

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

April 7, 2005
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Van Heeter, secretary; Karen Seidel, Christine Larson, Ernie Olson, Jim Spickerman

I. CALL TO ORDER – ROLL CALL

Clay Myers, chair, called the meeting to order at 7:00 p.m. Paula Taylor, boundary commission staff, called the roll.

II. APPROVAL OF EXPENSES – JANUARY/FEBRUARY 2005

- * Moved and seconded (Seidel/Mulder) to approve the boundary commission expenses for January 2005 (\$9,064.75) and February 2005 (\$8,887.02). The motion passed unanimously, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Heeter, Spickerman, and Olson voting yes).

III. APPROVAL OF MINUTES – FEBRUARY 3, 2005

- * Moved and seconded (Larson/Heeter) to approve the minutes of February 3, 2005. The motion passed unanimously, 6:0:1 (commissioners Myers, Mulder, Seidel, Larson, Heeter, and Olson voting yes; commissioner Spickerman abstaining).

IV. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Eugene (Wells)

- A. BC File C EU 05 – 10
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received February 22, 2005
Action to be taken by May 23, 2005

Description

Located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of Spring Creek, west of Spring Meadow

Property owners: Rick Wells (84593 Parkway, Pleasant Hill)

Tax lot: 100, T17S R04W S02 Map 21

Acres: ± 1.12

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential

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 August 1982 and has been 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 to prepare for additional residential development. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex in order to receive urban services.

Mr. Myers called for *ex parte* contacts and conflicts of interest. There were none.

Ms. Taylor reviewed the notice of the hearing. No objection was voiced to the hearing notice.

Ms. Taylor reported that the annexation was initiated by property owner petition. She noted the location of the property in question and pointed out that it was a noncontiguous parcel that included one tax lot that was currently vacant. It was planned for additional residential development.

Ms. Taylor incorporated the staff notes into the public record in accordance with boundary commission rules.

Ms. Taylor said if the boundary commission approved the annexation it would not be effective for 45 days; in that time, any registered voter in the area could request an election. At the time the staff report was prepared, no registered voters lived on the property.

Ms. Taylor noted referrals and responses received from the Santa Clara Water District and Santa Clara Rural Protection Fire District objecting to the annexation. Those objections were noted and responded to the staff report. The issues raised by the two districts were similar to those raised in past annexations. The staff response was that the annexation met the criteria in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and annexation was appropriate.

Ms. Taylor noted that the staff report addressed the boundary commission standards, and she concluded the application met the standards. She recommended approval of the annexation.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Rick Wells, 84593 Parkway, Pleasant Hill, owner of the property in question, agreed with Ms. Taylor that the proposed annexation met the commission's criteria, and he requested approval of the application.

Public Officials in Support

Kurt Yeiter, Eugene Planning and Development Department, Principal Planner, 99 West 10th Avenue, supported the application and boundary commission staff recommendation. He noted that the Eugene-Springfield Metropolitan Area General Plan required annexation to occur prior to development. Services could be provided to the property as the property was already surrounded by annexed properties.

Others in Support – None

Public Officials in Opposition – None

Those 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 (Larson/Seidel) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 10) based on the findings and reasons included in the April 7, 2005, staff report. The motion passed unanimously, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Heeter, Spickerman, and Olson voting yes).

Annexation of Territory to the City of Springfield (Proden)

- B. BC File C SP 05 – 12
Initiated by Resolution 05-10 by the City of Springfield
Action under ORS 199.490(1)(a) of the boundary commission law
Received March 8, 2005
Action to be taken by June 6, 2005

Description

Located in north Springfield, north of Yolanda Avenue and Delrose Avenue, west of Grand Vista Drive, west and east of Vera Street
Property owners: Joe and Patricia Proden (2290 Hayden Bridge Road, Springfield)
Tax lot: 500, T17S R03W S24 Map 31
Acres: ± 5.45
Estimate of existing population: 1 (one residential unit)
Existing land use: Residential, vacant
Existing zoning in Lane County: LDR/UF-10, low-density residential with urbanizing fringe overlay
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in August 1982 and has been subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Springfield School District 19), roads (Lane County, City of Springfield), water (Rainbow Water District), fire (Rainbow Water and Fire District contracting with the City of Springfield), wastewater (onsite individual subsurface sewage disposal system)

Reason for Annexation

The property owners are requesting annexation to prepare the site for development as a residential subdivision. The Eugene-Springfield Metropolitan Area General Plan requires properties to annex to receive urban services.

Mr. Myers called for *ex parte* contacts and conflicts of interest. None were declared.

Ms. Taylor reviewed the notice of the hearing. No objection was voiced to the notice of the hearing.

Ms. Taylor provided the staff report. She said the annexation, unlike most the commission saw from Springfield, was initiated by council resolution. The property owners had indicated their support for the annexation in writing. The council initiated the annexation in a manner different than what usually occurred. One lot in north Springfield was proposed for annexation. The lot was not contiguous to the main body of the city. The annexation area was currently developed with one single-family residence and was proposed for low-density residential development.

Ms. Taylor incorporated the staff notes into the public record in accordance with boundary commission rules.

Ms. Taylor said the annexation, if approved, also had a 45-day remonstrance period. The annexation would otherwise be approved May 23, 2005. There was one elector registered in the annexation area.

Ms. Taylor reported on boundary commission referrals, noting the Rainbow Water and Fire District indicated the withdrawal would not cause harm to the district or impact services. She said the district and the Springfield Utility Board (SUB) had an intergovernmental agreement governing water service to shared facilities.

Ms. Taylor reported that the staff report addressed each boundary commission criteria, and staff found the annexation consistent with the criteria. She noted that the urban growth boundary (UGB) was along the most northerly edge of the property and an adjacent tax lot was included in the UGB but was not part of the annexation request.

Ms. Taylor indicated that water lines 6-inches (Vera Drive) and 8-inches (16th Street and 17th Street) in size had been verified by SUB as being able to be extended to provide service to the property. Other services are immediately available or could be provided in a timely manner. The annexation would assist in the completion of the wastewater system needed to serve part of the geographic area, and Springfield had an agreement with the property owner in regard to how those services would be provided.

Ms. Taylor recommended approval of the annexation. Findings and reasons for the recommendation were included in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

David Corey, future property owner, noted the existence of one older home on the northerly end of the property. He said he worked closely with Springfield in October to ensure that city services could be provided to the property. He would work closely with Springfield in the development of the property in the future.

Public Officials in Support

Kitti Gale, Springfield city planner, 225 5th Street, Springfield, said Springfield city council approved a resolution on March 7, 2005, to send the annexation to the boundary commission.

She concurred that services were available to serve the property. An annexation agreement had been signed, and the city recommended approval of the annexation request. She noted that Supervising Engineer Ken Vogeney was also available to answer questions. She requested the opportunity to speak in rebuttal.

Others in Support – None

Those in Opposition

Arlen Kopperud, 3228 16th Street, Springfield, said his property was to the west of the property. He had received no notice of the annexation hearing until he saw a sign posted in the area. He said the map indicated 16th St went through his property and into his well. He questioned that. He was opposed to a road being located through his property.

Steve Tindall, 1620 Delrose Avenue, Springfield, said his property was to the south of the property in question. He objected to the annexation because the property to the east of him on Grand View was annexed and was supposed to have full services, but they were still on septic systems, and that had been the situation for four to five years. He was concerned about a proliferation of septic systems from development given the proximity of the McKenzie River, and about the potential harm from runoff from more houses. He questioned what it meant for services to be delivered in a “timely” manner.

Public Officials in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Ken Vogeney, City of Springfield, 225 5th Street, addressed Mr. Tindall’s comments, saying that the annexation agreement includes the provision of the extension of wastewater services to the property in question and the Grand View subdivision. The system would be designed in the spring, with construction scheduled for completion by July 2006.

In regard to pollution of the river, Mr. Vogeney said that the issue of septic tanks was addressed in the staff report, but in regard to stormwater runoff, all stormwater runoff must be treated so clean water was discharged into the system. Part of the agreement with the applicant included construction of a stormwater system that would clean water prior to discharge to the river.

Regarding the extension of 16th Street, Mr. Vogeney said the right-of-way at the southwest corner of the subject property was at the centerline of the right-of-way. The agreement with the applicant called for construction of up to a two-thirds street that would allow two-way travel but no parking until the abutting property was annexed.

Ms. Larson asked about the estimated traffic count on 16th Street. Mr. Vogeney said he was not a traffic engineer and did not know the exact number, but indicated the trip generation from a single-family residence was estimated at about ten trips for day, so 14 houses would typically result in 140 trips

Ms. Seidel asked if the wastewater system would be in place before the planned houses were developed and occupied. Mr. Vogeney said yes, under the terms of the annexation agreement. The homes could not be occupied until the system was functional.

Mr. Olson asked if the city had reached agreement on the use of the half street owned by Mr. Kopperud. Mr. Vogeney said the right-of-way for 16th Street was 30 feet wide; with roughly half of the right-of-way abutting the annexation area, and there was room to build a 20-foot strip of pavement and sidewalk, which would meet the two-thirds street standard without affecting the property to the west. He confirmed that the right-of-way for other utilities would need to come from the subject property as it developed.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Larson/Mulder) to approve the annexation of territory to the City of Springfield (BC File C SP 05 – 12) based on the findings and reasons included in the April 7, 2005, staff report. The motion passed unanimously, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Heeter, Spickerman, and Olson voting yes).

Ms. Larson indicated familiarity with the area and wastewater issues, and said she was pleased the city was not allowing development to go forward without being hooked to the wastewater system. She said the application met all the criteria for annexation and she thought the development would be a plus for the community, although she acknowledged it was difficult for those living in semi-rural areas to become accustomed to increased urbanization.

Water System Expansion (McKenzie Ridge Community Water System)

- C. BC File X W 05 – 11
Petition by Poage Engineering on behalf of the property owner, Verdi Vineyards, Inc.
Action under ORS 199.464 of the boundary commission law
Received March 8, 2005
Action to be taken by June 6, 2005

Description

Located north of Camp Creek Road, east of Marcola Road, north of the McKenzie River
Property owners: Verdi Vineyards
Tax lot: part of 101, T17S R02W S21
Area to be served: ± 20.00 acres
Existing land use: Vacant
Existing zoning: RR-5, rural residential with five-acre minimum lot size
Applicable comprehensive plan: Lane County Rural Comprehensive Plan
(acknowledged by LCDC in September 1984 and as amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), electricity (Emerald Peoples Utility District), roads (Lane County), school (Springfield School District 19), fire (McKenzie Fire & Rescue)

Reason for System Expansion

Expansion of the existing community water system is needed to serve an additional phase of residential development for the McKenzie Ridge subdivision.

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

Ms. Taylor reviewed the notice of the hearing.

Mr. Myers determined there was no objection to the adequacy of the notice.

Ms. Taylor review request to expand service area of an existing water system previously approved by the boundary commission. The proposal involved a rural residential subdivision north of Camp Creek Road. The applicable plan was the Lane County Rural Comprehensive Plan.

Ms. Taylor incorporated the staff report into the public record in accordance with boundary commission rules.

Ms. Taylor said the commission had statutory authority over privately owned water systems. Such systems must also meet state health requirements. She noted that Lane County had tentatively approved the second phase of the system, which was a system previously approved by the boundary commission and several hearings were held before the boundary commission approved the proposal. Final plat included 10 lots rather than the 13 lots given tentative approval. Lane County's tentative approval of phase II included 5 more lots for a total of 15 lots to be served. The property owner's engineer had been working on the expansion. The 3 lots previously approved were adjacent to the lines. The wells that served the system had the ability to serve the additional 5 lots being proposed.

Ms. Taylor said the staff report addressed the boundary commission standards in regard to such systems and she concluded that the application met the commission's standards. The water system was likely to receive final approval from the state later in the week. She suggested the commission confirm with the applicant that Lane County had extended its tentative approval of phase II of the subdivision.

Ms. Taylor recommended approval of the expansion. Findings and reasons in support were included in the staff report.

Responding to a question from Ms. Seidel regarding developed and committed areas, Ms. Taylor said when Lane County went through a process for comprehensive plan acknowledgement they that determined when areas were developed and committed, also known as exception areas. The citation to the exception area was from the county's planning staff and was how the county referenced the developed and committed areas. She said that a developed and committed area was generally based on historic development patterns and led the county to rezone rural property other than as resource land. This area was designated developed and committed for more than 20 years.

Ms. Mulder asked the applicant to speak to the issue of water quality. She also asked how it was maintained. Ms. Taylor said that the developer operated the system now. There were Covenants, Conditions, and Restrictions (CC&Rs) that accompanied the development of the subdivision. During the initial subdivision process, it was determined how the water system would be maintained and funded. At some point in time, the CC&Rs stipulated when the system was turned over to the property owners; at that time, it would become a shared responsibility of the property owners to make sure the system continued to operate.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Dennis Boeger, Poage Engineering, represented the developer. Responding to questions from Ms. Mulder, Mr. Boeger said that when the system became a community water system it would fall under additional state requirements in regard to water quality. Mr. Boeger noted water quality tests that occurred on an ongoing basis. In regard to quantity, pump tests were done and were provided to the state, which approved the system. Over time, there was no official documented way to verify the aquifer was staying consistent, but surface readings that had been taken periodically indicated no problems. He said that as the system became more formalized, that process was more likely to become more formalized. The contractor that did the water testing for the system could also test for quantity. He believed the system should be able to sustain up to 15 lots. A third phase of the subdivision would require an additional water source to be found and tested.

Others in Support – None

Those in Opposition – None

Public Officials 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 (Larson/Heeter) to approve the water system expansion for the McKenzie Ridge Community Water System (BC File X W 05 – 11) based on the findings and reasons included in the April 7, 2005, staff report. The motion passed unanimously, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Heeter, Spickerman, and Olson voting yes).

V. OTHER BUSINESS

A. FY 2005-06 Public Hearing Schedule

Ms. Taylor called attention to the hearing schedule and asked the commission to adopt it.

- * Moved and seconded (Seidel/Mulder) to adopt the hearings schedule for fiscal year 2005-2006. The motion passed, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Olson, Spickerman, and Heeter voting yes).

B. FY 2005-06 Joint Budget Meeting with the Advisory Committee

Ms. Taylor indicated she would attempt to schedule a meeting for April. She would contact the commission with dates soon.

C. FY 2005-06 Intergovernmental Agreement with Lane Council of Governments

Ms. Taylor called attention to the intergovernmental agreement between the boundary commission and the Lane Council of Governments and recommended that the commission adopt the agreement.

* Moved and seconded (Larson/Seidel) to adopt the intergovernmental agreement between the boundary commission and the Lane Council of Governments. The motion passed, 7:0 (commissioners Myers, Mulder, Seidel, Larson, Olson, Spickerman, and Heeter voting yes).

D. Hazeldell Rural Fire District Dissolution Meeting

Ms. Taylor reported that the dissolution request was a valid filing. She recommended that the boundary commission meet in Oakridge to consider the request. She believed the June agenda could include some controversial items, and recommended the commission hold a special meeting sometime in May. Ms. Taylor indicated she would poll members for dates.

E. Other

Ms. Taylor called the commission's attention to the upcoming election of officers, and recommended that a nominating committee be appointed. Commissioners indicated consensus that the current slate of officers continue to serve.

Ms. Taylor reported on recent legislative activity, saying that there were bills to eliminate the use of island annexation provisions, bills that added more criteria about when industrial lands could be annexed, and a bill that abolished the boundary commission, which was introduced at the request of the Special Districts Association. It would abolish the commission in June 2006. It appeared from a first review of the bill that if annexation proposals were in process at that time, Lane County would have authority to act as the boundary commission. Other bills appeared to be focused on what was happening in the Portland area, but could have an impact in Lane County.

Ms. Taylor noted a bill introduced on behalf of Lane County removing the prohibition on overlapping county service districts. The bill made it more difficult for cities to remain outside a county service district, and facilitates the ability of a county service district to include cities and other special districts within the boundary. She indicated she would summarize the bills and provide updates to the commission, and contact Mr. Myers to determine if the boundary commission wanted to provide testimony on the bill to abolish the boundary commission. In the past, the commission had generally remained neutral, but provided information on how to make the transition workable.

The meeting adjourned at 8:11 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Kimberly Young)

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