided consistent with boundary commission law and agreed to continue.

Mr. Myers called for the staff report.

Ms. Taylor incorporated the written staff report into the record of the public hearing in accordance with the commission's administrative rules.

Ms. Taylor said the three annexation areas were the last school properties in the River Road and Santa Clara areas that had not been annexed into the city. She said the district was annexing to participate in the Safe Schools Program offered by the City of Eugene. She said if the annexation was approved there would be several islanded areas created. She said the staff report had been sent to the owners of each of the islanded properties.

Ms. Taylor noted that the annexation met the commission's criteria for approval. She said services could be provided to the annexation areas and added that most of those services were already provided. She reiterated that the district requested annexation so the schools could participate in the Safe Schools Program.

Ms. Taylor said commission staff was recommending approval of the application. She noted that the commission had received a modification to include a small segment of Oroyan Avenue located at the south edge of the Awbrey Park Elementary School. She said annexation of land to the south had been approved in the previous two years. She noted that all other portions of Oroyan Avenue had already been annexed.

Ms. Taylor read additional written testimony into the record submitted by Lane County Commissioners Anna Morison and Bobby Green expressing their opposition to the annexation of territory to the City of Eugene and expressed the opinion that property owners should have the choice to be annexed.

Ms. Taylor also submitted written testimony from Jerry Finigan, 1250 Irvington Drive, Eugene. She read the letter into the record. The letter expressed concerns with the policies of the City of Eugene regarding the proposed annexation of street rights-of-way which left little or no citizen recourse to policies controlled by the City of Eugene. He noted there were no issues regarding access to the schools proposed for annexation and road maintenance was not needed at the current time. He felt that the road annexation was an insidious ploy to island properties in the area for forced annexation and to hasten the collapse of special districts in the area.

Ms. Taylor read a letter from Shannon Johnson into the record. Ms. Johnson expressed his desire to not be annexed into the City of Eugene and also objected to Crocker Road being annexed.

Mr. Myers opened the public hearing

### Proponent

John Lauch, Eugene School District 4J, said the request stemmed from a desire to participate in the Safe Schools Program. He said the Eugene police department provided a great deal of support to schools at the high school and middle school levels. He said there had been a number of incidents that had caused the principals of the three schools in the application to request annexation. As the applicant, the school district did not object to the inclusion of road rights-of-way in the school district's annexation application. He said that a retired high principal had expressed his support to have adjacent streets annexed with the high schools since it helped to clarify jurisdictional responsibilities. The retired principal stressed the importance of having the same level of law enforcement on the streets as was being provided at the schools. Mr. Lauch said he understood the controversy related to annexing roadways and would understand if the commission chose to amend the application to not include the requested street rights-of-way.

### Public Officials in Support

Jim Carlson, Assistant City Manager, City of Eugene, said in the River Road elementary school annexation area, the city was requesting the annexation of the two adjacent streets that provided primary access to the school (W Hilliard Lane from River Road to the west property line of the school and Marion Lane from River Road to the first north/south segment of Hoover Lane). He noted that the portion of River Road near the school was annexed in 1992.

Mr. Carlson said for the Awbrey Park elementary school annexation area, the city was requesting the inclusion of Spring Creek Drive from River Road to Scenic Drive. He said the annexation of the entire length of Spring Creek Drive was the appropriate and logical segment for fire and emergency service provision. He said annexation of the roadways would connect previously annexed areas both east and west of the school property. He said the city supported the inclusion of the small segment of Oroyan Avenue as mentioned in the modification noted by boundary commission staff.

Mr. Carlson said the street annexations associated with Spring Creek elementary school annexation area were the entire length of Irvington Drive from just west of River Road to the Northwest Expressway. He noted that a portion of Irvington Drive was approved for annexation the previous February. He said the Metro Plan stated that the urban growth boundary shall exist along the *outside* edge of rights-of-way so the full right-of-way was within the urban growth boundary. He noted that there had been numerous annexations along Irvington Drive in the past 17 years. He noted that the street had recently been improved to urban standards by Lane County and said no additional improvements were contemplated. He noted that the city was also requesting the inclusion of one block of Crocker Road immediately to the west of Spring Creek elementary school. He acknowledged that this would create a five lot island but stressed that one of the lots was a county owned parcel which was a portion of Spring Creek. He said the last street annexation was along Blackfoot Avenue, which provided access to the south side of Spring Creek elementary school. He said the annexation of roadways would clarify both police and fire response to nearby areas of the city.

Others in Support – None

### Public Officials in Opposition

Deputy Chief Dale Borland, Lane Rural Fire/Rescue, 29999 Hallet Street, Eugene, said he did not oppose the district's annexation of the school sites but did oppose the inclusion of the street

rights-of-way. He said the inclusion of the proposed streets for annexation would bring about a mass island annexation that would significantly impact the ability of the district to provide service to areas outside the urban growth boundary.

Leona Cate, President of the Board, Lane Rural Fire/Rescue, spoke in opposition to the annexation of the streets added to the school district's request. She said she did not have a problem with the property annexation but stressed that there were existing intergovernmental agreements to determine who would respond to an emergency. She said the streets were well maintained and were not in need of improvement. She said the street annexations would be hurting the ability of the district to help people in unincorporated areas. She added that the annexation of Irvington Drive would increase response time of emergency services since the Lane Rural fire district was closer but could not respond to properties within the City of Eugene.

#### Others in Opposition

David Middleton, 357 Blackfoot, Eugene, said he did not oppose the annexations of the schools. He said no Eugene police had trouble driving down any of the streets proposed for annexation. He said he did not know why the streets were being annexed.

Robin McGregor, 145 W Hilliard Lane, Eugene, said it was not rational or logical to annex the streets around W Hilliard. She said she had walked the area and no one in the area had known about the annexation. She said there was no access to the school on Marion Lane, which was a long winding road. She added that Hoover Lane also provided no school access. She urged the commission to consider street annexations separately from property annexations.

Lyle Dudley, 1070 Irvington Drive, Eugene, said he opposed the street annexations attached to the school district's request. He said it would put a financial burden on him if the annexation were approved and street improvement fees were assessed to his property.

Jim Seaberry, 3294 Stark Street, Eugene, said the letter from Commissioners Anna Morison and Bobby Green was totally non-applicable to the hearing because no properties were being forced to annex.

Mr. Seaberry read a letter from Skip Smith, Chief, Santa Clara Rural Fire Protection District, to the boundary commission. He said the annexation included portions of Spring Creek Drive, Irvington Road, Crocker Lane, and Blackfoot Avenue. He said the written documentation indicated that the street annexations were included with the permission of the original applicant and the applicant had no reason to pursue or remonstrate against the inclusion of streets. He said the street annexation application should stand alone and the city should submit separate annexations with justifications. The annexation consistency review, under the signature of Kurt Yeiter, said appropriate street segments should be annexed. He said there was no objective argument that the inclusion of the street annexations affected the delivery of city services in any way.

Mr. Seaberry noted that the commission had denied a request for street annexation at its August meeting a year ago. He said the situation directly across the street from Spring Creek elementary school was essentially the same. He said the proposed street annexations would be isolating county streets.

Richard Wagner, 3063 Webster Street, Eugene, spoke in opposition to the street annexations attached to the school district annexation. He said he supported the annexation of the school

properties but noted that the proposed street annexations made no sense. He said the majority of the properties along the streets were not in the city and the street annexation would make a huge island of very resentful people. He urged denial of the street annexation application. He predicted that the city would eventually force large islanded areas to annex without a vote of the people.

Elder Thomas questioned the purpose of the public comment since the commission had not heard anything that had been said by the public. Ms. Thomas said there had been no statement by staff of how many public notice fliers had actually been put up.

Ms. Thomas said she owned the last house in the Spring Creek district. She said her house was near Hyacinth and that left a huge area of street annexation on Irvington that was not logical or reasonable.

Don Kueh ling, 111 W Hilliard, Eugene, said there was only one tax lot in the city that was near Santa Clara school. He said he did not want to insult the commission with his comments but stressed that the commission was the only body that people could come to for the purpose of providing input. Mr. Keeling said homes in the area were built a long time ago and street improvements would be a burden to the people living in the area. He presented a petition of 33 signatures collected in an hour requesting not to be annexed to the city. He submitted the petition into the record.

Rachel Kunkle, 3690 Stark Street, Eugene, said the majority of the people in the area were against annexation and urged the commission to listen to the people.

Karsten Wilson, 3052 Webster Street, Eugene, asked the commission to discuss the logic of the proposed street annexations.

Neill Juilfs, 3410 Hyacinth Street, Eugene, urged the commission to consider whether the annexation of 1.5 miles of Irvington Drive met their definition of logical and appropriate street annexation.

Dave Van Sickle, 2057 Grove, Eugene, said the original school district application had mentioned no streets. He questioned whether the city had coerced the school district into including the street annexations. He said he agreed with commissioner Seidel to consider street annexations separately from property annexations.

Richard Crane said he was losing confidence in the process and urged the commission to give the public some indication that it cared. He stressed the public's need to know the commission was giving due consideration to its desires.

Rob Handy, 455½ River Road, Eugene, provided an overview of the urban services committee that had been formed a few years previously. He said that group had stated that intergovernmental agreement between the county and the city for road maintenance was working fine. He said it would be prudent to wait a few months to let the public gather important information for the commission to have before making a decision. He said previously mentioned criteria were not relevant to the current application and urged the commission to separate the street annexations or wait for more information. He provided his e-mail address for those who wanted to contact him. [handyrob@hotmail.com](mailto:handyrob@hotmail.com).

Becky Chineworth, 393 Blackfoot Avenue, Eugene, said she supported safe schools but questioned whether Spring Creek would be open in five years. She urged the commission not to change citizens lives based on the current school population situation.

#### Those Neither in Support or Opposition

Bud Nichols, 843 Nantucket, Eugene, commented that he thought of the annexed areas in the Santa Clara area as a cancer.

#### Proponent Rebuttal

Mr. Lauch made himself available for questions from the commission.

Mr. Myers closed the public hearing.

#### Boundary Commission Discussion and Decision

Ms. Larson said the commission needed to consider the street annexation separate from the property annexations. She said she did not have enough information to feel comfortable in making a decision.

Ms. Taylor said the application included annexations of street right-of-way and there was no provision under the law to separate the two. She said the annexation could be held over until the next meeting but noted that if the next meeting was beyond the 90 day time frame then the application would be approved by default.

It was established that the 90 day time frame ended on June 5<sup>th</sup> and the next meeting was scheduled for June 1. She noted that there would need to be decisions made on whether to have another public hearing and whether to limit the discussion to just roads.

Ms. Seidel noted that the commission could modify the staff findings to just include the school property.

Ms. Taylor replied that this would mean that the roads would not be annexed.

Ms. Mulder said some of the proposed road annexations made sense but some seemed less logical and appropriate.

- \* Moved (Larson) to modify the application to include school properties only and, after discussion, possibly reinitiate the proposed street annexations.

Ms. Taylor noted that the school district had indicated that it was willing to wait until the next meeting for a decision.

Ms. Larson withdrew her motion.

Mr. Myers suggested continuing the deliberation at the next meeting.

Ms. Larson said she had grown up in Santa Clara and her father had taught at the Santa Clara elementary school. She said she loved the area as much as anyone in the audience but stressed that she was bound by boundary commission law and previous precedent.

Ms. Mulder said it would be politically dumb to force annexation of islanded territory because it would result in a lot of negative votes from the newly annexed areas.

- \* Moved and seconded (Larson/Mulder) to continue deliberation of BC File C EU 06 – 27 to the June meeting and that commissioners contact staff in the intervening time with their questions related only to streets. The motion passed unanimously; 5:0 (commissioners Larson, Mulder, Myers, Olson, and Seidel voting in favor).

Ms. Larson indicated she would like to have more information regarding the safe schools programs and the relationship between the public safety services provided within the road rights-of-way and the annexing schools.

## V. OTHER BUSINESS

### A. FY 2006-07 Public Hearing Schedule

Ms. Taylor said the public meeting schedule for the commission was included in the meeting packet. She noted that the schedule continued the current practice of having meetings on alternate months. She called for a motion from the commission to adopt the schedule.

- \* Moved and seconded (Mulder/Olson) to adopt the public hearing schedule for FY 2006-07. The motion passed unanimously; 5:0 (commissioners Mulder, Olson, Myers, Seidel and Larson voting in favor).

### B. Appoint Nominating Committee

The item was postponed until the next meeting.

### C. FY 2006-07 Joint Budget Meeting with Advisory Committee

Ms. Taylor noted that the joint meeting with the Advisory Committee would happen in the next two months.

### D. Memorandum from Jim Carlson to Eugene Mayor and City Council

Ms. Taylor noted that the memorandum from Assistant City Manager Jim Carlson was included in the meeting packet.

The meeting adjourned at 12:00 a.m.

---

Clay Myers, Chair  
Lane County Local Government Boundary Commission